

Meeting of the Board
Tuesday, March 1, 2016
9:00 A.M.

Agenda
Open Session

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

Tuesday, March 1, 2016

9:00 A.M.

Page

A. Call to Order	
B. Director’s Report of Appropriate Meeting Notice	
C. Minutes of Previous Meeting	
1. December 15, 2015	3
2. January 12, 2016	11
3. February 8, 2016	16
D. Personal Appearances	
E. Campaign Finance Administrative Rule Review	21
F. Review Ballot Access Document Issues	
1. Previously Approved Precedent for Ballot Access Challenges	73
2. Issues Raised by De La Fuente Challenge	82
3. Treatment of PO Box on Nomination Paper Form	111
G. Election Administration - WisVote Report	Oral
H. Validity of Hole Punched Driver’s License for Voter ID	116
I. HAVA Reports	119

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

J.	Elections/Ethics and Accountability Division Accomplishments	149
K.	Request for Approval of Contract for Information Technology Services	150
L.	Agency Transition Report	152
M.	Legislative Status Report	155
N.	Per Diem Authorization	Oral
O.	Director's Report	
1.	Ethics Division Report – campaign finance, ethics, and lobbying administration	177
2.	Elections Division Report – election administration	190
3.	Office of General Counsel Report – general administration	201

P. 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 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, April 26, 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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JUDGE GERALD C. NICHOL
Chair

KEVIN J. KENNEDY
Director and General Counsel

Wisconsin Government Accountability Board

212 East Washington Avenue
Madison, Wisconsin
December 15, 2015
9:00 a.m.

Open Session Minutes

<u>Summary of Significant Actions Taken</u>	<u>Page</u>
C. Approved Minutes of Previous Meeting	2
F. Reviewed Proposed Campaign Finance Legislation	2
H. Approved Recount Manual	5
I. Approved Definitions of Military Voter	6

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

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

A. Call to Order

Chairperson Nichol called the meeting to order at 9:00 a.m.

B. Director's Report of Appropriate Meeting Notice

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

C. Closed Session

Adjourn to closed session to consider written requests for advisory opinions and the investigation of possible violations of Wisconsin's lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees; confer with counsel concerning pending litigation and consider performance evaluation data of a public employee of the Board.

MOTION: Move to closed session pursuant to WIS. STAT. §§5.05(6a), 19.85(1)(h), 19.851, 19.85(1)(g), 19.85(1)(c), and 19.85 (1) (e), to consider written requests for advisory opinions and the investigation of possible violations of Wisconsin's lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees; confer with counsel concerning

pending litigation; consider performance evaluation data of a public employee of the Board; and deliberate or negotiate the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Moved by Judge Vocke, seconded by Judge Barland.

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

Motion carried unanimously. The Board recessed at 9:01 a.m. and convened in closed session at 9:02 a.m. The Board returned to open session at 11:05 a.m.

D. Approval of Minutes of Previous Meeting

October 20, 2015

Judge Franke said there was an extraneous word in a statement attributed to him regarding changes to the campaign finance law.

MOTION: Approve the amended minutes of the October 20, 2015 meeting of the Government Accountability Board. Moved by Judge Franke, seconded by Judge Froehlich. Motion carried unanimously.

Director Kennedy recognized Judge Barland and presented him with a plaque honoring him for six-plus years of service to the Government Accountability Board.

E. Personal Appearances

Mary Ann Hanson of Brookfield appeared on her own behalf to comment about proposed changes to the Recount Manual. In addition to posing some general questions, she offered suggestions regarding sections about who may attend recounts and how they are identified.

Brown County Clerk Sandy Juno appeared to discuss issues regarding counting of absentee ballots and possible changes in legislation that would allow election inspectors to begin counting absentee ballots one hour before polls normally open.

Commissioner Bob Spindell of the City of Milwaukee Election Commission appeared to thank the Board and staff for their cooperation with the Republican Party of Wisconsin's program of providing poll workers throughout the state. He also raised concerns about the potential for a Milwaukee County ID card to be mistaken for a voter ID card.

F. Review Campaign Finance Legislation

Ethics Division Administrator Jonathan Becker made an oral presentation based on a memorandum beginning on page 11 of the December 2015 Board Meeting Materials regarding 2015 Assembly Bill 387/Senate Bill 292, which the Governor is expected to sign soon. The bill's effective date would be January 1, 2016. Mr. Becker acknowledged the hard work of his staff in analyzing the bill and identifying the administrative challenges presented

by it. He said the legislation raises a number of questions of interpretation. Staff has identified several issues that may cause administrative difficulties, and has drafted several recommended motions for the Board to consider.

Issue #1. Mr. Becker said there may be hundreds of committees in the Campaign Finance Information System (CFIS) that will no longer be subject to registration and reporting because their major purpose, as defined by the new law, is not express advocacy. As a result, staff recommends sending a notice to all currently registered committees asking them to indicate whether express advocacy is their major purpose. If it is not, the committee's status would be changed to "terminated" and would no longer be subject to registration and reporting with the Board.

MOTION: Direct staff to communicate with every current PAC, IEC and Referendum Committee subject to the new major purpose test to confirm that it is still subject to the registration requirement. If, by March 31, 2016, the committee does not confirm it is subject to the registration requirement, staff should terminate the committee and provide notice of the termination to the affected committee. Moved by Judge Barland, seconded by Judge Vocke.

Discussion.

Motion carried unanimously.

Issue #2. Mr. Becker discussed the issue of campaign bank account numbers, the requirement for which was removed from the bill. Without bank account numbers, staff recommends using a personal identification number (PIN) for verification of electronic signatures on reports.

MOTION: Direct staff to require each committee to create a personal identification number to verify an electronic signature. Moved by Judge Vocke, seconded by Judge Lamelas. Motion carried unanimously.

Issue #3. Mr. Becker discussed issues related to registration and reporting of multiple committees. Since the new statutes allow for a candidate to have more than one committee at the same time, staff seeks direction on whether the agency should require that each committee have a separate bank account number, and how staff should address transfers of funds between a single candidate's accounts.

Board Members and staff discussed the issues. Board members expressed concerns that they were being asked to repair holes in the legislation, and suggested either communicating staff concerns to the Legislature or dealing with specific issues if they arise.

The Board took no action on Issue #3.

Issue #4. Mr. Becker discussed registration and reporting of political party and legislative campaign committee segregated funds, which were authorized in the new law. Staff seeks direction on what the registration and reporting requirements should be for the newly established segregated funds.

MOTION: Direct staff to require any segregated fund to register separately using the new ETHCF-1 form, and report all activity and cash balances using the ETHCF-2 reporting form, or CFIS website. Since segregated funds should not be required to report based on election activity, the Board should direct staff to collect continuing reports from the segregated funds in January and July of each year. Moved by Judge Vocke.

Board Members and staff discussed the purpose of segregated funds and the language in the statute regarding registration and reporting. Some Board Members expressed concern that the language does not explicitly describe a method for registering or reporting, and declined to draft procedures that are not expressly authorized in statutes.

Judge Nichol said that since Judge Vocke's motion was not seconded, the Board would move on.

Issue #5. Ethics Specialist Adam Harvell explained that the new statutes are ambiguous about the continuing reports required if a non-candidate committee does not support or oppose a candidate. They are also unclear about when the reporting requirements begin and end.

Board Members and staff discussed the issue. Judge Vocke suggested that because reporting would not be required for six months the Board should wait to take any action. The Board took no action.

Judge Nichol called a recess for lunch at 12:37 p.m. The Board reconvened at 1:24 p.m.

Mr. Becker said that because of the Board's reluctance to fill gaps in the language of the legislation, staff would focus on some of the remaining issues and recommended motions but not all of the issues raised in the materials.

Issue #6 – Should committees on “Exempt” status be required to file any reports? The Board did not discuss this issue, and took no action.

Issue #7. Mr. Becker discussed the issue of when a candidate committee can choose to go on “Exempt” status. He said the new legislation provides that a candidate committee may not amend its registration statement sooner than the date of the election in which the candidate committee is participating (§11.0104(1)(b)).

MOTION: Direct staff to apply Wis. Stat. §11.0104(1) to (a) to exclude existing, non-exempt candidate committees from amending their registration to claim “exempt” status during the time period beginning with the filing of a candidate's ballot access documents until the close of the reporting period after the election and (b) permit other amendments to registration statements. Moved by Judge Vocke, seconded by Judge Froehlich. Motion carried.

Issue #8. Mr. Becker discussed how staff should handle reporting of financial activity that is specifically exempted from the definition of “Contribution” or “Disbursement.”

MOTION: Direct staff to require reporting of all financial activity by any registered committee. However, if a transaction does not fall under the definition of “Contribution” or “Disbursement,” or is otherwise not required to be itemized, the Board directs staff to accept a

simple entry of the category of “other receipts” or “other expenses” with no further itemization. Moved by Judge Vocke, seconded by Judge Froehlich.

Discussion.

Motion carried.

Issue #9 – How should staff administer the new statutes with respect to labor unions and similarly sponsored committees? The Board did not discuss this issue, and took no action.

Issue #10. Mr. Becker discussed how staff should treat employer information for contributions made on or before December 31, 2015, now that information concerning an employer’s name and address is no longer required.

MOTION: Direct staff and PCC (the Board’s vendor) to alter CFIS to no longer require the collection of employer information as of January 1, 2016, regardless of the dates of the contributions reported, and direct staff not to run an audit on employer information covering calendar year 2015. Moved by Judge Froehlich, seconded by Judge Vocke. Motion carried unanimously.

Issue #11. Mr. Becker discussed the definition of “Strictly Personal Use.” Now that the previous “political purpose” requirement has been removed, he asked how staff should determine whether a disbursement is for a permissible purpose.

Board Members and staff discussed the issue.

MOTION: Apply “strictly personal use” under the new law to be equivalent to the language used by the Federal Election Commission in rule 11 C.F.R. 113.1(g), and direct staff to follow the FEC’s interpretation where possible. Moved by Judge Vocke.

After further discussion the motion was not seconded, and the Board took no action.

G. Agency Transition Report

Director Kennedy made an oral presentation based on a written report starting on page 28 of the December 2015 Board Meeting Materials regarding Assembly Bill 388, which is expected to be signed by the Governor soon. He briefed the Board on staff’s first meeting with the Deputy Secretary of the Department of Administration to plan for the transition to the Elections Commission and Ethics Commission on June 30, 2016.

Board Members and Director Kennedy discussed agency staffing and allocation of positions between the two agencies, as well as general purpose revenue funding for the 22 elections positions that are currently federally-funded.

H. Approve Recount Manual

Elections Specialist David Buerger made an oral presentation based on a written report starting on page 36 of the December 2015 Board Meeting Materials regarding revisions to the

Recount Manual. He explained that the new manual integrates two documents – the previous manual approved by the Board and the Recount Plan from the 2011 and 2012 recounts. He said staff is amenable to incorporating Ms. Hanson’s comments into the manual. He clarified that the term “observer” in the manual means anyone who is not an election official. He also discussed uniform rules for observers.

MOTION: Approve the revised Recount Manual with amendments suggested by Mary Ann Hanson if they can be incorporated. Moved by Judge Lamelas, seconded by Judge Froehlich. Motion carried unanimously.

I. Definition of Military Elector

Elections Division Administrator Michael Haas made an oral presentation based on a written report starting on page 66 of the December 2015 Board Meeting Materials. He said that efforts of G.A.B. staff to modernize the statewide voter registration system and develop WisVote identified two overlapping but not consistent statutory definitions of “military elector” contained in Wis. Stat. §§ 6.22(1)(b) and 6.34(1)(a). The differences in the statutory definitions creates some uncertainty in determining which definition applies to certain registration and voting processes, and therefore which categories of voters benefit from specific statutory protections and exceptions. Staff has recommended five motions to clarify definitions.

MOTION: Reaffirm the current staff guidance that military electors included in the broader definition of Wis. Stat. § 6.22(1)(b) are exempt from the voter registration requirement, including the requirement to provide proof of residence. Moved by Judge Vocke, seconded by Judge Barland. Motion carried unanimously.

MOTION: Direct staff to apply Wis. Stat. §§ 6.22(2)(e) and 6.87(3)(d) to permit the electronic transmission of ballots only to military electors included in the narrower definition of Wis. Stat. § 6.34(1)(a). Moved by Judge Vocke, seconded by Judge Froehlich. Motion carried unanimously.

MOTION: Reaffirm the current staff guidance that military electors included in the narrower definition of Wis. Stat. § 6.34(1)(a) may submit an absentee ballot request no later than 5 p.m. on Election Day for a federal election, but that the absentee ballot request deadline is 5 p.m. on the Friday before the election for those individuals voting in non-federal elections and for military electors in the additional categories contained in the definition of Wis. Stat. § 6.22(1)(b) at all elections. Moved by Judge Barland, seconded by Judge Lamelas. Motion carried unanimously.

MOTION: Conclude that the exemption from the requirement to provide an acceptable photo identification prior to receiving a ballot that is returned by mail applies to individuals included in the broader category of military electors, as defined by Wis. Stat. § 6.22(1)(b). Moved by Judge Lamelas, seconded by Judge Barland. Motion carried unanimously.

MOTION: To improve the consistency and accuracy of election administration, direct staff to recommend to the Legislature to consider amending the relevant Statutes to incorporate one

consistent definition of “military elector” in provisions related to voter registration and voting. Moved by Judge Franke, seconded by Judge Vocke. Motion carried unanimously.

I. Administrative Rules Status Report

Staff Counsel Nathan Judnic made an oral presentation based on a memorandum starting on page 84 of the December 2015 Board Meeting Materials regarding administrative rules.

Board Members and staff discussed the impact of 2015 Wisconsin Act 118 on rulemaking and the new elections and ethics commissions.

J. Legislative Status Report

Director Kennedy referred Board Members to the memorandum starting on page 90 of the October 2015 Board Meeting Materials.

K. Per Diem Payments

MOTION: Approve a half-day’s per diem payment for preparation for the December 15, 2015 Board Meeting. Moved by Judge Vocke, seconded by Judge Barland. Motion carried unanimously.

L. Director’s Report

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

Written report from Division Administrator Becker and Division staff was included beginning on Page 109 of the December 2015 Board Meeting Materials.

Elections Division Report – election administration

Written report from Division Administrator Haas and Division staff was included beginning on Page 113 of the December 2015 Board Meeting Materials.

Director Kennedy and Mr. Haas discussed issues regarding the appointment of local election inspectors and the January launch of the WisVote system to replace the Statewide Voter Registration System.

Office of General Counsel Report – general administration

Written report from Kevin J. Kennedy, Sharrie Hauge and Reid Magney was included beginning on Page 126 of the December 2015 Board Meeting Materials.

P. Closed Session

Adjourn to closed session to consider written requests for advisory opinions and the investigation of possible violations of Wisconsin’s lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees; confer with counsel concerning pending litigation and consider performance evaluation data of a public employee of the Board.

MOTION: Move to closed session pursuant to WIS. STAT. §§5.05(6a), 19.85(1)(h), 19.85(1)(g), 19.85(1)(c), and 19.85 (1) (e), to consider written requests for advisory opinions and the investigation of possible violations of Wisconsin’s lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees; confer with counsel concerning pending litigation; consider performance evaluation data of a public employee of the Board; and deliberate or negotiate the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Moved by Judge Barland, seconded by Judge Vocke.

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

Motion carried unanimously. The Board recessed at 2:54 p.m. and convened in closed session at 3:05 p.m. The Board adjourned in closed session at 4:17 p.m.

Summary of Significant Actions Taken in Closed Session:

- A. Complaints and Investigations: 17 matters considered; three matters terminated, five matters dismissed for no reasonable suspicion, one civil enforcement action authorized.
- B. Personnel: One matter considered.
- C. Litigation: Three pending matters considered.

####

The next regular meeting of the Government Accountability Board is a teleconference meeting scheduled for Tuesday, January 12, 2016, at the Government Accountability Board offices, 212 East Washington Avenue, Third Floor, Madison, Wisconsin beginning at 9:00 a.m.

December 15, 2015 Government Accountability Board meeting minutes prepared by:

Reid Magney, Public Information Officer

January 22, 2015

December 15, 2015 Government Accountability Board meeting minutes certified by:

Judge Gerald C. Nichol, Board Secretary

March 1, 2016

State of Wisconsin\Government Accountability Board

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JUDGE VICTOR MANIAN
Chair

KEVIN J. KENNEDY
Director and General Counsel

Wisconsin Government Accountability Board

212 East Washington Avenue
Madison, Wisconsin
January 12, 2016
9:00 a.m.

Open Session Minutes

<u>Summary of Significant Actions Taken</u>	<u>Page</u>
A. Selected Board Officers	1
B. Delegated Certain Authority to the Director and General Counsel	2
C. Approved Ballot Access Report	2
D. Approved Process for Segregated Fund Reporting	3

Present: Judge Timothy Vocke and Judge Edward Leineweber (in person), Judge Harold Froehlich, Judge Gerald Nichol, Judge John Franke and Judge Victor Manian (by telephone)

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

A. Call to Order

Judge Nichol asked Judge Vocke to chair the meeting, which Judge Vocke called to order at 9:03 a.m.

B. Director's Report of Appropriate Meeting Notice

Director and General Counsel Kevin Kennedy informed the Board that proper notice was given for the meeting.

C. Selection of Board Officers

The selection of Board Officers was done by lot. Judge Leineweber drew Judge Manian's name to be G.A.B. Chair for 2016. Judge Leineweber then drew the names of

Judge Froehlich to be G.A.B. Vice-Chair and Judge Nichol to be G.A.B. Secretary for 2016.

Judge Manian asked Judge Vocke to continue chairing the meeting.

D. Personal Appearances

There were no personal appearances regarding ballot access issues.

E. Agency Transition Report

Director Kennedy made an oral presentation based on a written report starting on page 4 of the January 2016 Board Meeting Materials. He and the transition team of Sharrie Hauge and Reid Magney have met twice with Deputy DOA Secretary Cate Zeuske on agency transition issues to the new Elections Commission and Ethics Commission at the end of June 2016. Future meetings of the Board will be held in the State Capitol to accommodate up to 12 members of the new commissions who will be non-voting members of the Board.

F. Delegation of Certain Authority to the Director and General Counsel

Director Kennedy introduced the annual memorandum regarding the Board delegating certain authority to the Director and General Counsel, based on the motion passed in January 2015.

MOTION: Adopt the proposed motion on Pages 9 and 10 of the January 2016 Board materials as amended. Moved by Judge Nichol, seconded by Judge Froehlich. Motion carried unanimously.

Judge Manian asked that Director Kennedy continue the practice established when Judge Nichol was chair of the director summarizing their discussions and emailing them to Board Members to keep them apprised.

G. Election Administration – Ballot Access Report

Elections Division Administrator Haas made an oral presentation based on a written report beginning on page 11 of the January 2016 Board Meeting Materials. Sixty-five candidates registered for the Spring Election and 63 filed nomination papers with the Board to get on the ballot. There are three candidates for Wisconsin Supreme Court, requiring a statewide primary in February.

Board Members and staff discussed issues covered in the ballot access report including irregularities in documents that did not affect ballot status.

MOTION: Certify ballot status for all 63 candidates listed as “approved” or “pending” on the Candidates Registered by Office report on Pages 14 through 23 of the G.A.B. meeting materials of January 12, 2016. Moved by Judge Nichol, seconded by Judge Franke.

Motion carried unanimously.

H. Registration and Reporting of Segregated Funds

Judge Vocke directed the Board to a written report starting on page 25 of the January 2016 Board Meeting Materials regarding the issue of registration and reporting of segregated funds by political parties and legislative campaign committees, which are authorized by the new campaign finance law. At the Board’s December 2015 meeting, staff asked the Board to approve a method for the separate reporting of activity by those segregated funds. Some Board Members had questioned whether the language of the bill, which had not yet been signed by the Governor, explicitly permitted the Board to require reporting of segregated fund activity. A motion by Judge Vocke to adopt staff’s recommendation failed for lack of a second, and the Board took no action.

Ethics Division Administrator Jonathan Becker discussed additional background materials contained in the report. The Board was also provided with written opinions from the Legislative Council and Attorney Mike Wittenwyler regarding the issue, as well as a letter from Assembly Speaker Robin Vos and Senate Majority Leader Scott Fitzgerald discussing legislative intent and urging the Board to adopt procedures for reporting of segregated fund activity.

Board Members and staff discussed several issues, including:

- Whether the language of the statute, which was signed into law December 16, 2015, required separate registration and reporting.
- Whether segregated funds or accounts could be reported as an addendum to a legislative campaign committee or political party report.
- What advice the staff gave to parties in response to the Board not taking action at the December meeting.

The staff’s proposed motion from the December meeting was distributed in writing to Board Members. Discussion of the issue continued.

MOTION: Direct staff to require any political party or legislative campaign committee that establishes a segregated fund to report the activity and cash balances of the fund separately. Moved by Judge Franke, seconded by Judge Froehlich.

Roll call vote: Leineweber:	Aye	Manian:	Aye
Nichol:	Aye	Froehlich:	Aye
Franke:	Aye	Vocke:	Aye

Motion carried unanimously.

I. Per Diem Payments

MOTION: Authorize payment of a half-day per diem to Board Members for preparation and participation in the January 12, 2016 Board Meeting. Moved by Judge Franke, seconded by Judge Froehlich. Motion carried unanimously.

J. Director’s Report

Director Kennedy briefly discussed the Board’s next meeting on March 1 at the State Capitol, the intensive efforts of staff related to implementation of the WisVote system and training of clerks, and the new requirement for photo ID at the Spring Primary.

K. Closed Session

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

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

Roll call vote: Leineweber:	Aye	Manian:	Aye
Nichol:	Aye	Froehlich:	Aye
Franke:	Aye	Vocke:	Aye

Motion carried unanimously. The Board took a brief recess at 10:10 a.m. and convened in closed session at 10:22 a.m.

Summary of Significant Actions Taken in Closed Session:

A. Litigation: Six pending matters considered.

M. Adjourn

The Board adjourned in closed session at 11:16 a.m.

####

The next regular meeting of the Government Accountability Board is scheduled for Tuesday, March 1, 2016, at the State Capitol in Madison, Wisconsin beginning at 9:00 a.m.

January 12, 2016 Government Accountability Board meeting minutes prepared by:

Reid Magney, Public Information Officer

January 13, 2016

January 12, 2016 Government Accountability Board meeting minutes certified by:

Judge Gerald C. Nichol, Board Secretary

March 1, 2016

State of Wisconsin\Government Accountability Board

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JUDGE VICTOR MANIAN
Chair

KEVIN J. KENNEDY
Director and General Counsel

Wisconsin Government Accountability Board

212 East Washington Avenue
Madison, Wisconsin
February 8, 2016
1:00 p.m.

Open Session Minutes

<u>Summary of Significant Actions Taken</u>	<u>Page</u>
A. Ballot Access Report – Denied Roque “Rocky” De La Fuente Petition	1
B. Approved Per Diem Payments	4

Present: Judge Harold Froehlich and Judge Timothy Vocke (in person), Judge Victor Manian, Judge Gerald Nichol, Judge John Franke and Judge Edward Leineweber (by telephone)

Staff present: Kevin Kennedy, Jonathan Becker, Michael Haas, Nathan Judnic, David Buerger and Reid Magney (by telephone)

A. Call to Order

Judge Manian asked Judge Froehlich to chair the meeting, which was called to order at 1:02 p.m.

B. Director’s Report of Appropriate Meeting Notice

Director and General Counsel Kevin Kennedy informed the Board that proper notice was given for the meeting.

C. Election Administration – Ballot Access Report

1. Roque “Rocky” De La Fuente Presidential Preference Petition

Attorney Matthew W. O’Neill appeared by telephone on behalf of Mr. De La Fuente.

Judge Manian apprised Board Members that his grandson, Jacob Manian, is a partner in Attorney O’Neill’s law firm, and asked whether that disqualified him from participating in this agenda item. Board Members and staff discussed the situation, and Judge Manian said his grandson is not involved in this case. Attorney O’Neill had no objection.

Elections Specialist David Buerger made an oral presentation based on a written report beginning on page 2 of the February 8, 2016 Special Board Meeting Materials. When Mr. De La Fuente’s name was not placed on the Presidential Preference Primary ballot by the Presidential Preference Selection Committee, he petitioned the Government Accountability Board to have his name placed on the ballot under Wis. Stat. § 8.12(1)(c). Mr. De La Fuente’s petitions were filed with the Board on January 26, 2016. Staff analyzed the petitions and found a significant number of problems including that the congressional district number in the petition header did not always match the district where petitions were circulated, and that many pages had signatures from different congressional districts. There were also problems with illegible signer information, improper dates and issues with the certification of the circulator. Depending on how strictly the Board wishes to interpret the statutory requirements for the petition, staff developed several approval scenarios. However, even under the most generous interpretation, the petitions had 7,314 valid signatures. There were fewer than 1,000 valid signatures in at least three congressional districts – five, six and seven – with only 297 valid signatures in district six.

Attorney O’Neill made an oral presentation based on a written memorandum provided to Board Members under separate cover. He said that because this is a presidential primary, the Board should interpret statutes to be inclusionary, and should favor substantial compliance versus strict construction to give effect to the will of the electors. He said if the Board uses a substantial compliance standard, there are more than 8,000 valid signatures. He discussed overcoming technical problems with signatures, addresses and dates.

Judge Vocke, Judge Franke and Attorney O’Neill discussed the requirement for 1,000 signatures from each of the eight congressional districts and whether the petition met that standard. Attorney O’Neill agreed with Judge Franke and conceded that three districts had less than 1,000 signatures, and that if the Board decides there must be 1,000 valid signatures from each district, it must deny the petition.

Board Members, Board staff and Attorney O’Neill further discussed Mr. De La Fuente’s petitions.

MOTION: The Government Accountability Board determines that petitions filed under Wis. Stat. § 8.12(1)(c) must have at least 1,000 signatures from each congressional district in the State. Moved by Judge Franke, seconded by Judge Vocke.

Judge Manian suggested the motion should specify valid signatures.

Judge Franke said he would accept Judge Manian’s suggestion as a friendly amendment. Judge Vocke seconded the amendment.

Further discussion.

Judge Vocke called the question. Judge Froehlich asked for a roll-call vote.

Roll call vote: Leineweber:	Aye	Manian:	Aye
Nichol:	Aye	Froehlich:	Aye
Franke:	Aye	Vocke:	Aye

The motion listed below as amended carried unanimously.

The Government Accountability Board determines that petitions filed under Wis. Stat. § 8.12(1)(c) must have at least 1,000 valid signatures from each congressional district in the State.

Further discussion.

MOTION: The Government Accountability Board finds that the petition of Roque “Rocky” De La Fuente is not sufficient because it does not meet the minimum threshold of at least 1,000 signatures from each of the eight congressional districts. Moved by Judge Vocke, seconded by Judge Manian.

Discussion. Attorney O’Neill asked the Board’s view on the issue of validity of the signatures from different congressional districts on the same petition page.

Board Members and staff discussed whether the Board was prepared to make decisions regarding standards for signature validity at this meeting.

Judge Froehlich called the question.

Roll call vote:

Roll call vote: Leineweber:	Aye	Manian:	Aye
Nichol:	Aye	Froehlich:	Aye
Franke:	Aye	Vocke:	Aye

Motion carried 6-0.

Judge Franke discussed bringing to the attention of the Legislature that there is a question about interpretation of the statute with regard to signatures from different congressional districts on the same petition page.

Board Members and staff discussed issues related to petitions filed under Wis. Stat. § 8.12(1)(c). Director Kennedy said resolution of these issues does not impact Attorney

O'Neill's client today. Judge Froehlich said the consensus of the Board is to delay the matter until the March 1, 2016 meeting.

D. Per Diem Payments

MOTION: Authorize payment of a full day per diem to Board Members who attended the meeting in person and a half day for Board Members who appeared by telephone. Moved by Judge Vocke, seconded by Judge Franke. Motion carried unanimously.

E. Closed Session

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

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

Roll call vote: Leineweber:	Aye	Manian:	Aye
Nichol:	Aye	Froehlich:	Aye
Franke:	Aye	Vocke:	Aye

Motion carried unanimously. The Board convened in closed session at 2:27 p.m.

Summary of Significant Actions Taken in Closed Session:

A. Litigation: One potential matter and one pending matter considered.

F. Adjourn

The Board adjourned in closed session at 2:45 p.m.

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The next regular meeting of the Government Accountability Board is scheduled for Tuesday, March 1, 2016, at the State Capitol in Madison, Wisconsin beginning at 9:00 a.m.

February 8, 2016 Government Accountability Board meeting minutes prepared by:

Reid Magney, Public Information Officer

February 11, 2016

February 8, 2016 Government Accountability Board meeting minutes certified by:

Judge Gerald C. Nichol, Board Secretary

March 1, 2016

DRAFT

State of Wisconsin\Government Accountability Board

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JUDGE VICTOR MANIAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

DATE: For the March 1, 2016 Board Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Jonathan Becker
Ethics and Accountability Division Administrator
Government Accountability Board

Prepared by:
Kyle Kundert, Ethics Specialist

SUBJECT: Administrative Rule Review

Introduction:

The Act amending the campaign finance law, *2015 Wisconsin Act 117, Section 74 (1)* (“Act”) requires the Government Accountability Board (“Board”) to review all of its administrative rules currently in effect and determine which, if any, administrative rules are inconsistent with the new law. Rules that the board finds to be inconsistent with the Act may not be enforced.

The Board’s administrative rules covering campaign finance are contained in Wis. Admn. Code Ch. GAB 1. The analysis which follows, sets forth each section of the Code currently in effect and the Board staff recommendation on whether the section is now inconsistent with the new law.

GAB 1.02 Multiple candidacies.

(1) Any candidate seeking election to an office other than that indicated on a registration statement or that of the candidate's personal campaign committee must file an amended registration statement with the appropriate filing officer or officers indicating such change. Financial disclosure reports filed subsequent to such change must be filed with the filing officer for the office designated on the amended registration statement.

(2) When a candidate is simultaneously seeking election to more than one office, the candidate shall file duplicate consolidated registration statements indicating all offices sought and duplicate consolidated financial disclosure reports with the appropriate filing officers. The personal campaign committee of such a candidate is responsible for ensuring compliance with the contribution limitation applicable to each office sought.

(3) Regardless of the number of offices sought, a candidate may not have more than one committee, treasurer and campaign depository account.

Inconsistent. Under the new law, a candidate may now create a second committee to run for a different state or local office. 11.0202(2)(d) (registration) & 11.1114 (two candidate committees).

GAB 1.04 Debt retirement; treatment of contributions received and accepted after election.

(1) Contributions received and accepted for the purpose of retiring debts incurred in a prior campaign should be counted against the contributor's contribution limit for said campaign. Contributions received and accepted in excess of the amount needed to retire such debt shall be counted against the contributor's contribution limits applicable to the next campaign on a first-in first-out basis with the contributions received and accepted first applied to debt retirement.

(2) Notwithstanding the above, a contribution received and accepted between the period that begins on the day after the closing date for the pre-election campaign finance report period and ends on the day after the closing date for the period covered by the first financial report filed by or on behalf of the candidate subsequent to the date of the previous election, or if the candidate has incurred obligations from a previous campaign, the date on which the candidate receives sufficient contributions to retire those obligations shall be counted against the limits for the campaign in which the election took place, regardless of whether all campaign debts have been retired at the time the contribution is received.

Inconsistent. The former statutory provision that addressed debt retirement (WIS. STAT. s. 11.26 (17)) no longer exists and this seems to contradict the applicable campaign periods defined in 11.1103.

GAB 1.05 Reporting of disbursements. Every withdrawal of funds except for internal transfers for investment purposes from the campaign depository account must be reported in accordance with ss. 11.06 and 11.20, Stats.

Inconsistent. Statutory citations are obsolete and the rule is unnecessary. 11.0101(10) (disbursement and exemptions) & reporting requirements under each committee type.

GAB 1.06 Corporate registration and reporting.

(1) Every foreign or domestic corporation or association organized under ch. 185, Stats., which establishes a separate segregated fund pursuant to s. 11.38 (1) (a) 2., Stats., shall register with the appropriate filing officer on a form prescribed by the board.

(2) Every foreign or domestic corporation or association organized under ch. 185, Stats., which is required to register pursuant to sub. (1), shall file financial disclosure reports with the appropriate filing officer in accordance with s. 11.20 (4), Stats., on a form prescribed by the board.

Inconsistent. Separate segregated funds, which was the former name for PACs, are no longer a category under the new law and statutory citations are obsolete. 11.1112 (corporations, coops and tribes) & 11.0101(9).

GAB 1.10 Reporting by nonresident committees and groups. Every nonresident committee or group as defined in s. 11.07 (6), Stats., acting in support of or in opposition to any candidate for state or local office, which makes or accepts contributions, incurs obligations or makes disbursements exceeding \$25 cumulatively in a calendar year within this state shall register both with the appropriate filing officer under s. 11.05 (1), Stats., and with the secretary of state under s. 11.07 (1), Stats.

Inconsistent. This is inconsistent with new law that requires registration and reporting only by those committees whose major purpose is express advocacy in Wisconsin. 11.0103(5) (reporting; general).

GAB 1.11 Reporting of joint fundraiser.

(1) Any personal campaign committee, political party committee, or legislative campaign committee which conducts a joint fundraiser under s. 11.16 (5), Stats., shall register with the appropriate filing officer by filing a supplemental schedule, Form EB-2JF, at the time of signing the escrow agreement with the candidate on whose behalf the joint fundraiser is conducted.

(2) The supplemental schedule, Form EB-2JF, shall identify the committees conducting the fundraiser, the candidates on whose behalf the joint fundraiser is conducted, the percentage of the net proceeds distributed to the candidate, and the escrow depository account. A copy of the escrow agreement shall be attached to form EB-2JF.

(3) The sponsors of the joint fundraiser shall prepare a regular campaign finance report, Form EB-2, or a public funding campaign finance report, Form EB-24, to report expenses qualifying for exclusion under s. 11.31 (6), Stats. The campaign finance report shall report all contributions and disbursements. The sponsors shall give a copy of the report to each candidate or committee receiving any share of the net proceeds from the fundraiser within 25 days after the fundraiser is held. The sponsors shall file the campaign finance report with the filing officer when the next campaign finance report is due under s. 11.20 (3) and (4), Stats. If the sponsors have not received and paid all the bills for the joint fundraiser by the time the sponsors file the first campaign finance report, the sponsors shall continue to file a regular campaign finance report as required until termination.

(4) The candidates or committees receiving any of the net proceeds from the joint fundraiser shall report on their regular campaign finance report their share of the net proceeds as a single contribution from the joint fundraiser, attaching a copy of the campaign finance report received from the sponsors. If any contributor to the joint fundraiser also makes an individual contribution to the candidate's campaign during the calendar year of the joint fundraiser, and the contributor's total contributions exceed \$20 in that period, the candidate who receives the additional contribution from the contributor shall report the additional contribution as an itemized contribution with the applicable information about the contributor under s. 11.06 (1) (a) and (b), Stats. The amount of any itemized contribution shall be subtracted from the reportable amount of the single contribution from the joint fundraiser.

Inconsistent. The new law makes no provisions for escrow agreements or joint fundraisers. Under current law, contributors must either write separate contribution checks or a conduit committee

would need to be created to distribute contributions to separate candidates. Public financing of campaigns no longer exists. Statutory and form references are no longer correct either.

GAB 1.15 Filing reports of late campaign activity.

- (1) 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.*
- (2) 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 EB-3 or use a format which is acceptable to the filing officer and which contains the information required by the board on Form EB-3.*
- (3) 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 EB-7 or shall use a format which is acceptable to the filing officer and which contains the information required by the board on form EB-7.*
- (4) 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. Except as provided in sub. (6), any special report of late campaign activity also shall be treated as timely filed when it is mailed with the U.S. postal service, by first class mail, with sufficient prepaid postage, addressed to the appropriate filing officer, and postmarked not later than the date prescribed by law for the filing of such report.*
- (5) 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.*
- (6) If a special report of late campaign activity is required to be filed on the day of or the day immediately preceding a primary or an election, the report is not timely filed unless it is actually received at the office of the appropriate filing officer before the close of business on that day, unless that day is a Saturday, Sunday, or legal holiday.*
- (7) If the filing officer for a special report of late campaign activity is the government accountability board, a registrant filing the report on the day of or the day immediately preceding a primary or an election may file by sending a facsimile (FAX) copy by telecopier on the date, if the signed original of the report is received through the U.S. mail with a postmark not later than the date due.*

Inconsistent. Time frame, triggering amounts, and filing processes are inconsistent with new law. Candidate, Party and Legislative committees report late contributions of more than \$1,000 within 15 days of election [11.0204(7), 11.0304(7) and 11.0404(4)]. PAC, IEC and other persons have the 60-day reporting of express advocacy over \$2,500. [11.0505(1), 11.0605(1) and 11.1001 (1)].

GAB 1.20 Treatment and reporting of in-kind contributions.

(1) In this section:

(a) "Actual value" means the fair market value.

(b) "Authorized person" means a candidate, treasurer, agent, other person whom a candidate designates, or a person whom any other registrant designates to authorize a proposed in-kind contribution.

(c) "Contributor" means any individual or registrant who proposes to make an in-kind contribution.

(d) "Date of contribution" means the time as of which the benefit, of the thing of value given or of the service performed, is conferred upon the candidate's campaign or upon the registrant.

(e) "In-kind contribution" means a disbursement by a contributor to procure a thing of value or service for the benefit of a registrant who authorized the disbursement.

(f) "Registrant" has the same meaning as provided in s. 11.01 (18m), Stats.

(2) Before making an in-kind contribution to a candidate or other registrant, the prospective contributor shall notify an authorized person and obtain that person's oral or written consent to the contribution.

(3) When an individual other than a registrant receives authorization to make an in-kind contribution, the authorized person shall obtain from the contributor, in writing: the contributor's name and address and, where applicable, the contributor's occupation and the name and address of his or her principal place of employment; the nature of the contribution, its actual value and the date of the contribution.

(4) When a registrant receives authorization to make an in-kind contribution, the registrant shall provide to the authorized person, in writing, before the closing date of the next campaign finance report in which the contribution is required to be listed: the registrant's name and address; the nature of the contribution and its actual value; and the date of the contribution.

(5) If a contributor does not know the actual value of an in-kind contribution, the contributor shall give an authorized person a good-faith and reasonable estimate of the fair market value, before the closing date of the next campaign finance report in which the contribution is required to be listed. When the contributor receives bills or other statements reflecting the actual value of the in-kind contribution, the contributor shall immediately forward that information to an authorized person.

(6) An in-kind contribution shall be reported as received and accepted by the candidate or registrant on the date that the benefit, of the material supplied or the service performed, is conferred upon the candidate or other registrant.

(7) A candidate or registrant shall report the value of the in-kind contribution disclosed to him or her by the contributor. If a contributor estimates the fair market value, a candidate or registrant shall report the estimated value. After being informed of the actual value, by the contributor, a candidate or registrant shall report the actual value on the next campaign finance report.

(8) Without the proper authorization to make an in-kind contribution, a contributor may not make the proposed in-kind contribution unless the contribution qualifies as an independent expenditure under s. 11.06 (7), Stats., and under s. GAB 1.42.

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

Consistent, but requires changes to statutory citations and Form numbers. Defined as part of contribution in 11.0101(8)(a) 2 & 11.1109.

GAB 1.25 Loan treatment respecting limitations. A loan when made by any person, committee or group (except a loan of money by a commercial lending institution made by the institution in accordance with applicable banking laws and regulations in the ordinary course of business) shall be reported as a contribution or disbursement, and also as an incurred obligation by the debtor. When such a loan is received by a registrant, it is counted within the contribution limitation of the creditor while outstanding, but is not counted within the limitation after repayment. The amount or value of any such outstanding loans and any other contributions or disbursements shall at no time exceed any limitation specified in ss. 11.26 and 11.31, Stats.

Consistent, but requires updates to statutory citations. This rule will have to be amended to reflect the new contribution limits. “Loan(s)”, are no longer defined independently, but are contained within the definition of “contribution” and “obligation” in 11.0101(8) and 11.0101(23).

GAB 1.26 Return of contribution.

(1) This rule is promulgated to clarify the treatment and reporting of returned contributions.

(2) The return of a contribution is not a disbursement subject to the limitations on disbursements in s. 11.31, Stats., and it is not a contribution subject to the limitations on contributions in s. 11.26, Stats.

(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, or the campaign finance report, Form EB-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, 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, the candidate shall report the returned contribution on both Schedule 2-A, DISBURSEMENTS, and Schedule 3-A, ADDITIONAL DISCLOSURE, as returned contribution.

(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, 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.

(5) Any registrant and candidate who returns a contribution that is not deposited into the campaign depository within 10 days of receipt is not required to report the returned, unaccepted contribution on a campaign finance report.

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

(1), (2), (5), and (6) are consistent with current law. (3) and (4) are obsolete as the Wisconsin election campaign fund does not exist. (6) requires a change to Form number. 11.1110 (return of contributions).

GAB 1.28 Scope of regulated activity; election of candidates.

(1) Definitions. As used in this rule:

(a) "Political committee" means every committee which is formed primarily to influence elections or which is under the control of a candidate.

(b) "Communication" means any printed advertisement, billboard, handbill, sample ballot, television or radio advertisement, telephone call, e-mail, internet posting, and any other form of communication that may be utilized for a political purpose.

(c) "Contributions for political purposes" means contributions made to 1) a candidate, or 2) a political committee or 3) an individual who makes contributions to a candidate or political committee or incurs obligations or makes disbursements for political purposes.

(2) Individuals other than candidates and persons other than political committees are subject to the applicable requirements of ch. 11, Stats., when they:

(a) Make contributions or disbursements for political purposes, or

(b) Make contributions to any person at the request or with the authorization of a candidate or political committee, or

(c) Make a communication for a political purpose.

(3) A communication is for a "political purpose" if either of the following applies:

(a) The communication contains terms such as the following or their functional equivalents with reference to a clearly identified candidate and unambiguously relates to the campaign of that candidate:

1. "Vote for;"

2. "Elect;"

3. "Support;"

4. "Cast your ballot for;"

5. "Smith for Assembly;"

6. "Vote against;"

7. "Defeat;" or

8. "Reject."

(b) The communication is susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate. A communication is susceptible of no other reasonable interpretation if it is made during the period beginning on the 60th day preceding a general, special, or spring election and ending on the date of that election or during the period beginning on the 30th day preceding a primary election and ending on the date of that election and that includes a reference to or depiction of a clearly identified candidate and:

1. Refers to the personal qualities, character, or fitness of that candidate;
2. Supports or condemns that candidate's position or stance on issues; or
3. Supports or condemns that candidate's public record.

(4) Consistent with s. 11.05 (2), Stats., nothing in sub. (1), (2), or (3) should be construed as requiring registration and reporting, under ss. 11.05 and 11.06, Stats., of an individual whose only activity is the making of contributions.

Inconsistent. It is in conflict with new law. This section has been found unconstitutional by case law¹ or codified in the new statute.

GAB 1.30 Revocation of exemption from filing campaign finance reports.

(1) When a person, committee or group other than a committee or individual required to file an oath under s. 11.06 (7), Stats., who or which claims an exemption from filing campaign finance reports because the registrant will not receive contributions, make disbursements, or incur obligations in an aggregate amount in excess of \$1,000 in a calendar year and who or which does not anticipate accepting any contribution or contributions from a single source, other than contributions totaling no more than \$1,000 made by the candidate to his or her own campaign, exceeding \$100 in that year, the registrant shall lose the exemption when the registrant exceeds the \$1,000 and \$100 limits, respectively. The registrant shall then inform the appropriate filing officer by filing either an amended campaign registration statement (Form EB-1) stating that the registrant is no longer eligible for exemption or by a letter filed with the filing officer or with the U.S. postal service by first class mail with sufficient prepaid postage, addressed to the appropriate filing officer, no later than the date on which the registrant exceeds the \$1,000 and \$100 limits. The registrant becomes subject to the applicable reporting requirements as of the date on which the registrant exceeds the \$1,000 and \$100 limits, including the requirement to report contributions received, disbursements made, and obligations incurred before the registrant exceeds the \$1,000 and \$100 limits.

(2) When any political party committee claims an exemption from filing campaign finance reports because the registrant has signed an indication on a registration statement that the committee will not accept contributions, make disbursements, or incur obligations in the aggregate in excess of \$1,000 in any calendar year and will not accept any contribution or contributions from a single source exceeding \$100 in that year, the registrant shall lose the exemption when the committee's financial activity exceeds the \$1,000 and \$100 limits, respectively. The committee shall then inform its filing officer by verified letter filed with the filing officer or with the U.S. postal service by first class mail with sufficient prepaid postage, addressed to the appropriate filing officer, no later than the date on which the registrant exceeds the \$1,000 and \$100 limits. The committee becomes subject to the applicable reporting requirements as of the date on which the registrant exceeds the \$1,000 and \$100 limits, including the requirement to report contributions received, disbursements made, and obligations incurred before the registrant exceeds the \$1,000 and \$100 limits.

(3) For purposes of qualifying for exempt status under s. 11.05 (2r), Stats., the transfer of party member dues from a state political party to a local party shall not be considered a contribution from a single source. A local political party shall not lose its exempt status because of transfers to it by the state party of party member dues in excess of \$100.

¹ Wisconsin Right to Life, Inc. v. Barland, 751 F.3d 804 (7th Cir. 2014).

Inconsistent. Dollar thresholds and filing procedures have changed under the new law. 11.0104 (reporting exemptions).

GAB 1.32 Contribution of partnership funds.

(1) As used in this rule, "partnership" includes all associations organized for profit and all other partnerships.

(a) A contribution in the name of a partnership shall be treated as an individual contribution from each partner in relation to each partner's interest in the partnership profits or losses unless the partners agree to apportion the contribution otherwise.

(b) When a contribution is made in the name of a partnership, the registrant must obtain the information as to each partner's share thereof within 30 days after receiving the contribution or return the contribution.

Consistent. 11.1113 (sole proprietors, partnerships).

GAB 1.33 Retirement of campaign debts incurred to business creditors.

(1) As used in this section "an obligation incurred by a registrant to a business creditor" means an obligation incurred by the registrant for goods or services.

(2) An obligation incurred by a registrant to a business creditor will be treated as a contribution of the creditor if any part of the obligation is outstanding for a period longer than that consistent with normal business or trade practice, or if the obligation is settled for less than the outstanding debt, unless a showing is made to the registrant's filing officer that the creditor has treated the obligation in a commercially reasonable manner. Such a showing must include at least the following:

(a) The initial extension of credit on which the obligation was incurred was made in the ordinary course of business with terms substantially similar to those granted to non-political debtors of similar credit risk; and

(b) The creditor has made all reasonable efforts to retire the debt, including pursuit of all remedies which would normally be employed by the creditor in pursuit of a non-political debtor. "Reasonable efforts to retire the debt" include lawsuits, if filed in similar circumstances.

Consistent.

GAB 1.34 Use of funds received from Wisconsin election campaign fund.

(1) The term "printing, graphic arts or advertising services" includes, but is not limited to, the ordinary and necessary direct costs of planning, preparing proof copy and paste up, and printing or other like production of copy that is used in the candidate's election campaign.

(2) The term "office supplies" includes expendable items normally utilized in office situations such as, but not limited to, envelopes, paper, cards, notebooks, pens, pencils, ribbons, tapes, paper clips, rubber bands, duplicating supplies, manuals and journals.

(3) Grant funds from the Wisconsin election campaign fund may not be used for the purchase or rental of office furniture and equipment; office rent; utilities; telephone, telegraph or teletype costs; or insurance costs.

Inconsistent. Obsolete as the Wisconsin election campaign fund does not exist.

GAB 1.36 Allocation of expenditures in nonpartisan elections.

(1) This rule is promulgated to clarify the allocation of expenditures between the primary and general election by candidates who receive public funding in a nonpartisan election.

(2) A candidate in a nonpartisan election who is subject to the limitations and disbursement levels specified in s. 11.31, Stats., may make expenditures for items used in the pre-primary period to be allocated toward the disbursement limitations for the primary until the date the candidate knows there is no primary.

(3) Any expenditures made after the date the candidate knows that there is no primary, shall be applied to the disbursement limitation for the general election.

(4) For purposes of this rule, a candidate shall be deemed to know that there will be no primary on the day following the last day that nomination papers must be filed with the appropriate officer.

Inconsistent. Public funding of campaigns no longer exists.

GAB 1.38 Return of contributions to committees by candidates who receive public funding.

(1) A candidate may return any contribution received from a committee or a political party committee for purposes of receiving a larger grant from the Wisconsin election campaign fund within the time period specified in sub. (3).

(2) The candidate shall disclose the date, amount and source of the returned contribution on the applicable campaign finance report form.

(3) Any contribution returned no later than 7 days after the primary shall not be counted against the limits specified in s. 11.50 (9), Stats.

Inconsistent. Public funding of campaigns no longer exists.

GAB 1.385 Return of contributions to contributors by candidates when candidates file nomination papers for offices that have lower contribution limits than the limits that applied at the time of the contributions. A candidate shall be subject to the contribution limits that apply to the candidate at the time of the primary election at which the candidate's name appears on the ballot. If a candidate for any office has unspent contributions in his or her campaign depository at the time of filing nomination papers that were lawful at the time of receipt but exceeded the contribution limit that applies to the office for which the candidate is seeking nomination, the candidate shall dispose of the unspent contributions. The candidate shall either return the excess contribution to the contributor on a reasonable basis that the

candidate determines or donate the excess contribution to either the common school fund or a charitable organization.

Consistent. 11.1114 (two candidate committees).

GAB 1.39 Conversion of federal campaign committee to state committee prohibited.

(1) As used in this rule,

(a) "Federal campaign committee" means the campaign committee of a candidate for federal office, which is not registered with a state or local filing officer, and

(b) "State campaign committee" means the personal campaign committee of a candidate for state or local office.

(2)

(a) A candidate's federal campaign committee may not be converted to a state campaign committee.

(b) A candidate's federal campaign committee may contribute funds collected for federal purposes to the candidate's state or local campaign, not to exceed the maximum amount that may be contributed by a single committee to a candidate for the same office under s. 11.26 (2) and (10), Stats., by filing a campaign finance registration statement, pursuant to s. 11.05, Stats., with the appropriate filing officer.

Consistent. Statutory references need to be updated.

GAB 1.42 Voluntary committees; scope of voluntary oath; restrictions on voluntary committees.

(1) Necessity of voluntary oath for independent candidate-related activities. No expenditure may be made or obligation incurred over \$25 in support of or opposition to a specific candidate unless such expenditure or obligation is treated and reported as a contribution to the candidate or the candidate's opponent, or is made or incurred by or through an individual or committee filing the voluntary oath specified in s. 11.06 (7), Stats.

(2) Scope of voluntary oath. A committee or individual filing the voluntary oath may make expenditures or incur obligations in support of or opposition to a candidate if the expenditures or obligations incurred are made in cooperation or consultation with any candidate or agent or authorized committee of a candidate who is supported or opposed, and in concert with, or at the request or suggestion of, any candidate or any agent or authorized committee of a candidate who is supported or opposed, so long as the expenditures or obligations are treated and reported as a contribution to such candidate. A committee or individual filing the voluntary oath is prohibited from making expenditures in support of or opposition to a candidate if the expenditures or incurred obligations are made in cooperation or consultation with any candidate or agent or authorized committee of a candidate who is supported or opposed, and in concert with, or at the request or suggestion of, any candidate or any agent or authorized committee of a candidate who is supported or opposed, and the expenditures or obligations are not reported as a contribution to such candidate.

(3) Treatment and reporting of independent activity by voluntary committee. When a committee or individual filing the voluntary oath makes an expenditure or incurs an obligation in support of or in opposition to a candidate and the individual or committee does not act in cooperation or consultation with any candidate or agent or authorized committee of a candidate who is supported or opposed, and in concert with, or at the request or suggestion of, any candidate or any agent or authorized committee of a candidate who is supported or opposed, the expenditure or incurred obligation shall be treated and reported as an "independent disbursement" or "independent incurred obligation". When such disbursements or obligations are reported, the candidate in whose support or opposition the disbursement is made or obligation incurred should be identified on a separate schedule (EB-9) giving the name and address of the candidate, the amount, the date, and the purpose of the disbursement and an indication whether the candidate is supported or opposed.

(4) An individual or committee may make both direct contributions and independent expenditures. An individual or the committee filing the voluntary oath may make both direct contributions, and independent expenditures on behalf of a candidate in support or opposition to a candidate as long as the direct contributions are within the contribution limits set out in s. 11.26, Stats., and the individual or committee making the independent expenditure does not act in cooperation or consultation with any candidate or agent or authorized committee of a candidate who is supported or opposed, and in concert with, or at the request or suggestion of, any candidate or any agent or authorized committee of a candidate who is supported or opposed.

(5) Special disclaimer requirement. A political message in support of or opposition to a candidate by a committee or individual not acting in cooperation or consultation with any candidate or agent or authorized committee of a candidate who is supported or opposed, and in concert with, or at the request or suggestion of, any candidate or any agent or authorized committee of a candidate who is supported or opposed shall contain, in addition to the ordinary identification required by s. 11.30 (2), Stats., the words: "The committee (individual) is the sole source of this communication and the committee (individual) did not act in cooperation or consultation with, and in concert with, or at the request or suggestion of any candidate or any agent or authorized committee of a candidate who is supported or opposed by this communication".

(6) Guidelines.

(a) Any expenditure made on behalf of a candidate will be presumed to be made in cooperation or consultation with any candidate or agent or authorized committee of a candidate who is supported or opposed, and in concert with, or at the request or suggestion of, any candidate or any agent or authorized committee of a candidate who is supported or opposed and treated as an in-kind contribution if:

1. It is made as a result of a decision in which any of the following persons take part:

a. A person who is authorized to raise funds for, to spend the campaign funds of or to incur obligations for the candidate's personal campaign committee;

b. An officer of the candidate's personal campaign committee;

c. A campaign worker who is reimbursed for expenses or compensated for work by the candidate's personal campaign committee;

d. A volunteer who is operating in a position within a campaign organization that would make the person aware of campaign needs and useful expenditures; or

2. It is made to finance the distribution of any campaign materials prepared by the candidate's personal campaign committee or agents;

(b) The presumption in par. (a) may be rebutted by countervailing evidence that the expenditure is not made in cooperation or consultation with any candidate or agent or any authorized committee of a candidate who is supported or opposed, and in concert with, or at the request or suggestion of, any candidate or any agent or authorized committee of a candidate who is supported or opposed.

Inconsistent. New law has changed definition of coordination and specifically spells out different required disclaimer language. Subchapter VI (independent expenditure committee) & Subchapter X (other persons).

GAB 1.43 Referendum-related activities by committees; candidate-related activities by groups.

(1) As used in this rule, "committee-group" means any committee which acts in support of or opposition to a referendum, and any group which acts in support of or opposition to a candidate.

(2) Any committee-group may consolidate referendum-related and candidate-related activity by:

(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

(b) Filing duplicate consolidated financial disclosure reports, which indicate the specific purpose of each expenditure so as to differentiate between expenditures intended to influence referenda and expenditures intended to influence the election or defeat of a candidate.

(3) A committee-group which consolidates activity pursuant to this rule is subject to those limits on the receipt of contributions to which it would be subject if it were operating solely as a committee.

(4) A committee-group which consolidates activity pursuant to this rule must have a single treasurer and a single depository.

(5) Notwithstanding the above, any committee-group may separate referendum-related and candidate-related activity by filing separate registration statements, separate financial disclosure reports, and by maintaining a separate depository for each type of activity.

Inconsistent. The statute no longer contains definitions for “committee” and “group.” 11.1208 (unlawful political disbursements) & 11.1112 (corporations).

GAB 1.44 Disbursement levels.

(1) Limitation imposed. Except as authorized in s. 11.50 (2) (i), Stats., applying to disbursement levels, no candidate for state office who files a sworn statement and application to receive a grant from the Wisconsin election campaign fund and who receives and accepts any such grant may make or authorize total disbursements from the campaign treasury in any campaign which exceed the amounts specified below.

(2) The following levels of disbursements are established with reference to the candidates listed below until the disbursement levels are adjusted pursuant to s. 11.31, Stats. Except as provided in sub. (1), such levels do not operate to restrict the total amount of disbursements which are made or authorized to be made by any candidate in any primary or other election.

(a) Candidates for governor, \$323,450 in the primary, and \$754,750 in the election.

(b) Candidates for lieutenant governor, \$215,650 in the primary, and \$107,825 in the election.

(c) Candidates for attorney general, \$269,500 in the primary, and \$269,500 in the election.

(d) Candidates for secretary of state, state treasurer, justice of the supreme court and state superintendent of public instruction, \$86,250 in the primary, and \$129,375 in the election.

(e) Candidates for court of appeals judge, \$32,350 in the primary, and \$53,900 in the election.

(f) Candidates for state senator, \$34,500 total in the primary and election, with disbursements not exceeding \$21,575 for either the primary or the election.

(g) Candidates for representative to the assembly, \$17,250 total in the primary and election, with disbursements not exceeding \$10,775 for either the primary or the election.

(h) Candidates for circuit judge, \$86,250 total in the primary and election.

(i) In any jurisdiction or district, other than a judicial district or circuit, with a population of 500,000 or more, according to the most recent federal census covering the entire jurisdiction or district:

1. For the following county offices:

a. Candidates for county executive, \$269,550 total in the primary and election.

b. Candidates for district attorney, \$161,725 total in the primary and election.

c. Candidates for county supervisor, \$17,250 total in the primary and election.

d. Candidates for any other countywide elective office, not specified in counties of this size, \$107,825 total in the primary and election.

2. For the following offices in cities of the 1st class:

a. Candidates for mayor, \$269,550 total in the primary and election.

b. Candidates for city attorney, \$161,725 total in the primary and election.

c. Candidates for alderperson, \$17,250 total in the primary and election.

d. Candidates for any other citywide office, \$107,825 total in the primary and election.

(j) Candidates for any local office who are elected from a jurisdiction or district with less than 500,000 inhabitants, according to the latest federal census or census information on which the district is based, as certified by the appropriate filing officer, an amount equal to the greater of:

1. \$1,075, or

2. 53.91% of the annual salary for the office sought, rounded to the nearest \$25, or
3. 32.35 cents per inhabitant of the jurisdiction or district, rounded to the nearest \$25, but in no event more than \$43,125 in the primary and election.

Inconsistent. Wisconsin election campaign fund no longer exists.

GAB 1.45 Return of excess grant funds from Wisconsin election campaign fund after campaign. Pursuant to s. 11.50 (8), Stats., all grants from the Wisconsin election campaign fund which are unspent and unencumbered by any candidate on the day after the election shall be returned to the government accountability board no later than the date of filing the use of grant report which is filed with the next continuing campaign finance report due after the election.

Inconsistent. Wisconsin election campaign fund no longer exists.

GAB 1.455 Allocation of disbursements of Wisconsin election campaign fund grant and other campaign funds. A candidate subject to the disbursement limitations under s. 11.31, Stats., and s. GAB 1.44 who disburses grant and other campaign funds:

- (1) *May prorate a disbursement between the primary election spending limit and the general election spending limit if the proration accurately reflects the use of the purchased materials or services in the respective primary and general election campaigns.*
- (2) *May use grant money from the Wisconsin election campaign fund to pay the amount allocated to the general election even if the disbursement was made before the primary election.*
- (3) *May not allocate to a future campaign any disbursements for services or materials delivered during the current campaign.*
- (4) *May not make any disbursements during the current campaign for a future campaign until on or after the first day after the day of the election and may only make such disbursements out of campaign funds which are not excess funds that must be returned to the Wisconsin election campaign fund.*
- (5) *May not encumber any excess funds remaining on the first day after the day of the election with incurred obligations for a future campaign.*
- (6) *May retire debts from previous campaigns by making disbursements during the current campaign.*

Inconsistent. Wisconsin election campaign fund no longer exists.

GAB 1.46 Identification of individual contributors on campaign finance reports.

- (1) *The requirement contained in s. 11.06 (1) (a), Stats., to furnish the street address of a contributor who has made a contribution or contributions aggregating more than \$20 in a calendar year includes the municipality and state as well as the street address. A complete postal address is sufficient to meet the disclosure requirement contained in the statute.*

(2) The requirement contained in s. 11.06 (1) (b), Stats., to furnish the occupation and principal place of business, if any, of each individual contributor whose cumulative contributions for the calendar year are in excess of \$100 refers to the contributor's occupation and the name of the employing entity of the contributor. The listing of a business address only does not comply with the disclosure requirement of the statute.

Inconsistent. There is no longer a \$20 threshold. Replaced by reporting requirements contained in each committee type.

GAB 1.50 Non-candidate committees collecting on behalf of a specific candidate and the voluntary oath. When a non-candidate committee accepts contributions on behalf of a specific candidate, it must file the voluntary oath in s. 11.06 (7), Stats., by which the committee's independence of the candidate is affirmed. A political action committee whose campaign finance reports show support of only one candidate is presumed to be accepting contributions in support of that candidate and required to file the voluntary oath in s. 11.06 (7), Stats., by which the committee's independence of the candidate is affirmed. That presumption may be overcome by countervailing evidence.

Consistent. Statutory references need to be updated. 11.1203 (coordination) and in oaths of affirmation sections in Subchapter VI (IEC's) & X (Other Persons).

GAB 1.56 Commercial sales by political registrants.

(1) When a registrant receives donated items for resale the proceeds from the resale transaction shall be reported in the following manner:

(a) The receipt of the item shall be reported in the registrant's campaign finance report as an in-kind contribution and as an in-kind expenditure at the fair market value of the donated item;

(b) The resale of the item shall be reported in the registrant's campaign finance report as a contribution from the purchaser in the amount paid by the purchaser.

(c) The registrant must make a good faith effort to accurately reflect the fair market value of the item in its campaign finance report.

(2) When a registrant sells an item which it has purchased for resale to raise funds for political purposes, the entire amount of the proceeds of the sale shall be reported in the registrant's campaign finance report as a contribution from the purchaser.

(3) The proceeds from the sale of food and beverage at a fundraiser by a registrant shall be reported in the registrant's campaign finance report as a contribution from the purchaser.

(4) When items are sold, including food and beverage, at a cost that is less than \$10.00, the registrant should report the proceeds of the sales as contributions, but they may be listed as "unitemized contributions" in the campaign finance reports. A good faith effort does not require that records be kept of the identity of the purchaser of items where the cost is less than \$10.00.

(5) When a registrant disposes of tangible assets of the campaign by sale in a regular commercial transaction for fair market value, the proceeds of the sale shall be reported as "other income" in the registrant's campaign finance reports.

(1), (2), (3), and (5) are consistent. (4) is inconsistent as there is no longer a threshold for reporting.

GAB 1.60 Consulting services.

(1)

(a) Expenditures for consulting services made by a candidate's committee, political action committee, or political party committee on behalf of more than one candidate shall be attributable to each candidate in proportion to, and shall be reported to reflect, the benefit reasonably derived, except as provided in par. (c). This rule shall not apply to independent expenditures made under s. 11.06 (7), Stats., and s. GAB 1.42.

(b) An authorized expenditure for consulting services made by a candidate, candidate's committee, political action committee, or political party committee on behalf of another candidate shall be reported as an in-kind contribution to the candidate on whose behalf the expenditure was made, except that expenditures made by political party committees on behalf of that party's presidential candidates shall not be reportable and shall not count against that party's state or local candidates' applicable contribution limits under s. 11.26 (9) (a), Stats., and spending limits under s. 11.31 (2), Stats., and s. GAB 1.44, except as provided in par. (c).

(c) Exceptions to pars. (a) and (b). Expenditures for rent, personnel, overhead, general administrative, fund-raising, and other costs of political party committees, which costs are incurred in the ordinary course of its day-to-day operations, need not be attributed to individual candidates, unless these expenditures are made on behalf of a clearly identified candidate and the expenditure can be directly attributed to that candidate.

(2) If a candidate, candidate's committee, political action committee, or political party committee, for itself or another, hires a consultant to work during a campaign period as that term is defined in s. 11.26 (17), Stats., the amount paid or incurred shall be presumed to be an expenditure on behalf of a candidate or candidates who receive assistance from the consultant. This presumption may be rebutted.

(3) Any expenditures for consulting services shall be valued at the fair market value of the item or services at the time of the contribution.

Consistent. Statutory references need to be updated..

GAB 1.65 Opinion poll results.

(1) The term "overall cost" as used in s. 11.06 (12) (b), Stats., means the value of the opinion poll or voter survey results, as defined in s. 11.06 (12) (a) 4., Stats., as determined by the individual or committee which commissions the poll or survey.

(2) *The transfer to a candidate or committee of the results of a poll or survey, other than by a sale, is an in-kind contribution to such candidate or committee and reportable on the candidate's or committee's campaign finance report due for the period during which the results are received.*

(3) *The value of the poll or survey equal to the applicable percentage of full value as provided in s. 11.06 (12) (b) through (f), Stats., is based on the reasonable costs incurred in conducting the poll or survey. These costs include the costs for staff salary or other compensation, rent, telephones, poll lists, telephone calls, and computer use and supplies, and other reasonable and necessary items associated with creating the opinion results as defined in s. 11.06 (12) (a) 3., Stats.*

Inconsistent. This is now specifically addressed by statute. 11.1111 (valuation of opinion poll results).

GAB 1.655 Identification of the source of communications paid for with money raised for political purposes.

(1) *Definitions: as used in this rule:*

(a) *"Bona fide poll" means a poll which is conducted for the purpose of identifying, or collecting data on, voter attitudes and preferences and not for the purpose of expressly advocating the election, defeat, recall or retention of a clearly identified candidate or a particular vote at a referendum.*

(b) *"Communication" means any printed advertisement, billboard, handbill, sample ballot, television or radio advertisement, telephone call, and any other form of communication that may be utilized by a registrant for the purpose of influencing the election or nomination of any individual to state or local office or for the purpose of influencing a particular vote at a referendum.*

(bm) *"Political party" has the meaning provided in s. 5.02 (13), Stats.*

(c) *"Political purpose" has the meaning provided in s. 11.01 (16), Stats.*

(d) *"Registrant" has the meaning provided in s. 11.01 (18m), Stats.*

(e) *"Source" means the individual who, or committee which, pays for, or the individual who takes responsibility for, a communication that is required, by s. 11.30, Stats., to be identified.*

(2) *Pursuant to s. 11.30 (2) (a), Stats., any communication paid for with money that has been raised for political purposes must identify the source of that communication, subject to the following exceptions:*

(a) *The source identification requirements of s. 11.30, Stats., do not apply to communications paid for by an individual who, or a committee which, is not subject to the registration requirements of s.11.05, Stats.*

(b) *A bona fide poll or survey under s. 11.30 (5), Stats., concerning the support for or opposition to a candidate, political party, referendum or a position on issues, may be conducted without source identification unless the person being polled requests such information. If requested, the person conducting the poll shall disclose the name and address of the person making payment for the poll and, in the case of a registrant under s. 11.05, Stats., the name of the treasurer or the person making the payment.*

(c) Incidental administrative communications need not identify their source if such communications are singular in nature and are not intended to communicate a political message.

(d) Communications for which reporting is not required under s. 11.06 (2), Stats., are not required to identify their source.

(3) When making communications requiring source identification, disclosure is not required to be made at any particular place within or time during the communication. In the case of telephone calls, or other audio communications, the required disclosure may be made at any time prior to the end of the call or other communication.

(4) A registrant who conducts a bona fide poll must report the expense of conducting the poll on its campaign finance reports, whether or not the registrant is required to identify the source of that poll under s. 11.30 (5), Stats., and this rule.

(5) If a political party makes a communication supporting the election of more than one candidate, the source identification for that communication shall be as follows:

"Paid for by the (name of party) Party as an in-kind contribution to the candidates named."

Inconsistent. Defined terms do not exist in statute. Requirements are now spelled out in 11.1303 (attribution) and 11.1111 (valuation of opinion poll results).

GAB 1.70 Travel reimbursements.

(1) A candidate for or a person elected to a state or local office does not make an in-kind contribution to another candidate for a state or local office in another district when a candidate or election official travels to the district of the other candidate for political purposes. The candidate for or person elected to state or local office may be reimbursed from his or her personal campaign committee subject to the applicable spending limits of s. 11.31 (2), Stats., and s. GAB 1.44 and is deemed to provide nonreportable volunteer services to the candidate in the other district.

(2) If the candidate or elected official is reimbursed by another individual, personal campaign committee, political action committee, or legislative campaign committee for travel, the reimbursement is a reportable contribution to the candidate.

(3) If the candidate or elected official is an officer or employee of a legislative campaign committee who travels on committee business, the reimbursement is not a reportable contribution to the candidate or elected official, but is a reportable disbursement of the legislative campaign committee.

Consistent. Statutory and rule references need to be updated. 11.0101(8)(b) (contribution), and 11.1206 (travel by public officials).

GAB 1.75 Purchase of capital assets by campaign registrants.

(1) In this section:

(a) *"Capital asset" means any asset, purchased by, or contributed to, a campaign committee, which has a useful life greater than the campaign period in which the asset was purchased, received or otherwise acquired.*

(b) *"Non-political use" means any usage, by a registrant, for purposes other than those specified in s. 11.01 (16), Stats.*

(c) *"Political purposes" has the meaning provided in s. 11.01 (16), Stats.*

(d) *"Registrant" has the same meaning as provided in s. 11.01 (18m), Stats.*

(2) *No capital asset may be purchased with campaign funds by a registrant unless the asset will be used principally for political purposes.*

(3) *Any non-political use of a capital asset purchased with campaign funds shall be incidental.*

(4) *A capital asset purchased and owned by an individual for personal use may be leased by a campaign registrant for use for political purposes only.*

(5) *Any rent or reimbursement paid for the use of a capital asset, by a registrant, shall be comparable to the commercial rate paid for the lease or rent of a similar item.*

(6) *The cost of materials, supplies or other expenses incurred in the use of a capital asset for political purposes may be paid with campaign funds by a registrant.*

(7) *If campaign funds are used by a registrant to pay for the lease and service of a capital asset, the terms of the lease or other rental agreement, including those of a service or maintenance contract, shall be in writing.*

Inconsistent. Campaign funds are no longer restricted to being used for a political purpose.
11.1208 (Unlawful political disbursements and obligations).

GAB 1.85 *Conduit registration and reporting requirements.*

(1) *A conduit, as defined in s. 11.01 (5m), Stats., is required to register no later than the date of the initial transfer of a contribution to a candidate, personal campaign committee, legislative campaign committee, or political party committee, or within 5 days of the receipt of a contribution from a conduit member, whichever event occurs first.*

(2) *A conduit shall register with the filing officer as defined in s. 11.02, Stats., on the conduit registration statement, form EB-9.*

(3) *A conduit shall send to each candidate or committee at the time funds are transferred a letter identifying itself as a conduit, the name and address of the transferee, and listing the name and address of each contributor and the date and amount of each contribution.*

(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 for the calendar year.*

(5) *A conduit shall file a campaign finance report, form EB-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.*

(6) *A conduit shall file with its campaign finance report 2 copies of each letter of transmittal sent to each transferee during the reporting period.*

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

Inconsistent as to thresholds, statutory references and form names. (3) is consistent. Regulation of Conduits is more well defined in the new statutes. Subchapter VII (Conduits).

GAB 1.855 Contributions from conduit accounts.

(1) *No contribution may be made from a conduit member's account without the conduit member's authorization which is specific as to the amount of the contribution and as to the identity of the candidate who is to receive the contribution. The conduit member's authorization may be made in writing, or may be made orally if a contemporaneous written record of the oral authorization is made by the conduit administrator.*

(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. A conduit may not make an in-kind contribution as defined in s. GAB 1.20 (1) (e).*

(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, within 15 days of the conduit administrator's receipt of the member's authorization.*

Consistent, but statutory references and cross-references need to be updated. Subchapter VII (Conduits).

GAB 1.91 Organizations making independent disbursements.

(1) *In this section:*

(a) *"Contribution" has the meaning given in s. 11.01 (6), Stats.*

(b) *"Designated depository account" means a depository account specifically established by an organization to receive contributions and from which to make independent disbursements.*

(c) *"Disbursement" has the meaning given in s. 11.01 (7), Stats.*

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

(e) "Incurred obligation" has the meaning given in s. 11.01 (11), Stats.

(f) "Independent" means the absence of acting in cooperation or consultation with any candidate or authorized committee of a candidate who is supported or opposed, and is not made in concert with, or at the request or suggestion of, any candidate or any agent or authorized committee of a candidate who is supported or opposed.

(g) "Organization" means any person other than an individual, committee, or political group subject to registration under s. 11.23, Stats.

(h) "Person" includes the meaning given in s. 990.01 (26), Stats.

(2) A corporation, or association organized under ch. 185 or 193, Stats., is a person and qualifies as an organization that is not prohibited by s. 11.38 (1) (a) 1., Stats., from making independent disbursements until such time as a court having jurisdiction in the State of Wisconsin rules that a corporation, or association organized under ch. 185 or 193, Stats., may constitutionally be restricted from making an independent disbursement.

(3) Upon accepting contributions made for, incurring obligations for, or making an independent disbursement exceeding \$25 in aggregate during a calendar year, an organization shall establish a designated depository account in the name of the organization. Any contributions to and all disbursements of the organization shall be deposited in and disbursed from this designated depository account. The organization shall select a treasurer for the designated depository account and no disbursement may be made or obligation incurred by or on behalf of an organization without the authorization of the treasurer or designated agents. The organization shall register with the board and comply with s. 11.09, Stats., when applicable.

(4) The organization shall file a registration statement with the appropriate filing officer and it shall include, where applicable:

(a) The name, street address, and mailing address of the organization.

(b) The name and mailing address of the treasurer for the designated depository account of the organization and any other custodian of books and accounts for the designated depository account.

(c) The name, mailing address, and position of other principal officers of the organization, including officers and members of the finance committee, if any.

(d) The name, street address, mailing address, and account number of the designated depository account.

(e) A signature of the treasurer for the designated depository account of the organization and a certification that all information contained in the registration statement is true, correct and complete.

(5) The designated depository account for an organization required to register with the Board shall annually pay a filing fee of \$100.00 to the Board as provided in s. 11.055, Stats.

(6) The organization shall comply with s. 11.05 (5), Stats., and notify the appropriate filing officer within 10 days of any change in information previously submitted in a statement of registration.

(7) An organization making independent disbursements shall file the oath for independent disbursements required by s. 11.06 (7), Stats.

(8) An organization receiving contributions for independent disbursements or making independent disbursements shall file periodic reports as provided ss. 11.06, 11.12, 11.19, 11.20 and 11.21 (16), Stats., and include all contributions received for independent disbursements, incurred obligations for independent disbursements, and independent disbursements made. When applicable, an organization shall also file periodic reports as provided in s. 11.513, Stats.

(9) An organization making independent disbursements shall comply with the requirements of s. 11.30 (1) and (2) (a) and (d), Stats., and include an attribution identifying the organization paying for any communication, arising out of independent disbursements on behalf of or in opposition to candidates, with the following words: "Paid for by" followed by the name of the organization and the name of the treasurer or other authorized agent of the organization followed by "Not authorized by any candidate or candidate's agent or committee."

Inconsistent. Is in conflict with treatment of independent expenditure committees in new statute. Subchapter VI (Independent Expenditure Committees). This section has been found unconstitutional by case law² or codified in the new statute.

GAB 1.95 Contributions of individuals under the age of 18. For purposes of campaign finance regulation under ch. 11, Stats., the contribution to a candidate for election or nomination to any of the offices specified in s. 11.26, Stats., of any individual less than 18 years of age at the time of contribution, shall be treated as follows:

(1) The contribution of individual contributors less than 14 years of age at the time of the contribution shall be treated as the contribution of the contributor's parents or legal guardians. If the contributor has more than one parent or one legal guardian, the contribution shall be attributed to each parent or each guardian in equal shares or in such shares as the parents or the guardians determine by written agreement.

(2) The contribution of individual contributors who are 14 years of age or older at the time of the contribution shall be treated for all purposes of campaign finance regulation under ch. 11, Stats., as the contribution of the individual contributor.

(3) This section shall not affect the determination of an individual's right or authority to make contributions from a multi-party account at a financial institution.

Consistent. Statutory reference should be updated.

Recommended Motion

That the Government Accountability Board adopts staff's recommendations and finds the noted rules to be inconsistent with WIS. STAT. ch. 11, determines that the Board will not enforce such rules, and directs staff to take the necessary steps to amend the Administrative Code to reflect its findings.

² *Wisconsin Right to Life, Inc. v. Barland*, 751 F.3d 804 (7th Cir. 2014).

CHAPTER 11

CAMPAIGN FINANCING

<p style="text-align: center;">SUBCHAPTER I GENERAL PROVISIONS</p> <p>11.0100 Construction. 11.0101 Definitions. 11.0102 Determination of filing officer and duty to file; fees. 11.0103 Reporting; general. 11.0104 Reporting exemptions: limited activity. 11.0105 Reporting exemptions: dissolution of committee or conduit and termination reports. 11.0106 Disbursements; form. 11.0107 Nonapplicability.</p> <p style="text-align: center;">SUBCHAPTER II CANDIDATE COMMITTEES</p> <p>11.0201 Registration; treasurer and depositories. 11.0202 Registration; timing; candidate committee required. 11.0203 Registration; required information. 11.0204 Reporting. 11.0205 Transfers between candidates for governor and lieutenant governor. 11.0206 Soliciting funds on behalf of certain organizations. 11.0207 Continuing compliance.</p> <p style="text-align: center;">SUBCHAPTER III POLITICAL PARTIES</p> <p>11.0301 Registration; treasurer and depositories. 11.0302 Registration; timing. 11.0303 Registration; required information. 11.0304 Reporting.</p> <p style="text-align: center;">SUBCHAPTER IV LEGISLATIVE CAMPAIGN COMMITTEES</p> <p>11.0401 Registration; treasurer and depositories. 11.0402 Registration; timing. 11.0403 Registration; required information. 11.0404 Reporting.</p> <p style="text-align: center;">SUBCHAPTER V POLITICAL ACTION COMMITTEES</p> <p>11.0501 Registration; treasurer and depositories. 11.0502 Registration; timing. 11.0503 Registration; required information. 11.0504 Reporting. 11.0505 Reporting; specific express advocacy.</p> <p style="text-align: center;">SUBCHAPTER VI INDEPENDENT EXPENDITURE COMMITTEES</p> <p>11.0601 Registration; treasurer and depositories. 11.0602 Registration; timing. 11.0603 Registration; required information. 11.0604 Reporting. 11.0605 Reporting; specific express advocacy.</p> <p style="text-align: center;">SUBCHAPTER VII CONDUITS</p> <p>11.0701 Registration; administrator and depositories. 11.0702 Registration; timing. 11.0703 Registration; required information. 11.0704 Reporting.</p>	<p>11.0705 Redirected contributions.</p> <p style="text-align: center;">SUBCHAPTER VIII REFERENDUM COMMITTEES</p> <p>11.0801 Registration; treasurer and depositories. 11.0802 Registration; timing. 11.0803 Registration; required information. 11.0804 Reporting.</p> <p style="text-align: center;">SUBCHAPTER IX RECALL COMMITTEES</p> <p>11.0901 Registration; treasurer and depositories. 11.0902 Registration; timing. 11.0903 Registration; required information. 11.0904 Reporting.</p> <p style="text-align: center;">SUBCHAPTER X OTHER PERSONS</p> <p>11.1001 Reporting; specific express advocacy.</p> <p style="text-align: center;">SUBCHAPTER XI CONTRIBUTIONS</p> <p>11.1101 Contribution limits. 11.1103 Applicable periods. 11.1104 Exceptions. 11.1105 Valuation. 11.1106 Conduit contributions. 11.1107 Limitation on cash contributions. 11.1108 Anonymous contributions. 11.1109 In-kind contributions. 11.1110 Return of contributions. 11.1111 Valuation of opinion poll results. 11.1112 Corporations, cooperatives, and tribes. 11.1113 Sole proprietors, partnerships, and limited liability companies. 11.1114 Two candidate committees.</p> <p style="text-align: center;">SUBCHAPTER XII PROHIBITED PRACTICES</p> <p>11.1201 False reports and statements. 11.1202 Earmarking. 11.1203 Coordination. 11.1204 Unlawful political contributions. 11.1205 Use of government materials by candidates. 11.1206 Travel by public officers. 11.1207 Political solicitation involving public officials and employees restricted. 11.1208 Unlawful political disbursements and obligations.</p> <p style="text-align: center;">SUBCHAPTER XIII ADMINISTRATION</p> <p>11.1301 Defense fund authorized. 11.1302 Donations to charitable organizations or school fund. 11.1303 Attribution of political contributions, disbursements and communications. 11.1304 Duties of the ethics commission.</p> <p style="text-align: center;">SUBCHAPTER XIV PENALTIES</p> <p>11.1400 Civil penalties. 11.1401 Criminal penalties; prosecution.</p>
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Cross-reference: See definitions in s. 5.02.

SUBCHAPTER I

GENERAL PROVISIONS

11.0100 Construction. This chapter shall be construed to impose the least possible restraint on persons whose activities do not directly affect the elective process, consistent with the right of the public to have a full, complete, and readily understandable accounting of those activities expressly advocating for or against candidates for office or for or against referendums. Nothing in this chapter may be construed to regulate issue discussion, debate, or advocacy; grassroots outreach or lobbying; nonpartisan voter registration or turnout efforts; or the rights of the media.

History: 2015 a. 117.

Campaign finance in Wisconsin after *Buckley*. 1976 WLR 816.

11.0101 Definitions. In this chapter:

(1) “Candidate” means an individual about whom any of the following applies:

(a) The individual takes any of the following affirmative actions to seek nomination or election to a state or local office:

1. Files nomination papers with the appropriate filing officer.
2. Is nominated as a candidate for state or local office by a caucus under s. 8.05 (1) or by a political party and the nomination is certified to the appropriate filing officer.
3. Receives a contribution, makes a disbursement, or gives consent for another person to receive a contribution or make a disbursement in order to bring about the individual’s nomination or election to a state or local office.

(b) The individual holds a state or local office and is the subject of a recall petition.

(c) The individual holds a state or local office.

11.0101 CAMPAIGN FINANCING

Updated 13–14 Wis. Stats. 2

(2) “Candidate committee” means a committee authorized by a candidate or a candidate’s agent to make or accept contributions or make disbursements in support of a candidate’s campaign.

(3) “Candidate’s agent” means an individual who has control over the day-to-day operation of the candidate committee, but does not include an employee of a political party or a legislative campaign committee that is not also an employee of the candidate.

(4) “Charitable organization” means any organization described in section 170 (c) (2) of the Internal Revenue Code.

(5) “Clearly identified” means any of the following with regard to a communication supporting or opposing a candidate:

- (a) The candidate’s name appears or is stated.
- (b) A photograph or drawing of the candidate appears.
- (c) The candidate’s identity is apparent by unambiguous reference.

(5m) “Commission” means the ethics commission.

NOTE: Sub. (5m) is created eff. 6–30–16 as s. 11.01 (4m) by 2015 Wis. Act 118 and renumbered to s. 11.0101 (5m) by the legislative reference bureau under s. 13.92 (1) (bm) 2.

(6) “Committee” means a candidate committee, legislative campaign committee, political action committee, independent expenditure committee, political party, recall committee, and referendum committee.

(7) “Conduit” means a person other than an individual that receives a contribution of money, deposits the contribution in an account held by the person, and releases the contribution to a candidate committee, legislative campaign committee, political party, or political action committee at the direction of the contributor.

(8) (a) Except as provided in par. (b), “contribution” means any of the following:

1. A gift, subscription, loan, advance, or transfer of money to a committee.
 2. With the committee’s consent under s. 11.1109, a transfer of tangible personal property or services to a committee, valued as provided under s. 11.1105.
 3. A transfer of funds between committees.
 4. The purchase of a ticket for a fundraising event for a committee regardless of whether the ticket is used to attend the event.
- (b) “Contribution” does not include any of the following:

1. Services that an individual provides to a committee, if the individual is not specifically compensated for providing the services to the committee.
2. Any unreimbursed travel expenses that an individual incurs to volunteer his or her personal services to a committee.
3. The costs of preparing and transmitting personal correspondence.
4. Interest earned on an interest-bearing account.
5. Rebates or awards earned in connection with the use of a debit or credit card.
6. A loan from a commercial lending institution that the institution makes in its ordinary course of business.
7. The reuse of surplus materials or the use of unused surplus materials acquired in connection with a previous campaign for or against the same candidate, political party, or recall if the materials were previously reported as a contribution.
8. The cost of invitations, food, and beverages in connection with an event held in a private residence on behalf of a candidate committee.
9. Any communication that does not expressly advocate for the election or defeat of a clearly identified candidate.
10. A communication made exclusively between an organization and its members. In this subdivision, a member of an organization means a shareholder, employee, or officer of the organization, or an individual who has affirmatively manifested an interest in joining, supporting, or aiding the organization.

11. Any cost incurred to conduct Internet activity by an individual acting in his or her own behalf, or acting in behalf of another person if the individual is not compensated specifically for those services, including the cost or value of any computers, software, Internet domain names, Internet service providers, and any other technology that is used to provide access to or use of the Internet, but not including professional video production services purchased by the individual.

12. Any news story, commentary, or editorial by a broadcasting station, cable television operator, producer, or programmer, Internet site, or newspaper or other periodical publication, including an Internet or other electronic publication unless a committee owns the medium in which the news story, commentary, or editorial appears.

13. An expenditure of funds by a sponsoring organization for a political action committee’s administrative or solicitation expenses.

14. An expenditure of funds by a sponsoring organization for an independent expenditure committee’s administrative or solicitation expenses.

15. An expenditure of funds by a sponsor, as defined in s. 11.0705 (1), for a conduit’s administrative or solicitation expenses.

(9) “Corporation” includes a foreign limited liability company, as defined in s. 183.0102 (8) and a limited liability company, as defined in s. 183.0102 (10), if the foreign limited liability company or the limited liability company elect to be treated as a corporation by the federal internal revenue service, pursuant to 26 CFR 301.7701–3, or if the foreign limited liability company or the limited liability company has publicly traded shares.

(10) (a) “Disbursement” means any of the following:

1. An expenditure by a committee from the committee’s depository account.
2. The transfer of tangible personal property or services by a committee.
3. A transfer of funds between committees.

(b) “Disbursement” does not include any of the following:

1. A communication made exclusively between an organization and its members. In this subdivision, a member of an organization means a shareholder, employee, or officer of the organization, or an individual who has affirmatively manifested an interest in joining, supporting or aiding the organization.
2. A communication or Internet activity by an individual acting in his or her own behalf, or acting in behalf of another person if the individual is not compensated specifically for those services, including the cost or value of computers, software, Internet domain names, Internet service providers, and any other technology that is used to provide access to or use of the Internet, but not including professional video production services purchased by the individual.

3. Any news story, commentary, or editorial by a broadcasting station, cable television operator, producer, or programmer, Internet site, or newspaper or other periodical publication, including an Internet or other electronic publication unless a committee owns the medium in which the news story, commentary, or editorial appears.

4. A nominal fee paid for a communication to the general public.

5. An expenditure of funds by a sponsoring organization for a political action committee’s administrative or solicitation expenses.

6. An expenditure of funds by a sponsoring organization for an independent expenditure committee’s administrative or solicitation expenses.

7. An expenditure of funds by a sponsor, as defined in s. 11.0705 (1), for a conduit’s administrative or solicitation expenses.

8. An expenditure of funds for a political action committee's fundraising and administrative expenses.

9. An expenditure of funds for an independent expenditure committee's fundraising and administrative expenses.

10. An expenditure of funds for a conduit's fundraising and administrative expenses.

(11) "Express advocacy" means a communication that contains terms such as the following with reference to a clearly identified candidate and that unambiguously relates to the election or defeat of that candidate:

- (a) "Vote for".
- (b) "Elect".
- (c) "Support".
- (d) "Cast your ballot for".
- (e) "Smith for ... (an elective office)".
- (f) "Vote against".
- (g) "Defeat".
- (h) "Reject".
- (i) "Cast your ballot against".

(12) "Federal account committee" means a committee of a state political party organization that makes contributions to candidates for national office and is registered with the federal election commission.

(13) "Federal candidate committee" means a committee of a candidate for the U.S. senate or house of representatives from this state that the candidate designates under 2 USC 432 (e).

(14) "Filing officer" means the commission, board of election commissioners, or official assigned to a committee or conduit under s. 11.0102.

NOTE: Sub. (14) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(14) "Filing officer" means the board or official assigned to a committee or conduit under s. 11.0102.

(15) "General election" means the election held in even-numbered years on the Tuesday after the first Monday in November to elect United States senators, representatives in congress, presidential electors, state senators, representatives to the assembly, district attorneys, state officers other than the state superintendent and judicial officers, and county officers other than supervisors and county executives.

(16) "Independent expenditure" means an expenditure for express advocacy by a person, if the expenditure is not made in coordination with a candidate, candidate committee, candidate's agent, legislative campaign committee, or political party, as prohibited under s. 11.1203.

(17) "Independent expenditure committee" means any person, other than an individual, or any permanent or temporary combination of 2 or more persons unrelated by marriage that satisfies any of the following:

(a) It has the major purpose of making independent expenditures, as specified in the person's organizational or governing documents, the person's bylaws, resolutions of the person's governing body, or registration statements filed by the person under this chapter.

NOTE: Par. (a) was created as subd. 1. by 2015 Wis. Act 117 and renumbered to par. (a) by the legislative reference bureau under s. 13.92 (1) (bm) 2.

(b) It uses more than 50 percent of its total spending in a 12-month period on independent expenditures and expenditures made to support or defeat a referendum. In this subdivision, total spending does not include a committee's fundraising or administrative expenses.

NOTE: Par. (b) was created as subd. 2. by 2015 Wis. Act 117 and renumbered to par. (b) by the legislative reference bureau under s. 13.92 (1) (bm) 2.

(18) "Intentionally" has the meaning given in s. 939.23 (3).

(18m) "Internet activity" includes sending or forwarding an electronic message; providing a hyperlink or other direct access on a person's Internet site to an Internet site operated by another person; blogging; creating, maintaining, or hosting an Internet

site; payment by a person of a nominal fee for the use of an Internet site operated by another person; or any other form of communication distributed over the Internet.

(19) "Legislative campaign committee" means a committee organized in either house of the legislature to support a candidate of a political party for legislative office.

(21) "National political party committee" means a national committee as defined in 2 USC 431 (14).

(22) "Negotiable instrument" includes an electronic transfer of funds.

(23) "Obligation" means any express agreement to make a disbursement, including all of the following:

- (a) A loan or loan guarantee.
- (b) A promise or a payment to purchase, rent, or lease tangible personal property.
- (c) A promise or a payment for a service that has been or will be performed.

(24) "Partisan primary" means the primary held the 2nd Tuesday in August to nominate candidates to be voted for at the general election.

(25) (a) Subject to par. (b), "political action committee" means any person, other than an individual, or any permanent or temporary combination of 2 or more persons unrelated by marriage that satisfies any of the following:

1. It has the major purpose of express advocacy, as specified in the person's organizational or governing documents, the person's bylaws, resolutions of the person's governing body, or registration statements filed by the person under this chapter.

2. It uses more than 50 percent of its total spending in a 12-month period on expenditures for express advocacy, expenditures made to support or defeat a referendum, and contributions made to a candidate committee, legislative campaign committee, or political party. In this subdivision, total spending does not include a committee's fundraising or administrative expenses.

(b) "Political action committee" does not include a candidate committee, legislative campaign committee, political party, or recall committee.

(26) (a) "Political party" means all of the following:

1. A state committee under whose name candidates appear on a ballot at any election and all county, legislative, local, and other affiliated committees authorized to operate under the same name.

2. A committee described under subd. 1. that makes and accepts contributions and makes disbursements to support or oppose a candidate for state or local office or to support or oppose a referendum held in this state.

(b) "Political party" does not include a legislative campaign committee.

(27) "Recall committee" means a committee formed for the purpose of supporting or opposing the recall of any of the following:

- (a) An incumbent elective official holding a state office.
- (b) An incumbent elective official holding a local office.

(28) "Referendum committee" means an entity that satisfies all of the following:

(a) It satisfies either of the following:

1. It has the major purpose of making expenditures to support or defeat a referendum, as specified in the entity's organizational or governing documents, the entity's bylaws, resolutions of the entity's governing body, or registration statements filed by the entity under this chapter.

2. It uses more than 50 percent of its total spending in a 12-month period on expenditures made to support or defeat a referendum. In this subdivision, total spending does not include a committee's fundraising or administrative expenses.

(b) It is organized by any person, other than an individual, or by any permanent or temporary combination of 2 or more persons unrelated by marriage.

(c) It does not receive contributions or make disbursements or contributions for the purpose of influencing or attempting to influence a candidate's nomination or election.

(29) "Special election" means any election, other than those described in subs. (15), (24), (30), (32), and (33) to fill vacancies or to conduct a referendum.

(30) "Special primary" means the primary held 4 weeks before the special election, except as follows:

(a) If the special election is held on the same day as the general election, the special primary shall be held on the same day as the general primary.

(b) If the special election is held concurrently with the spring election, the primary shall be held concurrently with the spring primary.

(31) "Sponsoring organization" means an entity that establishes, administers, or financially supports a political action committee or an independent expenditure committee.

(32) "Spring election" means the election held on the first Tuesday in April to elect judicial, educational, and municipal officers, nonpartisan county officers and sewerage commissioners, and to express preferences for the person to be the presidential candidate for each political party in a year in which electors for president and vice president are to be elected.

(33) "Spring primary" means the nonpartisan primary held on the 3rd Tuesday in February to nominate nonpartisan candidates to be voted for at the spring election.

(34) "Treasurer" means the individual who registers a committee with a filing officer and who makes reports on behalf of the committee.

History: 2015 a. 117 ss. 24, 74 (1m); 2015 a. 118 s. 121; s. 13.92 (1) (bm) 2.

11.0102 Determination of filing officer and duty to file; fees. (1) Each committee and conduit required to register and report under this chapter shall have and shall file each registration statement and report required under this chapter with one filing officer as follows:

(a) The following shall file with the commission:

NOTE: Par. (a) (intro.) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(a) The following shall file with the board:

1. A candidate committee of a candidate for state office, as defined in s. 5.02 (23).
2. A conduit.
3. A legislative campaign committee.
4. A political action committee.
- 4m. An independent expenditure committee.
5. A political party.
6. A recall committee as defined in s. 11.0101 (27) (a).
7. Except as provided in pars. (f) and (g), a referendum committee.

(b) Subject to pars. (c) and (d), a candidate committee for a candidate seeking local office shall file with the clerk of the most populous jurisdiction for which the candidate seeks office.

(c) A candidate committee for a candidate for municipal judge elected under s. 755.01 (4) shall file with the county clerk or board of election commissioners of the county having the largest portion of the population in the jurisdiction served by the judge.

(d) A candidate committee for a candidate for school board member shall file with the school district clerk.

(e) A recall committee as defined in s. 11.0101 (27) (b) shall file with the filing officer for candidates for that office.

(f) A referendum committee acting to support or oppose any local referendum, other than a school district referendum, shall file with the clerk of the most populous jurisdiction in which the referendum will be conducted.

(g) A referendum committee acting to support or oppose a school district referendum shall file with the school district clerk.

(2) (a) Except as provided in pars. (c) and (d), each committee that is required to register under this chapter shall annually pay a filing fee of \$100 to the commission. The commission may accept payment under this subsection by credit card, debit card, or other electronic payment mechanism, and may charge a surcharge to that committee to recover the actual costs associated with the acceptance of that electronic payment.

NOTE: Par. (a) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(2) (a) Except as provided in pars. (c) and (d), each committee that is required to register under this chapter shall annually pay a filing fee of \$100 to the board. The board may accept payment under this subsection by credit card, debit card, or other electronic payment mechanism, and may charge a surcharge to that committee to recover the actual costs associated with the acceptance of that electronic payment.

(b) A committee that is subject to par. (a) shall pay the fee specified in par. (a) together with the report filed by that committee on the 15th day of the month of January in each year. If a committee that is subject to par. (a) registers under this chapter or changes status so that par. (a) becomes applicable to the committee during a calendar year, the committee shall pay the fee for that year with the filing of the committee's registration statement or at any time before the change in status becomes effective.

(c) Paragraph (a) does not apply to a candidate committee.

(d) Paragraph (a) does not apply to any committee for any year during which the committee does not make disbursements exceeding a total of \$2,500.

(3) Each filing officer, other than the commission, shall do all of the following:

NOTE: Sub. (3) (intro.) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(3) Each filing officer, other than the board, shall do all of the following:

(a) Obtain the forms and manuals prescribed by the commission under s. 11.1304 (1) and (3) and election laws provided by the commission under s. 7.08 (4).

NOTE: Par. (a) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(a) Obtain the forms and manuals prescribed by the board under s. 11.1304 (1) and (3) and election laws provided by the board under s. 7.08 (4).

(b) Develop a filing, coding, and cross-indexing system consonant with the purposes of this chapter.

(c) Make all of the following available, without charge, to any committee required to file reports or statements with the officer:

1. Forms prescribed by the commission for the making of reports and statements. The filing officer shall notify the committee that all forms are available on the commission's Internet site. Whenever a filing officer sends a form or notice of the filing requirements under this chapter to the treasurer of a candidate committee, the filing officer shall also send a notice to the candidate.

NOTE: Subd. 1. is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

1. Forms prescribed by the board for the making of reports and statements. The filing officer shall notify the committee that all forms are available on the board's Internet site. Whenever a filing officer sends a form or notice of the filing requirements under this chapter to the treasurer of a candidate committee, the filing officer shall also send a notice to the candidate.

2. Upon request, copies of manuals under par. (a).

(d) The filing officer shall provide copies of manuals and election laws to persons other than a committee under par. (c) at cost.

(e) Notify the commission, in writing, of any facts within the filing officer's knowledge or evidence in the officer's possession, including errors or discrepancies in reports or statements and delinquencies in filing which may be grounds for civil action or criminal prosecution. The commission may transmit a copy of the notification submitted under this paragraph to the district attorney.

NOTE: Par. (e) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(e) Notify the board, in writing, of any facts within the filing officer's knowledge or evidence in the officer's possession, including errors or discrepancies in reports or statements and delinquencies in filing which may be grounds for civil action or criminal prosecution. The board may transmit a copy of the notification submitted under this paragraph to the district attorney.

(f) Make available a list of delinquents for public inspection.

(g) Compile and maintain on an electronic system a current list of all reports and statements received by or required of and pertaining to each committee registered under this chapter.

(h) Make the reports and statements filed with the officer available for public inspection and copying, commencing as soon as practicable but not later than the end of the 2nd day following the day during which they are received.

(i) Upon the request of any person, permit copying of any report or statement described under par. (g) at cost.

(j) Determine whether each report or statement required to be filed under this chapter has been filed in the form and by the time prescribed by law, and whether it conforms on its face to the requirements of this chapter. The officer shall immediately send to any committee that is delinquent in filing, or that has filed otherwise than in the proper form, a notice that the committee has failed to comply with this chapter. Whenever a candidate committee has appointed an individual other than the candidate as campaign treasurer, the commission shall send the notice to both the candidate and the treasurer of the candidate committee.

NOTE: Par. (j) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(j) Determine whether each report or statement required to be filed under this chapter has been filed in the form and by the time prescribed by law, and whether it conforms on its face to the requirements of this chapter. The officer shall immediately send to any committee that is delinquent in filing, or that has filed otherwise than in the proper form, a notice that the committee has failed to comply with this chapter. Whenever a candidate committee has appointed an individual other than the candidate as campaign treasurer, the board shall send the notice to both the candidate and the treasurer of the candidate committee.

History: 2015 a. 117 ss. 24, 74 (1m).

11.0103 Reporting; general. (1) REPORT MUST BE COMPLETE. (a) Each committee and conduit required to register under this chapter shall be subject to the reporting requirements applicable to that committee or conduit. Each committee and conduit required to file a report under this chapter shall make a good faith effort to obtain all required information.

(b) Failure to receive a form or notice from a filing officer does not exempt a committee or conduit from a reporting requirement under this chapter.

(2) CONTRIBUTIONS; WHEN RECEIVED; WHEN REPORTED. (a) 1. A contribution is received by a candidate committee for purposes of this chapter when it is under the control of the candidate or the treasurer or agent of the candidate.

2. A contribution is received by a committee for purposes of this chapter when it is under the control of the treasurer or agent of the committee.

(b) Unless it is returned or donated within 15 days of receipt under par. (a), a contribution must be reported as received on the date received.

(3) CONTENTS OF REPORT; FILING DATES; CERTIFICATION; SHORT FORM; CONTENTS. (a) A committee shall begin each report filed under this chapter with the first contribution received, disbursement made, or obligation incurred during the reporting period, and shall include all contributions received, disbursements made, and obligations incurred as of the end of:

1. The 15th day preceding the primary or election in the case of the preprimary and preelection report.

2. The last day of the immediately preceding month in the case of a continuing report required under this chapter.

3. The 22nd day following the special election in the case of a postelection report required under this chapter.

(b) Each committee shall ensure that each report is filed with the appropriate filing officer on the dates designated in this chapter. In the event that any report is required to be filed under this chapter on a nonbusiness day, a committee may file the report on the next business day thereafter.

(c) 1. Except as provided in subd. 2., the committee's treasurer shall certify to the correctness of each report filed under this chapter.

2. Either the candidate or the treasurer of the candidate's committee shall certify to the correctness of each report filed under this chapter.

(d) The commission shall prescribe a simplified, short form for compliance with this section by a committee treasurer who has not engaged in any financial transaction since the last date included on the treasurer's preceding report.

NOTE: Par. (d) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(d) The board shall prescribe a simplified, short form for compliance with this section by a committee treasurer who has not engaged in any financial transaction since the last date included on the treasurer's preceding report.

(4) PREPRIMARY AND PREELECTION REPORTS; INACTIVITY. (a) A contribution made or accepted, a disbursement made, or an obligation incurred to support or oppose a candidate at a primary that is made, accepted, or incurred during the period covered by the preprimary report is considered to be made, accepted, or incurred to support or oppose that candidate at the primary, regardless of whether the candidate is opposed at the primary.

(b) A contribution made or accepted, disbursement made, or obligation incurred to support or oppose a candidate at an election that is made, accepted, or incurred during the period covered by the preelection report is considered to be made, accepted, or incurred to support or oppose that candidate at the election, regardless of whether the candidate is opposed at the election.

(c) 1. a. Except as provided in subd. 2., a committee that makes or accepts a contribution, makes a disbursement, or incurs an obligation to support or oppose a candidate at a primary during the period covered by the preelection report, but does not engage in such activity during the period covered by the preprimary report, is not required to file a preprimary report.

b. Except as provided in subd. 2., a committee that makes or accepts a contribution, makes a disbursement, or incurs an obligation to support or oppose a candidate at an election during the period covered by the report that follows the preelection report, but does not engage in such activity during the period covered by the preelection report, is not required to file a preelection report.

2. A candidate committee that makes or accepts a contribution, makes a disbursement, or incurs an obligation to support or oppose a candidate at a primary during the period covered by the preprimary report shall file both the preprimary and preelection reports, regardless of whether the candidate committee engages in such activity during the period covered by the preelection report.

(5) NONRESIDENT REPORTING. Notwithstanding the reporting requirements that would otherwise apply under this chapter, but subject to the applicable thresholds for submitting reports, a committee that does not maintain an office or a street address in this state shall submit reports on a form prescribed by the commission of all disbursements made and obligations incurred with respect to an election for a state or local office in this state and contributions from sources in this state.

NOTE: Sub. (5) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(5) NONRESIDENT REPORTING. Notwithstanding the reporting requirements that would otherwise apply under this chapter, but subject to the applicable thresholds for submitting reports, a committee that does not maintain an office or a street address in this state shall submit reports on a form prescribed by the board of all disbursements made and obligations incurred with respect to an election for a state or local office in this state and contributions from sources in this state.

History: 2015 a. 117 ss. 24, 74 (1m).

A minor political party that historically has been the object of harassment by government officials and private parties cannot be required to disclose the identities of contributors and recipients of campaign disbursements. *Brown v. Socialist Workers*, 74 Campaign Comm. 459 U.S. 87 (1982).

See also *Wisconsin Socialist Workers, 1976 Campaign Committee v. McCann*, 433 F. Supp. 540.

11.0104 Reporting exemptions: limited activity. (1) (a) Except as provided in par. (b), any committee which does not anticipate accepting or making contributions, making disbursements, or incurring obligations, and any conduit which does not anticipate accepting or releasing contributions, in an aggregate amount exceeding \$2,000 in a calendar year may file an amended

11.0104 CAMPAIGN FINANCING

Updated 13–14 Wis. Stats. 6

registration statement with the appropriate filing officer indicating that fact. The committee or conduit shall certify the amended registration in the manner required under s. 11.0103 (3) (c) and shall include the information required to be reported by that committee or conduit on its continuing reports.

(b) In no case may a candidate committee file an amended registration under this section covering any period ending sooner than the date of the election in which the candidate committee is participating.

(2) Upon receipt of a properly executed amended registration by a committee or conduit, the appropriate filing officer shall suspend the requirement imposed upon that committee or conduit by this chapter to file continuing reports. An indication of limited activity under this section is effective only for the calendar year in which it is granted, unless the committee or conduit alters its status before the end of such year or files a termination report under s. 11.0105.

(3) An indication of limited activity made under sub. (1) may be revoked. If revoked, the committee or conduit shall comply with the reporting requirements applicable to the committee or conduit under this chapter as of the date of revocation, or the date that aggregate contributions, disbursements, or obligations for the calendar year exceed \$2,000. If the revocation is not timely, the committee or conduit violates s. 11.1201.

(4) A committee or conduit that files an amended registration statement under sub. (1) is not required to file a termination report under s. 11.0105.

(5) If a committee or conduit files an amended registration statement under sub. (1) and within 60 days thereafter receives and accepts an unanticipated contribution, the committee or conduit shall do one of the following within 60 days after receipt of the unanticipated contribution:

(a) File an amended registration statement. An amended registration statement supersedes the previous registration statement. The individual who certifies to the accuracy of the registration statement shall also certify that the amended registration statement is filed on account of the receipt of unanticipated contributions and the failure to file a correct registration statement was not intentional.

(b) Return the contribution to the contributor or donate the contribution to the common school fund or to a charitable organization.

History: 2015 a. 117.

11.0105 Reporting exemptions: dissolution of committee or conduit and termination reports. (1) (a) Except as provided in par. (b) and s. 11.0104 (4), whenever any committee or conduit dissolves or determines that obligations will no longer be incurred, contributions will no longer be received or, in the case of a conduit, accepted and released, and disbursements will no longer be made during a calendar year, and the committee has no outstanding incurred obligations, the committee or conduit shall file with the appropriate filing officer a termination report that indicates a cash balance of zero at the end of the reporting period. The committee or conduit shall certify the termination report in the manner required under s. 11.0103 (3) (c) and the committee shall include the information required to be reported by that committee on its continuing reports.

(b) In no case may a candidate committee file a termination report covering any period ending sooner than the date of the election in which the candidate committee is participating.

(2) A committee to which s. 11.0102 (2) applies shall pay the fee imposed under that subsection with a termination report filed under this section.

(3) The committee shall include in the termination report filed under this section the manner in which residual funds were disposed. Residual funds may be used for any purpose not prohibited by law, returned to the donors in an amount not exceeding the orig-

inal contribution, or donated to a charitable organization or the common school fund.

(4) If a committee files a termination report under sub. (1) and within 60 days thereafter receives and accepts an unanticipated contribution, the committee shall do one of the following within 60 days after receipt of the unanticipated contribution:

(a) File an amended termination report. An amended report supersedes the previous report. The individual who certifies to the accuracy of the report shall also certify to a statement that the amended report is filed on account of the receipt of unanticipated contributions and the failure to file a correct termination report was not intentional.

(b) Return the contribution to the contributor or donate the contribution to the common school fund or to a charitable organization.

History: 2015 a. 117.

11.0106 Disbursements; form. Every disbursement which is made by a committee registered under this chapter from the committee's depository account shall be made by negotiable instrument.

History: 2015 a. 117.

11.0107 Nonapplicability. Federal account committees, federal candidate committees, and national political party committees are not required to register or report under this chapter.

History: 2015 a. 117.

SUBCHAPTER II

CANDIDATE COMMITTEES

11.0201 Registration; treasurer and depositories.

(1) Each candidate shall either designate a treasurer of his or her candidate committee to comply with the registration and reporting requirements under this subchapter or serve as the treasurer and comply with the registration and reporting requirements under this subchapter. If the candidate appoints a treasurer, the candidate and the candidate's treasurer shall cosign the registration statement of the candidate's committee.

(2) (a) The treasurer shall ensure that all funds received are deposited in the candidate committee depository account.

(b) Notwithstanding par. (a), any candidate who serves as his or her own treasurer and who is authorized to file and files an amended registration statement under s. 11.0104 may designate a single personal account as his or her candidate committee depository account, and may intermingle personal and other funds with campaign funds. If a candidate establishes a separate candidate committee depository account, the candidate shall transfer all campaign funds in the personal account to the new depository account. Disbursements made from a personal account under this paragraph need not be identified in accordance with s. 11.0106.

(3) No disbursement may be made or obligation incurred by or on behalf of a candidate committee without the authorization of the treasurer or a designated agent.

(4) The treasurer shall maintain the records of the candidate committee in an organized and legible manner for not less than 3 years after the date of the election in which the candidate committee participates.

History: 2015 a. 117.

11.0202 Registration; timing; candidate committee required. (1) TIME OF REGISTRATION. (a) Each candidate,

through his or her candidate committee, shall file a registration statement with the appropriate filing officer giving the information required under s. 11.0203 as soon as practicable after the individual qualifies as a candidate under s. 11.0101 (1).

(b) A candidate who receives no contributions, makes no disbursements, and incurs no obligations shall file the registration

statement as provided in this subsection, but need not designate a campaign depository account until the first contribution is received, disbursement is made, or obligation is incurred.

(2) CANDIDATE COMMITTEE REQUIRED. (a) Except as provided in par. (b), no candidate may make or accept contributions, make disbursements, or incur obligations except through a candidate committee registered under this subchapter.

(b) A candidate does not violate this subsection by taking any of the following actions:

1. Accepting a contribution, making a disbursement, or incurring an obligation in the amount required to rent a postal box, or in the minimum amount required by a bank or trust company to open a checking account, prior to the time of registration, if the disbursement is properly reported on the first report submitted under s. 11.0204 after the date that the candidate committee is registered, whenever a reporting requirement applies to the candidate committee.

2. Accepting a contribution, making a disbursement, or incurring an obligation required for the production of nomination papers.

(c) Except as provided in par. (d), no candidate may establish more than one candidate committee.

(d) An individual who holds a state or local elective office may establish a second candidate committee under this subchapter for the purpose of pursuing a different state or local office.

History: 2015 a. 117.

11.0203 Registration; required information.

(1) REQUIRED INFORMATION. The candidate committee shall indicate on the registration statement that it is registering as a candidate committee and shall include all of the following, where applicable, on the registration statement:

(a) The name and mailing address of the candidate committee.

(b) The name and mailing address of the candidate committee treasurer and any other custodian of books and accounts. Unless otherwise directed by the treasurer on the registration form and except as otherwise provided in this chapter or any rule of the commission, all mailings that are required by law or by rule of the commission shall be sent to the treasurer at the treasurer's address indicated upon the form.

NOTE: Par. (b) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(b) The name and mailing address of the candidate committee treasurer and any other custodian of books and accounts. Unless otherwise directed by the treasurer on the registration form and except as otherwise provided in this chapter or any rule of the board, all mailings that are required by law or by rule of the board shall be sent to the treasurer at the treasurer's address indicated upon the form.

(c) In the case of a candidate committee of an independent candidate for partisan office or a candidate for nonpartisan county or municipal office, a list of the members of the committee, in addition to those specified in par. (b), if any, whom the filing officer shall recognize as eligible to fill a nomination vacancy if the candidate dies before the election.

(d) The name and address of the depository account of the candidate committee and of any other institution where funds of the committee are kept.

(2) CERTIFICATION. The individual responsible for filing or amending a candidate committee's registration statement and any form or report required of the committee under this chapter shall certify that all information contained in the statement, form, or report is true, correct, and complete.

(3) CHANGE OF INFORMATION. (a) The candidate committee shall report any change in information previously submitted in a registration statement within 10 days following the change. Except as provided in par. (b), any such change may be reported only by the individual or by the officer who has succeeded to the position of an individual who signed the original statement.

(b) A candidate or the treasurer of the candidate's committee may report a change in the candidate committee's registration statement.

History: 2015 a. 117 ss. 24, 74 (1m).

11.0204 Reporting. **(1) CONTRIBUTIONS AND DISBURSEMENTS.** (a) Each candidate, through his or her candidate committee, shall make full reports, upon a form prescribed by the commission and certified as required under s. 11.0103 (3) (c), of all contributions, disbursements, and obligations received, made, and incurred by the candidate committee. The candidate committee shall include in each report the following information, covering the period since the last date covered on the previous report:

NOTE: Par. (a) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(a) Each candidate, through his or her candidate committee, shall make full reports, upon a form prescribed by the board and certified as required under s. 11.0103 (3) (c), of all contributions, disbursements, and obligations received, made, and incurred by the candidate committee. The candidate committee shall include in each report the following information, covering the period since the last date covered on the previous report:

1. An itemized statement giving the date, full name, and street address of each person who has made a contribution to the candidate committee, together with the amount of the contribution.

2. An itemized statement giving the date, full name, and street address of each committee to which the candidate committee has made a contribution, together with the amount of the contribution.

3. The occupation, if any, of each individual contributor whose cumulative contributions to the candidate committee for the calendar year are in excess of \$200.

4. An itemized statement of each contribution made anonymously to the candidate committee. If the contribution exceeds \$10, the candidate committee shall specify whether the candidate committee donated the contribution to the common school fund or to a charitable organization, and shall include the full name and mailing address of the donee.

5. A statement of totals during the reporting period of contributions received and contributions donated as provided in subd. 4.

6. A statement of the cash balance on hand at the beginning and end of the reporting period.

7. An itemized statement of each loan of money made to the candidate committee in an aggregate amount or value in excess of \$20, together with all of the following:

a. The full name and mailing address of the lender.

b. A statement of whether the lender is a commercial lending institution.

c. The date and amount of the loan.

d. The full name and mailing address of each guarantor, if any.

e. The original amount guaranteed by each guarantor.

f. The balance of the amount guaranteed by each guarantor at the end of the reporting period.

8. An itemized statement of every disbursement exceeding \$20 in amount or value, together with the name and address of the person to whom the disbursement was made, and the date and specific purpose for which the disbursement was made.

9. An itemized statement of every obligation exceeding \$20 in amount or value, together with the name of the person or business with whom the obligation was incurred, and the date and the specific purpose for which each such obligation was incurred.

10. A statement of totals during the reporting period of disbursements made, including transfers made to and received from any other committees, other income, and loans.

11. A statement of the balance of obligations incurred as of the end of the reporting period.

(b) The candidate committee shall begin each report filed under this chapter with the first contribution received, disbursement made, or obligation incurred during the reporting period.

(2) REPORTS; CANDIDATES AT SPRING PRIMARY. A candidate committee of a candidate at a spring primary or of a candidate at a special primary held to nominate nonpartisan candidates to be voted for at a special election held to fill a vacancy in one or more of the nonpartisan state or local offices voted for at the spring election shall do all of the following:

(a) File a preprimary report no earlier than 14 days and no later than 8 days preceding the primary. If a candidate for a nonpartisan state office at an election is not required to participate in a spring primary, the candidate committee shall file a preprimary report at the time prescribed in s. 11.0103 (4) preceding the date specified for the holding of the primary, were it to be required.

(b) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(c) Annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(3) REPORTS; CANDIDATES AT SPRING ELECTIONS. A candidate committee of a candidate at a spring election or of a candidate at a special election held to fill a vacancy in one or more of the nonpartisan state or local offices voted for at the spring election shall do all of the following:

(a) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(b) Annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(c) Unless a continuing report is required to be filed under this subsection on or before the 45th day after the special election, file a postelection report no earlier than 23 days and no later than 45 days after each special election.

(4) REPORTS; CANDIDATES AT PARTISAN PRIMARY. A candidate committee of a candidate at a partisan primary or of a special primary held to nominate candidates to be voted for at a special election held to fill a vacancy in one or more of the state or local offices voted for at the general election shall do all of the following:

(a) File a preprimary report no earlier than 14 days and no later than 8 days preceding the primary.

(b) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(c) In an odd-numbered year, file a report on the 15th day of the month in the months of January and July.

(d) In an even-numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(5) REPORTS; CANDIDATES AT GENERAL ELECTIONS. A candidate committee of a candidate at a general election or of a candidate at a special election held to fill a vacancy in one or more of the state or local offices voted for at the general election shall do all of the following:

(a) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(b) In an odd-numbered year, file a report on the 15th day of the month in the months of January and July.

(c) In an even-numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(d) Unless a continuing report is required to be filed under this subsection on or before the 45th day after the special election, file a postelection report no earlier than 23 days and no later than 45 days after each special election.

(6) REPORTS; CANDIDATES HOLDING OFFICE BUT NOT UP FOR ELECTION AT GENERAL ELECTION. A candidate committee of a candidate holding an office voted for at the general election but not up for election in the current election cycle shall do all of the following:

(a) In an odd-numbered year, file a report on the 15th day of the month in the months of January and July.

(b) In an even-numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(7) REPORTS OF LATE CONTRIBUTIONS. If any contribution or contributions of \$1,000 or more cumulatively are received by a candidate committee for a candidate for state office from a single contributor later than 15 days prior to a primary or election and the contribution or contributions are not included in the preprimary or preelection report required of the committee under this chapter, the treasurer of the committee or the individual receiving the contribution shall, within 72 hours of receipt, provide the appropriate filing officer with the information required to be reported for contributions received by the committee under this subchapter in such manner as the commission may prescribe. The information shall also be included in the committee's next regular report.

NOTE: Sub. (7) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(7) REPORTS OF LATE CONTRIBUTIONS. If any contribution or contributions of \$1,000 or more cumulatively are received by a candidate committee for a candidate for state office from a single contributor later than 15 days prior to a primary or election and the contribution or contributions are not included in the preprimary or preelection report required of the committee under this chapter, the treasurer of the committee or the individual receiving the contribution shall, within 72 hours of receipt, provide the appropriate filing officer with the information required to be reported for contributions received by the committee under this subchapter in such manner as the board may prescribe. The information shall also be included in the committee's next regular report.

History: 2015 a. 117 ss. 24, 74 (1m).

11.0205 Transfers between candidates for governor and lieutenant governor. The candidate committee for governor and the candidate committee for lieutenant governor of the same political party may receive contributions and make disbursements for both candidates from either candidate committee's depository account.

History: 2015 a. 117.

11.0206 Soliciting funds on behalf of certain organizations. Notwithstanding s. 19.45 (2), a candidate may solicit a donation for use by a nonprofit organization with which he or she is associated, as defined in s. 19.42 (2).

History: 2015 a. 117.

11.0207 Continuing compliance. An individual does not cease to be a candidate for purposes of compliance with this chapter or ch. 12 after the date of an election and no candidate or candidate committee is released from any requirement or liability otherwise imposed under this chapter or ch. 12 simply because the election date has passed.

History: 2015 a. 117.

SUBCHAPTER III

POLITICAL PARTIES

11.0301 Registration; treasurer and depositories.

(1) Each political party required to register under this chapter shall designate a treasurer to comply with the registration and reporting requirements under this subchapter.

(2) The treasurer shall ensure that all funds received are deposited in the political party depository account.

(3) No disbursement may be made or obligation incurred by or on behalf of the political party without the authorization of the treasurer or a designated agent.

(4) The treasurer shall maintain the records of the political party in an organized and legible manner for not less than 3 years after the date of the election in which the political party participates.

History: 2015 a. 117.

11.0302 Registration; timing. Every political party that makes or accepts contributions, makes disbursements, or incurs

obligations to support or oppose a candidate in a calendar year shall, upon its inception and prior to making or accepting any such contribution, making any such disbursement, or incurring any such obligation file a registration statement giving the information required by s. 11.0303.

History: 2015 a. 117.

11.0303 Registration; required information.

(1) REQUIRED INFORMATION. The political party shall indicate on the registration statement that it is registering as a political party and shall include all of the following on the registration statement:

- (a) The name and mailing address of the political party.
- (b) The name and mailing address of the treasurer and any other custodian of books and accounts. Unless otherwise directed by the treasurer on the registration form and except as otherwise provided in this chapter or any rule of the commission, all mailings that are required by law or by rule of the commission shall be sent to the treasurer at the treasurer's address indicated upon the form.

NOTE: Par. (b) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(b) The name and mailing address of the treasurer and any other custodian of books and accounts. Unless otherwise directed by the treasurer on the registration form and except as otherwise provided in this chapter or any rule of the board, all mailings that are required by law or by rule of the board shall be sent to the treasurer at the treasurer's address indicated upon the form.

(c) The name and address of the depository account of the political party and of any other institution where funds of the political party are kept.

(2) CERTIFICATION. The individual responsible for filing or amending a political party's registration statement and any form or report required of the political party under this chapter shall certify that all information contained in the statement, form, or report is true, correct, and complete.

(3) CHANGE OF INFORMATION. (a) The political party shall report any change in information previously submitted in a registration statement within 10 days following the change. Except as provided in par. (b), any such change may be reported only by the individual or by the officer who has succeeded to the position of an individual who signed the original statement.

(b) The administrator or treasurer of a political party may report a change in the political party's registration statement.

History: 2015 a. 117 ss. 24, 74 (1m).

11.0304 Reporting. (1) CONTRIBUTIONS AND DISBURSEMENTS. (a) Each political party shall make full reports, upon a form prescribed by the commission and certified as required under s. 11.0103 (3) (c), of all contributions, disbursements, and obligations received, made, and incurred by the political party. The political party shall include in each report the following information, covering the period since the last date covered on the previous report:

NOTE: Par. (a) (intro.) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(a) Each political party shall make full reports, upon a form prescribed by the board and certified as required under s. 11.0103 (3) (c), of all contributions, disbursements, and obligations received, made, and incurred by the political party. The political party shall include in each report the following information, covering the period since the last date covered on the previous report:

1. An itemized statement giving the date, full name, and street address of each person who has made a contribution to the political party, together with the amount of the contribution.

2. An itemized statement giving the date, full name, and street address of each committee to which the political party has made a contribution, together with the amount of the contribution.

3. The occupation, if any, of each individual contributor whose cumulative contributions to the political party for the calendar year are in excess of \$200.

4. An itemized statement of each contribution made anonymously to the political party. If the contribution exceeds \$10, the political party committee shall specify whether the committee donated the contribution to the common school fund or to a chari-

table organization, and shall include the full name and mailing address of the donee.

5. A statement of totals during the reporting period of contributions received and contributions donated as provided in subd. 4.

6. A statement of the cash balance on hand at the beginning and end of the reporting period.

7. An itemized statement of each loan of money made to the political party in an aggregate amount or value in excess of \$20, together with all of the following:

- a. The full name and mailing address of the lender.
- b. A statement of whether the lender is a commercial lending institution.
- c. The date and amount of the loan.
- d. The full name and mailing address of each guarantor, if any.
- e. The original amount guaranteed by each guarantor.
- f. The balance of the amount guaranteed by each guarantor at the end of the reporting period.

8. An itemized statement of every disbursement exceeding \$20 in amount or value, together with the name and address of the person to whom the disbursement was made, and the date and specific purpose for which the disbursement was made.

9. An itemized statement of every obligation exceeding \$20 in amount or value, together with the name of the person or business with whom the obligation was incurred, and the date and the specific purpose for which each such obligation was incurred.

10. A statement of totals during the reporting period of disbursements made, including transfers made to and received from other committees, other income, and loans.

11. A statement of the balance of obligations incurred as of the end of the reporting period.

(b) The political party shall begin each report filed under this chapter with the first contribution received, disbursement made, or obligation incurred during the reporting period.

(2) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT SPRING PRIMARY. A political party that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a spring primary or a candidate at a special primary held to nominate nonpartisan candidates to be voted for at a special election held to fill a vacancy in one or more of the nonpartisan state or local offices voted for at the spring election, or to support or oppose committees engaging in such activities, shall do all the following:

(a) File a preprimary report no earlier than 14 days and no later than 8 days preceding the primary. If a candidate for a nonpartisan state office at an election is not required to participate in a spring primary, the political party shall file a preprimary report at the time prescribed in s. 11.0103 (4) preceding the date specified for the holding of the primary, were it to be required.

(b) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(c) Annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(3) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT SPRING ELECTION. A political party that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a spring election or a candidate at a special election held to fill a vacancy in one or more of the nonpartisan state or local offices voted for at the spring election, or to support or oppose committees engaging in such activities, shall do all the following:

(a) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(b) Annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(c) Unless a continuing report is required to be filed under this subsection on or before the 45th day after the special election, file

a postelection report no earlier than 23 days and no later than 45 days after each special election.

(4) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT PARTISAN PRIMARY. A political party that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a partisan primary or a candidate at a special primary held to nominate candidates to be voted for at a special election held to fill a vacancy in one or more of the state or local offices voted for at the general election, or to support or oppose committees engaging in such activities, shall do all the following:

(a) File a preprimary report no earlier than 14 days and no later than 8 days preceding the primary.

(b) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(c) In an odd-numbered year, file a report on the 15th day of the month in the months of January and July.

(d) In an even-numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(5) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT GENERAL ELECTION. A political party that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a general election or a candidate at a special election held to fill a vacancy in one or more of the state or local offices voted for at the general election, or to support or oppose committees engaging in such activities shall do all of the following:

(a) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(b) In an odd-numbered year, file a report on the 15th day of the month in the months of January and July.

(c) In an even-numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(d) Unless a continuing report is required to be filed under this subsection on or before the 45th day after the special election, file a postelection report no earlier than 23 days and no later than 45 days after each special election.

(6) REPORTS BY POLITICAL PARTY COMMITTEES. Every committee of a political party that is required to file statements and reports under this subchapter shall file all statements and reports with the commission. A congressional, legislative, county, or local party committee may designate a state committee of a political party as its reporting agent for purposes of this subchapter, but such designation does not permit combining reports. The state committee treasurer shall inform the commission of a designation made under this subsection.

NOTE: Sub. (6) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(6) REPORTS BY POLITICAL PARTY COMMITTEES. Every committee of a political party that is required to file statements and reports under this subchapter shall file all statements and reports with the board. A congressional, legislative, county, or local party committee may designate a state committee of a political party as its reporting agent for purposes of this subchapter, but such designation does not permit combining reports. The state committee treasurer shall inform the board of a designation made under this subsection.

(7) REPORTS OF LATE CONTRIBUTIONS. If any contribution or contributions of \$1,000 or more cumulatively are received by a political party from a single contributor later than 15 days prior to a primary or election and the contribution or contributions are not included in the preprimary or preelection report required of the political party under this chapter, the treasurer of the political party shall, within 72 hours of receipt, provide the appropriate filing officer with the information required to be reported for contributions received by the political party under this subchapter in such manner as the commission may prescribe. The information shall also be included in the political party's next regular report.

NOTE: Sub. (7) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(7) REPORTS OF LATE CONTRIBUTIONS. If any contribution or contributions of \$1,000 or more cumulatively are received by a political party from a single contributor later than 15 days prior to a primary or election and the contribution or contributions are not included in the preprimary or preelection report required of the political party under this chapter, the treasurer of the political party shall, within 72 hours of receipt, provide the appropriate filing officer with the information required to be reported for contributions received by the political party under this subchapter in such manner as the board may prescribe. The information shall also be included in the political party's next regular report.

History: 2015 a. 117 ss. 24, 74 (1m).

SUBCHAPTER IV

LEGISLATIVE CAMPAIGN COMMITTEES

11.0401 Registration; treasurer and depositories.

(1) Each legislative campaign committee required to register under this chapter shall designate a treasurer to comply with the registration and reporting requirements under this subchapter.

(2) The treasurer shall ensure that all funds received are deposited in the legislative campaign committee depository account.

(3) No disbursement may be made or obligation incurred by or on behalf of a legislative campaign committee without the authorization of the treasurer or a designated agent.

(4) The treasurer shall maintain the records of the legislative campaign committee in an organized and legible manner for not less than 3 years after the date of the election in which the legislative campaign committee participates.

History: 2015 a. 117.

11.0402 Registration; timing.

Every legislative campaign committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose a candidate in a calendar year shall, upon its inception and prior to making or accepting any such contribution, making any such disbursement, or incurring any such obligation, file a registration statement giving the information required by s. 11.0403.

History: 2015 a. 117.

11.0403 Registration; required information.

(1) REQUIRED INFORMATION. The legislative campaign committee shall indicate on the registration statement that it is registering as a legislative campaign committee and shall include all of the following on the registration statement:

(a) The name and mailing address of the legislative campaign committee.

(b) The name and mailing address of the treasurer and any other custodian of books and accounts. Unless otherwise directed by the treasurer on the registration form and except as otherwise provided in this chapter or any rule of the commission, all mailings that are required by law or by rule of the commission shall be sent to the treasurer at the treasurer's address indicated upon the form.

NOTE: Par. (b) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(b) The name and mailing address of the treasurer and any other custodian of books and accounts. Unless otherwise directed by the treasurer on the registration form and except as otherwise provided in this chapter or any rule of the board, all mailings that are required by law or by rule of the board shall be sent to the treasurer at the treasurer's address indicated upon the form.

(c) The name and address of the depository account of the legislative campaign committee and of any other institution where funds of the legislative campaign committee are kept.

(d) A statement signed by the leader of the party in the house for which the legislative campaign committee is established attesting to the fact that the legislative campaign committee is the only authorized legislative campaign committee for that party in that house.

(2) CERTIFICATION. The individual responsible for filing or amending a legislative campaign committee's registration statement and any form or report required of the committee under this

chapter shall certify that all information contained in the statement, form, or report is true, correct, and complete.

(3) CHANGE OF INFORMATION. (a) The legislative campaign committee shall report any change in information previously submitted in a registration statement within 10 days following the change. Except as provided in par. (b), any such change may be reported only by the individual or by the officer who has succeeded to the position of an individual who signed the original statement.

(b) The administrator or treasurer of a legislative campaign committee may report a change in the committee's registration statement.

History: 2015 a. 117 ss. 24, 74 (1m).

11.0404 Reporting. **(1) CONTRIBUTIONS AND DISBURSEMENTS.** (a) Each legislative campaign committee shall make full reports, upon a form prescribed by the commission and certified as required under s. 11.0103 (3) (c), of all contributions, disbursements, and obligations received, made, and incurred by the committee. The legislative campaign committee shall include in each report the following information, covering the period since the last date covered on the previous report:

NOTE: Par. (a) (intro.) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(a) Each legislative campaign committee shall make full reports, upon a form prescribed by the board and certified as required under s. 11.0103 (3) (c), of all contributions, disbursements, and obligations received, made, and incurred by the committee. The legislative campaign committee shall include in each report the following information, covering the period since the last date covered on the previous report:

1. An itemized statement giving the date, full name, and street address of each person who has made a contribution to the legislative campaign committee, together with the amount of the contribution.

2. An itemized statement giving the date, full name, and street address of each committee to which the legislative campaign committee has made a contribution, together with the amount of the contribution.

3. The occupation, if any, of each individual contributor whose cumulative contributions to the legislative campaign committee for the calendar year are in excess of \$200.

4. An itemized statement of each contribution made anonymously to the legislative campaign committee. If the contribution exceeds \$10, the legislative campaign committee shall specify whether the committee donated the contribution to the common school fund or to a charitable organization, and shall include the full name and mailing address of the donee.

5. A statement of totals during the reporting period of contributions received and contributions donated as provided in subd. 4.

6. A statement of the cash balance on hand at the beginning and end of the reporting period.

7. An itemized statement of each loan of money made to the legislative campaign committee in an aggregate amount or value in excess of \$20, together with all of the following:

- a. The full name and mailing address of the lender.
- b. A statement of whether the lender is a commercial lending institution.
- c. The date and amount of the loan.
- d. The full name and mailing address of each guarantor, if any.
- e. The original amount guaranteed by each guarantor.
- f. The balance of the amount guaranteed by each guarantor at the end of the reporting period.

8. An itemized statement of every disbursement exceeding \$20 in amount or value, together with the name and address of the person to whom the disbursement was made, and the date and specific purpose for which the disbursement was made.

9. An itemized statement of every obligation exceeding \$20 in amount or value, together with the name of the person or business with whom the obligation was incurred, and the date and the specific purpose for which each such obligation was incurred.

10. A statement of totals during the reporting period of disbursements made, including transfers made to and received from other committees, other income, and loans.

11. A statement of the balance of obligations incurred as of the end of the reporting period.

(b) The legislative campaign committee shall begin each report filed under this chapter with the first contribution received, disbursement made, or obligation incurred during the reporting period.

(2) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT PARTISAN PRIMARY. A legislative campaign committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a partisan primary or a candidate at a special primary held to nominate candidates to be voted for at a special election held to fill a vacancy in one or more of the state or local offices voted for at the general election, or to support or oppose other committees engaging in such activities, shall do all the following:

(a) File a preprimary report no earlier than 14 days and no later than 8 days preceding the primary.

(b) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(c) In an odd-numbered year, file a report on the 15th day of the month in the months of January and July.

(d) In an even-numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(3) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT GENERAL ELECTION. A legislative campaign committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a general election or a candidate at a special election held to fill a vacancy in one or more of the state or local offices voted for at the general election, or to support or oppose other committees engaging in such activities shall do all of the following:

(a) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(b) In an odd-numbered year, file a report on the 15th day of the month in the months of January and July.

(c) In an even-numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(d) Unless a continuing report is required to be filed under this subsection on or before the 45th day after the special election, file a postelection report no earlier than 23 days and no later than 45 days after each special election.

(4) REPORTS OF LATE CONTRIBUTIONS. If any contribution or contributions of \$1,000 or more cumulatively are received by a legislative campaign committee from a single contributor later than 15 days prior to a primary or election and the contribution or contributions are not included in the preprimary or preelection report required of the committee under this chapter, the treasurer of the committee shall, within 72 hours of receipt, provide the appropriate filing officer with the information required to be reported for contributions received by the committee under this subchapter in such manner as the commission may prescribe. The information shall also be included in the committee's next regular report.

NOTE: Sub. (4) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(4) REPORTS OF LATE CONTRIBUTIONS. If any contribution or contributions of \$1,000 or more cumulatively are received by a legislative campaign committee from a single contributor later than 15 days prior to a primary or election and the contribution or contributions are not included in the preprimary or preelec-

11.0404 CAMPAIGN FINANCING

Updated 13–14 Wis. Stats. 12

tion report required of the committee under this chapter, the treasurer of the committee shall, within 72 hours of receipt, provide the appropriate filing officer with the information required to be reported for contributions received by the committee under this subchapter in such manner as the board may prescribe.

The information shall also be included in the committee's next regular report.

History: 2015 a. 117 ss. 24, 74 (1m).

SUBCHAPTER V

POLITICAL ACTION COMMITTEES

11.0501 Registration; treasurer and depositories.

(1) Each political action committee required to register under this chapter shall designate a treasurer to comply with the registration and reporting requirements under this subchapter.

(2) The treasurer shall ensure that all funds received are deposited in the political action committee depository account.

(3) No disbursement may be made or obligation incurred by or on behalf of a political action committee without the authorization of the treasurer or a designated agent.

(4) The treasurer shall maintain the records of the political action committee in an organized and legible manner for not less than 3 years after the date of the election in which the political action committee participates.

(5) No person may register more than one political action committee under this subchapter, except that a person may register both a political action committee under this subchapter and an independent expenditure committee under subchapter VI.

History: 2015 a. 117.

11.0502 Registration; timing. (1) Every political action committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose a candidate in a calendar year in an aggregate amount in excess of \$2,500 shall file a registration statement giving the information required by s. 11.0503.

(2) A political action committee that triggers the registration requirement under sub. (1) shall file the registration statement no later than the 10th business day commencing after receipt of the first contribution by the political action committee exceeding the amount specified under sub. (1), before making any disbursement exceeding that amount, and before incurring obligations exceeding that amount.

History: 2015 a. 117.

11.0503 Registration; required information.

(1) **REQUIRED INFORMATION.** The political action committee shall indicate on the registration statement that it is registering as a political action committee and shall include all of the following, where applicable, on the registration statement:

(a) The name and mailing address of the political action committee.

(b) The name and mailing address of the treasurer and any other custodian of books and accounts. Unless otherwise directed by the treasurer on the registration form and except as otherwise provided in this chapter or any rule of the commission, all mailings that are required by law or by rule of the commission shall be sent to the treasurer at the treasurer's address indicated upon the form.

NOTE: Par. (b) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(b) The name and mailing address of the treasurer and any other custodian of books and accounts. Unless otherwise directed by the treasurer on the registration form and except as otherwise provided in this chapter or any rule of the board, all mailings that are required by law or by rule of the board shall be sent to the treasurer at the treasurer's address indicated upon the form.

(d) The name and address of the depository account of the political action committee and of any other institution where funds of the committee are kept.

(e) The name and address of the political action committee's sponsoring organization, if any.

(2) **CERTIFICATION.** The individual responsible for filing or amending a political action committee's registration statement and any form or report required of the committee under this chapter shall certify that all information contained in the statement, form, or report is true, correct, and complete.

(3) **CHANGE OF INFORMATION.** (a) The political action committee shall report any change in information previously submitted in

a registration statement within 10 days following the change. Except as provided in par. (b), any such change may be reported only by the individual or by the officer who has succeeded to the position of an individual who signed the original statement.

(b) The administrator or treasurer of a political action committee may report a change in the committee's registration statement.

History: 2015 a. 117 ss. 24, 74 (1m).

11.0504 Reporting. (1) **CONTRIBUTIONS AND DISBURSEMENTS.**

(a) Each political action committee shall make full reports, upon a form prescribed by the commission and certified as required under s. 11.0103 (3) (c), of all contributions, disbursements, and obligations received, made, and incurred by the committee. The political action committee shall include in each report the following information, covering the period since the last date covered on the previous report:

NOTE: Par. (a) (intro.) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(a) Each political action committee shall make full reports, upon a form prescribed by the board and certified as required under s. 11.0103 (3) (c), of all contributions, disbursements, and obligations received, made, and incurred by the committee. The political action committee shall include in each report the following information, covering the period since the last date covered on the previous report:

1. An itemized statement giving the date, full name, and street address of each person who has made a contribution to the political action committee, together with the amount of the contribution.

2. An itemized statement giving the date, full name, and street address of each committee to which the political action committee has made a contribution, together with the amount of the contribution.

3. The occupation, if any, of each individual contributor whose cumulative contributions to the political action committee for the calendar year are in excess of \$200.

4. An itemized statement of each contribution made anonymously to the political action committee. If the contribution exceeds \$10, the political action committee shall specify whether the committee donated the contribution to the common school fund or to a charitable organization, and shall include the full name and mailing address of the donee.

5. A statement of totals during the reporting period of contributions received and contributions donated as provided in subd. 4.

6. A statement of the cash balance on hand at the beginning and end of the reporting period.

7. An itemized statement of each loan of money made to the political action committee in an aggregate amount or value in excess of \$20, together with all of the following:

a. The full name and mailing address of the lender.

b. A statement of whether the lender is a commercial lending institution.

c. The date and amount of the loan.

d. The full name and mailing address of each guarantor, if any.

e. The original amount guaranteed by each guarantor.

f. The balance of the amount guaranteed by each guarantor at the end of the reporting period.

8. An itemized statement of every disbursement exceeding \$20 in amount or value, together with the name and address of the person to whom the disbursement was made, and the date and specific purpose for which the disbursement was made.

9. An itemized statement of every obligation exceeding \$20 in amount or value, together with the name of the person or business with whom the obligation was incurred, and the date and the specific purpose for which each such obligation was incurred.

10. A statement of totals during the reporting period of disbursements made, including transfers made to and received from other committees, other income, and loans.

11. A statement of the balance of obligations incurred as of the end of the reporting period.

(b) The political action committee shall begin each report filed under this chapter with the first contribution received, disbursement made, or obligation incurred during the reporting period.

(2) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT SPRING PRIMARY. A political action committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a spring primary or a candidate at a special primary held to nominate nonpartisan candidates to be voted for at a special election held to fill a vacancy in one or more of the nonpartisan state or local offices voted for at the spring election, or to support or oppose other committees engaging in such activities, shall do all the following:

(a) File a preprimary report no earlier than 14 days and no later than 8 days preceding the primary. If a candidate for a nonpartisan state office at an election is not required to participate in a spring primary, the political action committee shall file a preprimary report at the time prescribed in s. 11.0103 (4) preceding the date specified for the holding of the primary, were it to be required.

(b) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(c) Annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(3) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT SPRING ELECTION. A political action committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a spring election or a candidate at a special election held to fill a vacancy in one or more of the nonpartisan state or local offices voted for at the spring election, or to support or oppose other committees engaging in such activities, shall do all the following:

(a) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(b) Annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(c) Unless a continuing report is required to be filed under this subsection on or before the 45th day after the special election, file a postelection report no earlier than 23 days and no later than 45 days after each special election.

(4) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT PARTISAN PRIMARY. A political action committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a partisan primary or a candidate at a special primary held to nominate candidates to be voted for at a special election held to fill a vacancy in one or more of the state or local offices voted for at the general election, or to support or oppose other committees engaging in such activities, shall do all the following:

(a) File a preprimary report no earlier than 14 days and no later than 8 days preceding the primary.

(b) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(c) In an odd-numbered year, file a report on the 15th day of the month in the months of January and July.

(d) In an even-numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(5) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT GENERAL ELECTION. A political action committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a general election or a candidate at a special election held to fill a vacancy in one or more of the state or local offices voted for at the general election, or to support or oppose other committees engaging in such activities shall do all the following:

(a) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(b) In an odd-numbered year, file a report on the 15th day of the month in the months of January and July.

(c) In an even-numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(d) Unless a continuing report is required to be filed under this subsection on or before the 45th day after the special election, file a postelection report no earlier than 23 days and no later than 45 days after each special election.

History: 2015 a. 117 ss. 24, 74 (1m).

11.0505 Reporting; specific express advocacy.

(1) DISBURSEMENTS. (a) A political action committee spending \$2,500 or more in the aggregate on express advocacy shall submit statements to the commission under par. (b) if the express advocacy is made during the period beginning on the day that is 60 days prior to the day of the primary or election involving the candidate identified under par. (b) 5. and ending on the day of the primary or election involving that candidate.

NOTE: Par. (a) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(a) A political action committee spending \$2,500 or more in the aggregate on express advocacy shall submit statements to the board under par. (b) if the express advocacy is made during the period beginning on the day that is 60 days prior to the day of the primary or election involving the candidate identified under par. (b) 5. and ending on the day of the primary or election involving that candidate.

(b) A political action committee required to report under this section shall submit statements to the commission providing all of the following information:

NOTE: Par. (b) (intro.) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(b) A political action committee required to report under this section shall submit statements to the board providing all of the following information:

1. The dates on which the committee made the disbursements.
2. The name and address of the persons who received the disbursements.

3. The purpose for making the disbursements.

4. The amount spent for each act of express advocacy.

5. The name of any candidate identified in the express advocacy, the office that the candidate seeks, and whether the express advocacy supports or opposes that candidate.

6. An affirmation, made under oath, that the political action committee will comply with the prohibition on coordination under s. 11.1203 with respect to any candidate or agent or candidate committee who is supported or opposed by the express advocacy.

7. The name and mailing and street address of the political action committee's designated agent in this state.

(2) EXCEPTION. (a) A political action committee that is required to report under this section is not required to submit the information described under sub. (1) (b) regarding disbursements made before reaching the \$2,500 threshold under sub. (1) (a). For purposes of this section, a disbursement for express advocacy is the amount spent directly on developing, producing, and disseminating the express advocacy.

(b) This section does not apply to any of the following:

1. A communication, other than an advertisement, appearing in a news story, commentary, or editorial distributed through the facilities of any news organization, unless the facilities are controlled by any committee or candidate.

2. A communication made exclusively between an organization and its members. In this subdivision, a member of an organization means a shareholder, employee, or officer of the organization, or an individual who has affirmatively manifested an interest in joining, supporting, or aiding the organization.

(3) TIMING. A political action committee that is required to report under this section shall submit the report to the commission no later than 72 hours after making the disbursements.

NOTE: Sub. (3) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(3) **TIMING.** A political action committee that is required to report under this section shall submit the report to the board no later than 72 hours after making the disbursements.

History: 2015 a. 117 ss. 24, 74 (1m).

SUBCHAPTER VI

INDEPENDENT EXPENDITURE COMMITTEES

11.0601 Registration; treasurer and depositories.

(1) Each independent expenditure committee required to register under this chapter shall designate a treasurer to comply with the registration and reporting requirements under this subchapter.

(2) The treasurer shall ensure that all funds received are deposited in the independent expenditure committee depository account.

(3) (a) No disbursement may be made or obligation incurred by or on behalf of an independent expenditure committee without the authorization of the treasurer or a designated agent.

(b) An independent expenditure committee may not make a contribution to a committee, other than a referendum committee or another independent expenditure committee.

(4) The treasurer shall maintain the records of the independent expenditure committee in an organized and legible manner for not less than 3 years after the date of the election in which the independent expenditure committee participates.

(5) A person may register more than one independent expenditure committee under this subchapter.

History: 2015 a. 117.

11.0602 Registration; timing. (1) Every independent expenditure committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose a candidate in a calendar year in an aggregate amount in excess of \$2,500 shall file a registration statement giving the information required by s. 11.0603.

(2) An independent expenditure committee that triggers the registration requirement under sub. (1) shall file the registration statement no later than the 10th business day commencing after receipt of the first contribution by the independent expenditure committee exceeding the amount specified under sub. (1), before making any disbursement exceeding that amount, and before incurring obligations exceeding that amount.

History: 2015 a. 117.

11.0603 Registration; required information.

(1) **REQUIRED INFORMATION.** The independent expenditure committee shall indicate on the registration statement that it is registering as an independent expenditure committee and shall include all of the following on the registration statement:

(a) The name and mailing address of the independent expenditure committee.

(b) The name and mailing address of the treasurer and any other custodian of books and accounts. Unless otherwise directed by the treasurer on the registration form and except as otherwise provided in this chapter or any rule of the commission, all mailings that are required by law or by rule of the commission shall be sent to the treasurer at the treasurer's address indicated upon the form.

NOTE: Par. (b) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(b) The name and mailing address of the treasurer and any other custodian of books and accounts. Unless otherwise directed by the treasurer on the registration form and except as otherwise provided in this chapter or any rule of the board, all mailings that are required by law or by rule of the board shall be sent to the treasurer at the treasurer's address indicated upon the form.

(c) The name and address of the depository account of the independent expenditure committee and of any other institution where funds of the committee are kept.

(f) The name and address of the independent expenditure committee's sponsoring organization, if any.

(2) **CERTIFICATION.** The individual responsible for filing or amending an independent expenditure committee's registration statement and any form or report required of the committee under this chapter shall certify that all information contained in the statement, form, or report is true, correct, and complete.

(3) **CHANGE OF INFORMATION.** (a) The independent expenditure committee shall report any change in information previously submitted in a registration statement within 10 days following the change. Except as provided in par. (b), any such change may be reported only by the individual or by the officer who has succeeded to the position of an individual who signed the original statement.

(b) The administrator or treasurer of an independent expenditure committee may report a change in the committee's registration statement.

History: 2015 a. 117 ss. 24, 74 (1m).

11.0604 Reporting. (1) CONTRIBUTIONS AND DISBURSEMENTS.

(a) Each independent expenditure committee shall make full reports, upon a form prescribed by the commission and certified as required under s. 11.0103 (3) (c), of all contributions, disbursements, and obligations received, made, and incurred by the committee. The independent expenditure committee shall include in each report the following information, covering the period since the last date covered on the previous report:

NOTE: Par. (a) (intro.) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(a) Each independent expenditure committee shall make full reports, upon a form prescribed by the board and certified as required under s. 11.0103 (3) (c), of all contributions, disbursements, and obligations received, made, and incurred by the committee. The independent expenditure committee shall include in each report the following information, covering the period since the last date covered on the previous report:

1. An itemized statement giving the date, full name, and street address of each person who has made a contribution to the independent expenditure committee, together with the amount of the contribution.

2. An itemized statement giving the date, full name, and street address of each committee to which the independent expenditure committee has made a contribution, together with the amount of the contribution.

3. The occupation, if any, of each individual contributor whose cumulative contributions to the independent expenditure committee for the calendar year are in excess of \$200.

4. An itemized statement of each contribution made anonymously to the independent expenditure committee. If the contribution exceeds \$10, the independent expenditure committee shall specify whether the committee donated the contribution to the common school fund or to a charitable organization, and shall include the full name and mailing address of the donee.

5. A statement of totals during the reporting period of contributions received and contributions donated as provided in subd. 4.

6. A statement of the cash balance on hand at the beginning and end of the reporting period.

7. An itemized statement of each loan of money made to the independent expenditure committee in an aggregate amount or value in excess of \$20, together with all of the following:

a. The full name and mailing address of the lender.

b. A statement of whether the lender is a commercial lending institution.

c. The date and amount of the loan.

d. The full name and mailing address of each guarantor, if any.

e. The original amount guaranteed by each guarantor.

f. The balance of the amount guaranteed by each guarantor at the end of the reporting period.

8. An itemized statement of every disbursement exceeding \$20 in amount or value, together with the name and address of the

person to whom the disbursement was made, and the date and specific purpose for which the disbursement was made.

9. An itemized statement of every obligation exceeding \$20 in amount or value, together with the name of the person or business with whom the obligation was incurred, and the date and the specific purpose for which each such obligation was incurred.

10. A statement of totals during the reporting period of disbursements made, including transfers made to and received from other committees, other income, and loans.

11. A statement of the balance of obligations incurred as of the end of the reporting period.

(b) The independent expenditure committee shall begin each report filed under this chapter with the first contribution received, disbursement made, or obligation incurred during the reporting period.

(2) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT SPRING PRIMARY. An independent expenditure committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a spring primary or a candidate at a special primary held to nominate nonpartisan candidates to be voted for at a special election held to fill a vacancy in one or more of the nonpartisan state or local offices voted for at the spring election, or to support or oppose other committees engaging in such activities, shall do all the following:

(a) File a preprimary report no earlier than 14 days and no later than 8 days preceding the primary. If a candidate for a nonpartisan state office at an election is not required to participate in a spring primary, the independent expenditure committee shall file a preprimary report at the time prescribed in s. 11.0103 (4) preceding the date specified for the holding of the primary, were it to be required.

(b) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(c) Annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(3) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT SPRING ELECTION. An independent expenditure committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a spring election or a candidate at a special election held to fill a vacancy in one or more of the nonpartisan state or local offices voted for at the spring election, or to support or oppose other committees engaging in such activities, shall do all the following:

(a) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(b) Annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(c) Unless a continuing report is required to be filed under this subsection on or before the 45th day after the special election, file a postelection report no earlier than 23 days and no later than 45 days after each special election.

(4) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT PARTISAN PRIMARY. An independent expenditure committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a partisan primary or a candidate at a special primary held to nominate candidates to be voted for at a special election held to fill a vacancy in one or more of the state or local offices voted for at the general election, or to support or oppose other committees engaging in such activities, shall do all the following:

(a) File a preprimary report no earlier than 14 days and no later than 8 days preceding the primary.

(b) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(c) In an odd-numbered year, file a report on the 15th day of the month in the months of January and July.

(d) In an even-numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(5) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT GENERAL ELECTION. An independent expenditure committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose one or more candidates for office at a general election or a candidate at a special election held to fill a vacancy in one or more of the state or local offices voted for at the general election, or to support or oppose other committees engaging in such activities shall do all of the following:

(a) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(b) In an odd-numbered year, file a report on the 15th day of the month in the months of January and July.

(c) In an even-numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(d) Unless a continuing report is required to be filed under this subsection on or before the 45th day after the special election, file a postelection report no earlier than 23 days and no later than 45 days after each special election.

History: 2015 a. 117 ss. 24, 74 (1m).

11.0605 Reporting; specific express advocacy.

(1) DISBURSEMENTS. (a) An independent expenditure committee spending \$2,500 or more in the aggregate on express advocacy shall submit statements to the commission under par. (b) if the express advocacy is made during the period beginning on the day that is 60 days prior to the day of the primary or election involving the candidate identified under par. (b) 5. and ending on the day of the primary or election involving that candidate.

NOTE: Par. (a) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(a) An independent expenditure committee spending \$2,500 or more in the aggregate on express advocacy shall submit statements to the board under par. (b) if the express advocacy is made during the period beginning on the day that is 60 days prior to the day of the primary or election involving the candidate identified under par. (b) 5. and ending on the day of the primary or election involving that candidate.

(b) An independent expenditure committee required to report under this section shall submit statements to the commission providing all of the following information:

NOTE: Par. (b) (intro.) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(b) An independent expenditure committee required to report under this section shall submit statements to the board providing all of the following information:

1. The dates on which the committee made the disbursements.
2. The name and address of the persons who received the disbursements.
3. The purpose for making the disbursements.
4. The amount spent for each act of express advocacy.
5. The name of any candidate identified in the express advocacy, the office that the candidate seeks, and whether the express advocacy supports or opposes that candidate.

6. An affirmation, made under oath, that the independent expenditure committee will comply with the prohibition on coordination under s. 11.1203 with respect to any candidate or agent or candidate committee who is supported or opposed by the express advocacy.

7. The name and mailing and street address of the independent expenditure committee's designated agent in this state.

(2) EXCEPTION. (a) An independent expenditure committee that is required to report under this section is not required to submit the information described under sub. (1) (b) regarding disbursements made before reaching the \$2,500 threshold under sub. (1) (a). For purposes of this section, a disbursement for express

advocacy is the amount spent directly on developing, producing, and disseminating the express advocacy.

(b) This section does not apply to any of the following:

1. A communication, other than an advertisement, appearing in a news story, commentary, or editorial distributed through the facilities of any news organization, unless the facilities are controlled by any committee or candidate.

2. A communication made exclusively between an organization and its members. In this subdivision, a member of an organization means a shareholder, employee, or officer of the organization, or an individual who has affirmatively manifested an interest in joining, supporting, or aiding the organization.

(3) **TIMING.** An independent expenditure committee that is required to report under this section shall submit the report to the commission no later than 72 hours after making the disbursements.

NOTE: Sub. (3) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(3) **TIMING.** An independent expenditure committee that is required to report under this section shall submit the report to the board no later than 72 hours after making the disbursements.

History: 2015 a. 117 ss. 24, 74 (1m).

SUBCHAPTER VII

CONDUITS

11.0701 Registration; administrator and depositories.

(1) Each conduit required to register under this chapter shall designate an administrator to comply with the registration and reporting requirements under this subchapter.

(2) The administrator shall ensure that all funds received are deposited in the conduit depository account.

(3) Except as provided in s. 11.0705, the conduit administrator may release a contribution to a committee only upon the contributor's direction.

(4) The administrator shall maintain the records of the conduit in an organized and legible manner for not less than 3 years after the date of the election in which the conduit participates.

History: 2015 a. 117.

11.0702 Registration; timing. Every conduit that accepts and releases contributions made to support or oppose a candidate in a calendar year shall, upon its inception and prior to accepting or releasing any such contribution, file a registration statement giving the information required by s. 11.0703.

History: 2015 a. 117.

11.0703 Registration; required information.

(1) **REQUIRED INFORMATION.** The conduit shall indicate on the registration statement that it is registering as a conduit and shall include all of the following, where applicable, on the registration statement:

(a) The name and mailing address of the conduit.

(b) The name and mailing address of the administrator of the conduit and any other custodian of books and accounts. Unless otherwise directed by the administrator on the registration form and except as otherwise provided in this chapter or any rule of the commission, all mailings that are required by law or by rule of the commission shall be sent to the administrator at the administrator's address indicated upon the form.

NOTE: Par. (b) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(b) The name and mailing address of the administrator of the conduit and any other custodian of books and accounts. Unless otherwise directed by the administrator on the registration form and except as otherwise provided in this chapter or any rule of the board, all mailings that are required by law or by rule of the board shall be sent to the administrator at the administrator's address indicated upon the form.

(c) The name and address of the depository account of the conduit and of any other institution where funds of the conduit are kept.

(d) The name and mailing address of a sponsor, as defined in s. 11.0705 (1), to which contributions may be redirected as provided under s. 11.0705 (2).

(2) **CERTIFICATION.** The individual responsible for filing or amending a conduit's registration statement shall certify that all information contained in the statement is true, correct, and complete.

(3) **CHANGE OF INFORMATION.** The conduit shall report any change in information previously submitted in a registration statement within 10 days following the change. Any such change may be reported only by the individual or by the officer who has succeeded to the position of an individual who signed the original statement or by the conduit administrator.

History: 2015 a. 117 ss. 24, 74 (1m).

11.0704 Reporting. (1) **CONTRIBUTIONS.** (a) Each conduit shall make full reports, upon a form prescribed by the commission and certified by the administrator as required under s. 11.0103 (3) (c), providing the following information covering the period since the last date covered on the previous report:

NOTE: Par. (a) (intro.) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(a) Each conduit shall make full reports, upon a form prescribed by the board and certified by the administrator as required under s. 11.0103 (3) (c), providing the following information covering the period since the last date covered on the previous report:

1. An itemized statement giving the date, full name, and street address of each committee to whom contributions were released during the reporting period, together with the sum total of all contributions released to that committee during the reporting period.

2. Whether, during the reporting period, any contribution was redirected to a sponsor as permitted under s. 11.0705.

(b) A conduit releasing a contribution of money to the recipient shall, in writing at the time the contribution is released, identify itself to the recipient as a conduit and report to the recipient the following information about each contribution released by it:

1. An itemized statement giving the date, full name, and street address of each person who has made a contribution to the conduit which contribution is being released to the recipient, together with the amount of the contribution.

2. The occupation, if any, of each individual contributor whose cumulative contributions to the recipient for the calendar year are in excess of \$200.

(2) **REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT SPRING PRIMARY.** A conduit that releases a contribution of money to a recipient to support or oppose one or more candidates for office at a spring primary or a candidate at a special primary held to nominate nonpartisan candidates to be voted for at a special election held to fill a vacancy in one or more of the nonpartisan state or local offices voted for at the spring election, or to support or oppose committees engaging in such activities, shall, annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(3) **REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT SPRING ELECTION.** A conduit that releases a contribution of money to a recipient to support or oppose one or more candidates for office at a spring election or a candidate at a special election held to fill a vacancy in one or more of the nonpartisan state or local offices voted for at the spring election, or to support or oppose committees engaging in such activities, shall do all the following:

(a) Annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(b) Unless a continuing report is required to be filed under this subsection on or before the 45th day after the special election, file a postelection report no earlier than 23 days and no later than 45 days after each special election.

(4) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT PARTISAN PRIMARY. A conduit that releases a contribution of money to a recipient to support or oppose one or more candidates for office at a partisan primary or a candidate at a special primary held to nominate candidates to be voted for at a special election held to fill a vacancy in one or more of the state or local offices voted for at the general election, or to support or oppose committees engaging in such activities, shall do all the following:

(a) In an odd-numbered year, file a report on the 15th day of the month in the months of January and July.

(b) In an even-numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(5) REPORTS TO SUPPORT OR OPPOSE CANDIDATES AT GENERAL ELECTION. A conduit that releases a contribution of money to a recipient to support or oppose one or more candidates for office at a general election or a candidate at a special election held to fill a vacancy in one or more of the state or local offices voted for at the general election, or to support or oppose committees engaging in such activities shall do all of the following:

(a) In an odd-numbered year, file a report on the 15th day of the month in the months of January and July.

(b) In an even-numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(c) Unless a continuing report is required to be filed under this subsection on or before the 45th day after the special election, file a postelection report no earlier than 23 days and no later than 45 days after each special election.

History: 2015 a. 117 ss. 24, 74 (1m).

11.0705 Redirected contributions. (1) DEFINITIONS. In this section, “sponsor” means a person, other than an individual or a candidate committee, that is associated with a conduit.

(2) REDIRECTION. If all of the following apply, a conduit may redirect any contribution received from an individual to a sponsor or, if there is no sponsor, to an administrative fund of the conduit:

(a) The conduit has held the contribution for at least 24 consecutive months, including the 24 months immediately preceding March 29, 2014, over which time the individual or organization that made the contribution has made no contact with the conduit.

(b) Either of the following apply:

1. The conduit has, over the 24-month period described in par. (a), attempted in good faith to contact the individual that made the contribution at least 5 times, and has documented each such attempt, but has been unable to make contact with the individual. A conduit may satisfy the requirement to contact the individual by telephoning the individual at the last-known telephone number; by sending a text message to the individual at the last-known cellular telephone number or pager number capable of receiving text messages; by sending a facsimile transmission to the individual at the last-known facsimile transmission number; by sending a letter or postcard to the individual by U.S. mail; by sending a message by electronic mail; or by any combination of the foregoing. A conduit may not satisfy the requirement to attempt in good faith to contact the individual at least 5 times if all 5 attempted contacts occur within a period of 30 consecutive days.

2. The surviving spouse or executor of the estate of a deceased individual that made the contribution authorizes the redirection of the contribution.

History: 2015 a. 117.

SUBCHAPTER VIII

REFERENDUM COMMITTEES

11.0801 Registration; treasurer and depositories.

(1) Each referendum committee required to register under this

chapter shall designate a treasurer to comply with the registration and reporting requirements under this subchapter.

(2) The treasurer shall ensure that all funds received are deposited in the referendum committee depository account.

(3) No disbursement may be made or obligation incurred by or on behalf of a referendum committee without the authorization of the treasurer or a designated agent.

(4) The treasurer shall maintain the records of the referendum committee in an organized and legible manner for not less than 3 years after the date of the election in which the referendum committee participates.

History: 2015 a. 117.

11.0802 Registration; timing. (1) Every referendum committee that makes or accepts contributions, makes disbursements, or incurs obligations for the purpose of influencing a particular vote at a referendum in a calendar year in an aggregate amount in excess of \$10,000 shall file a registration statement giving the information required by s. 11.0803.

(2) A referendum committee that triggers the registration requirement under sub. (1) shall file the registration statement no later than the 10th business day commencing after receipt of the first contribution by the referendum committee exceeding the amount specified under sub. (1), before making any disbursement exceeding that amount, and before incurring obligations exceeding that amount.

History: 2015 a. 117.

11.0803 Registration; required information.

(1) REQUIRED INFORMATION. The referendum committee shall indicate on the registration statement that it is registering as a referendum committee and shall include all of the following on the registration statement:

(a) The name and mailing address of the referendum committee.

(b) The name and mailing address of the treasurer and any other custodian of books and accounts. Unless otherwise directed by the treasurer on the registration form and except as otherwise provided in this chapter or any rule of the commission, all mailings that are required by law or by rule of the commission shall be sent to the treasurer at the treasurer’s address indicated upon the form.

NOTE: Par. (b) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(b) The name and mailing address of the treasurer and any other custodian of books and accounts. Unless otherwise directed by the treasurer on the registration form and except as otherwise provided in this chapter or any rule of the board, all mailings that are required by law or by rule of the board shall be sent to the treasurer at the treasurer’s address indicated upon the form.

(c) The name and address of the depository account of the referendum committee and of any other institution where funds of the committee are kept.

(d) The nature of any referendum that is supported or opposed.

(2) CERTIFICATION. The individual responsible for filing or amending a referendum committee’s registration statement and any form or report required of the committee under this chapter shall certify that all information contained in the statement, form, or report is true, correct, and complete.

(3) CHANGE OF INFORMATION. (a) The referendum committee shall report any change in information previously submitted in a registration statement within 10 days following the change. Except as provided in par. (b), any such change may be reported only by the individual or by the officer who has succeeded to the position of an individual who signed the original statement.

(b) The administrator or treasurer of a referendum committee may report a change in the committee’s registration statement.

History: 2015 a. 117 ss. 24, 74 (1m).

11.0804 Reporting. (1) CONTRIBUTIONS AND DISBURSEMENTS.

(a) Each referendum committee shall make full reports, upon a form prescribed by the commission and certified as

required under s. 11.0103 (3) (c), of all contributions, disbursements, and obligations received, made, or incurred by the committee. The referendum committee shall include in each report the following information, covering the period since the last date covered on the previous report:

NOTE: Par. (a) (intro.) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(a) Each referendum committee shall make full reports, upon a form prescribed by the board and certified as required under s. 11.0103 (3) (c), of all contributions, disbursements, and obligations received, made, or incurred by the committee. The referendum committee shall include in each report the following information, covering the period since the last date covered on the previous report:

1. An itemized statement giving the date, full name, and street address of each person who has made a contribution to the referendum committee, together with the amount of the contribution.

2. The occupation, if any, of each individual contributor whose cumulative contributions to the referendum committee for the calendar year are in excess of \$200.

3. An itemized statement of each contribution made anonymously to the referendum committee. If the contribution exceeds \$10, the referendum committee shall specify whether the committee donated the contribution to the common school fund or to a charitable organization, and shall include the full name and mailing address of the donee.

4. A statement of totals during the reporting period of contributions received and contributions donated as provided in subd. 3.

5. A statement of the cash balance on hand at the beginning and end of the reporting period.

6. An itemized statement of each loan of money made to the referendum committee in an aggregate amount or value in excess of \$20, together with all of the following:

- a. The full name and mailing address of the lender.
- b. A statement of whether the lender is a commercial lending institution.
- c. The date and amount of the loan.
- d. The full name and mailing address of each guarantor, if any.
- e. The original amount guaranteed by each guarantor.
- f. The balance of the amount guaranteed by each guarantor at the end of the reporting period.

7. An itemized statement of every disbursement exceeding \$20 in amount or value, together with the name and address of the person to whom the disbursement was made, and the date and specific purpose for which the disbursement was made.

8. An itemized statement of every obligation exceeding \$20 in amount or value, together with the name of the person or business with whom the obligation was incurred, and the date and the specific purpose for which each such obligation was incurred.

9. A statement of totals during the reporting period of disbursements made, including transfers made to and received from other committees, other income, and loans.

10. A statement of the balance of obligations incurred as of the end of the reporting period.

(b) The referendum committee shall begin each report filed under this chapter with the first contribution received, disbursement made, or obligation incurred during the reporting period.

(2) REPORTS TO SUPPORT OR OPPOSE A REFERENDUM AT SPRING PRIMARY. A referendum committee making or accepting contributions, making disbursements, or incurring obligations to support or oppose a referendum appearing on a spring primary ballot shall do all the following:

(a) File a preprimary report no earlier than 14 days and no later than 8 days preceding the primary.

(b) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(c) Annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(3) REPORTS TO SUPPORT OR OPPOSE A REFERENDUM AT SPRING ELECTION. A referendum committee making or accepting contributions, making disbursements, or incurring obligations to support or oppose a referendum appearing on a spring election ballot shall do all the following:

(a) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(b) Annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(4) REPORTS TO SUPPORT OR OPPOSE A REFERENDUM AT PARTISAN PRIMARY. A referendum committee making or accepting contributions, making disbursements, or incurring obligations in support of or in opposition to a referendum appearing on a partisan primary ballot shall do all the following:

(a) File a preprimary report no earlier than 14 days and no later than 8 days preceding the primary.

(b) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(c) In an odd-numbered year, file a report on the 15th day of the month in the months of January and July.

(d) In an even-numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(5) REPORTS IN SUPPORT OF OR OPPOSITION TO A REFERENDUM AT GENERAL ELECTION. A referendum committee making or accepting contributions, making disbursements, or incurring obligations to support or oppose a referendum appearing on a general election ballot shall do all the following:

(a) File a preelection report no earlier than 14 days and no later than 8 days preceding the election.

(b) In an odd-numbered year, file a report on the 15th day of the month in the months of January and July.

(c) In an even-numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

History: 2015 a. 117 ss. 24, 74 (1m).

Limitations on contributions to committees formed to support or oppose referenda are discussed. *Citizens Against Rent Control v. Berkeley*, 454 U.S. 290 (1981).

SUBCHAPTER IX

RECALL COMMITTEES

11.0901 Registration; treasurer and depositories.

(1) Each recall committee required to register under this chapter shall designate a treasurer to comply with the registration and reporting requirements under this subchapter.

(2) The treasurer shall ensure that all funds received are deposited in the recall committee depository account.

(3) No disbursement may be made or obligation incurred by or on behalf of a recall committee without the authorization of the treasurer or a designated agent.

(4) The treasurer shall maintain the records of the recall committee in an organized and legible manner for not less than 3 years after the date of the election in which the recall committee participates.

History: 2015 a. 117.

11.0902 Registration; timing. (1) Every recall committee

that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose a recall in a calendar year in an aggregate amount in excess of \$2,000 shall file a registration statement giving the information required by s. 11.0903.

(2) A recall committee that triggers the registration requirement under sub. (1) shall file the registration statement no later than the 10th business day commencing after receipt of the first contribution by the recall committee exceeding the amount specified under sub. (1), before making any disbursement exceeding

that amount, and before incurring obligations exceeding that amount.

History: 2015 a. 117.

11.0903 Registration; required information. (1) REQUIRED INFORMATION. The recall committee shall indicate on the registration statement that it is registering as a recall committee and shall include all of the following on the registration statement:

(a) The name and mailing address of the recall committee.

(b) The name and mailing address of the treasurer and any other custodian of books and accounts. Unless otherwise directed by the treasurer on the registration form and except as otherwise provided in this chapter or any rule of the commission, all mailings that are required by law or by rule of the commission shall be sent to the treasurer at the treasurer's address indicated upon the form.

NOTE: Par. (b) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(b) The name and mailing address of the treasurer and any other custodian of books and accounts. Unless otherwise directed by the treasurer on the registration form and except as otherwise provided in this chapter or any rule of the board, all mailings that are required by law or by rule of the board shall be sent to the treasurer at the treasurer's address indicated upon the form.

(c) The name and address of the depository account of the recall committee and of any other institution where funds of the committee are kept.

(2) CERTIFICATION. The individual responsible for filing or amending a recall committee's registration statement and any form or report required of the committee under this chapter shall certify that all information contained in the statement, form, or report is true, correct, and complete.

(3) CHANGE OF INFORMATION. (a) The recall committee shall report any change in information previously submitted in a registration statement within 10 days following the change. Except as provided in par. (b), any such change may be reported only by the individual or by the officer who has succeeded to the position of an individual who signed the original statement.

(b) The administrator or treasurer of a recall committee may report a change in the committee's registration statement.

History: 2015 a. 117 ss. 24, 74 (1m).

11.0904 Reporting. (1) CONTRIBUTIONS AND DISBURSEMENTS. (a) Each recall committee shall make full reports, upon a form prescribed by the commission and certified as required under s. 11.0103 (3) (c), of all contributions received, disbursements made, and obligations incurred by the committee. The recall committee shall include in each report the following information, covering the period since the last date covered on the previous report:

NOTE: Par. (a) (intro.) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(a) Each recall committee shall make full reports, upon a form prescribed by the board and certified as required under s. 11.0103 (3) (c), of all contributions received, disbursements made, and obligations incurred by the committee. The recall committee shall include in each report the following information, covering the period since the last date covered on the previous report:

1. An itemized statement giving the date, full name, and street address of each person who has made a contribution to the recall committee, together with the amount of the contribution.

2. An itemized statement giving the date, full name, and street address of each committee to which the recall committee has made a contribution, together with the amount of the contribution.

3. The occupation, if any, of each individual contributor whose cumulative contributions to the recall committee for the calendar year are in excess of \$200.

4. An itemized statement of each contribution made anonymously to the recall committee. If the contribution exceeds \$10, the recall committee shall specify whether the committee donated the contribution to the common school fund or to a charitable

organization, and shall include the full name and mailing address of the donee.

5. A statement of totals during the reporting period of contributions received and contributions donated as provided in subd. 4.

6. A statement of the cash balance on hand at the beginning and end of the reporting period.

7. An itemized statement of each loan of money made to the recall committee in an aggregate amount or value in excess of \$20, together with all of the following:

a. The full name and mailing address of the lender.

b. A statement of whether the lender is a commercial lending institution.

c. The date and amount of the loan.

d. The full name and mailing address of each guarantor, if any.

e. The original amount guaranteed by each guarantor.

f. The balance of the amount guaranteed by each guarantor at the end of the reporting period.

8. An itemized statement of every disbursement exceeding \$20 in amount or value, together with the name and address of the person to whom the disbursement was made, and the date and specific purpose for which the disbursement was made.

9. An itemized statement of every obligation exceeding \$20 in amount or value, together with the name of the person or business with whom the obligation was incurred, and the date and the specific purpose for which each such obligation was incurred.

10. A statement of totals during the reporting period of disbursements made, including transfers made to and received from other committees, other income, and loans.

11. A statement of the balance of obligations incurred as of the end of the reporting period.

(b) The recall committee shall begin each report filed under this chapter with the first contribution received, disbursement made, or obligation incurred during the reporting period.

(2) REPORTS TO SUPPORT OR OPPOSE THE RECALL OF NONPARTISAN STATE OR LOCAL OFFICE HOLDER ELECTED AT SPRING ELECTION; PRIMARY. A recall committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose the recall of a nonpartisan state or local office holder, or to support or oppose other committees engaging in such activities, shall do all the following:

(a) File a preprimary report no earlier than 14 days and no later than 8 days preceding the recall primary.

(b) File a preelection report no earlier than 14 days and no later than 8 days preceding the recall election.

(c) Annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(3) REPORTS TO SUPPORT OR OPPOSE THE RECALL OF A NONPARTISAN STATE OR LOCAL OFFICE HOLDER ELECTED AT SPRING ELECTION; ELECTION. A recall committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose the recall of a nonpartisan state or local office holder, or to support or oppose other committees engaging in such activities, shall do all the following:

(a) File a preelection report no earlier than 14 days and no later than 8 days preceding the recall election.

(b) Annually in each year of an election cycle, file a report on the 15th day of the month in the months of January and July.

(4) REPORTS TO SUPPORT OR OPPOSE THE RECALL OF PARTISAN STATE OR LOCAL OFFICE HOLDER; PRIMARY. A recall committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose the recall of a partisan state or local office holder, or to support or oppose other committees engaging in such activities, shall do all the following:

(a) File a preprimary report no earlier than 14 days and no later than 8 days preceding the recall primary.

21 Updated 13–14 Wis. Stats.**CAMPAIGN FINANCING 11.1101**

(b) File a preelection report no earlier than 14 days and no later than 8 days preceding the recall election.

(c) In an odd-numbered year, file a report on the 15th day of the month in the months of January and July.

(d) In an even-numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

(5) REPORTS TO SUPPORT OR OPPOSE THE RECALL OF PARTISAN STATE OR LOCAL OFFICE HOLDER; GENERAL ELECTION. A recall committee that makes or accepts contributions, makes disbursements, or incurs obligations to support or oppose the recall of a partisan state or local office holder, or to support or oppose other committees engaging in such activities, shall do all of the following:

(a) File a preelection report no earlier than 14 days and no later than 8 days preceding the recall election.

(b) In an odd-numbered year, file a report on the 15th day of the month in the months of January and July.

(c) In an even-numbered year, file a report on the 15th day of the month in the months of January and July, and on the 4th Tuesday in September.

History: 2015 a. 117 ss. 24, 74 (1m).

SUBCHAPTER X**OTHER PERSONS****11.1001 Reporting; specific express advocacy.**

(1) DISBURSEMENTS. (a) Any person, other than a committee, spending \$2,500 or more in the aggregate on express advocacy shall submit statements to the commission under par. (b) if the express advocacy is made during the period beginning on the day that is 60 days prior to the day of the primary or election involving the candidate identified under par. (b) 5. and ending on the day of the primary or election involving that candidate.

NOTE: Par. (a) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(a) Any person, other than a committee, spending \$2,500 or more in the aggregate on express advocacy shall submit statements to the board under par. (b) if the express advocacy is made during the period beginning on the day that is 60 days prior to the day of the primary or election involving the candidate identified under par. (b) 5. and ending on the day of the primary or election involving that candidate.

(b) A person required to report under this section shall submit statements to the commission providing all of the following information:

NOTE: Par. (b) (intro.) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(b) A person required to report under this section shall submit statements to the board providing all of the following information:

1. The dates on which the person made the disbursements.
2. The name and address of the persons who received the disbursements.
3. The purpose for making the disbursements.
4. The amount spent for each act of express advocacy.
5. The name of any candidate identified in the express advocacy, the office that the candidate seeks, and whether the express advocacy supports or opposes that candidate.
6. An affirmation, made under oath, that the person will comply with the prohibition on coordination under s. 11.1203 with respect to any candidate or agent or candidate committee who is supported or opposed by the express advocacy.
7. The name and mailing and street address of the person's designated agent in this state.

(2) EXCEPTION. (a) A person who is required to report under this section is not required to submit the information described under sub. (1) (b) regarding disbursements made before reaching the \$2,500 threshold under sub. (1) (a). For purposes of this section, a disbursement for express advocacy is the amount spent directly on developing, producing, and disseminating the express advocacy.

(b) This section does not apply to any of the following:

1. A communication, other than an advertisement, appearing in a news story, commentary, or editorial distributed through the facilities of any news organization, unless the facilities are controlled by any committee or candidate.

2. A communication made exclusively between an organization and its members. In this subdivision, a member of an organization means a shareholder, employee, or officer of the organization, or an individual who has affirmatively manifested an interest in joining, supporting, or aiding the organization.

(3) TIMING. A person who is required to report under this section shall submit the report to the commission no later than 72 hours after making the disbursements.

NOTE: Sub. (3) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(3) TIMING. A person who is required to report under this section shall submit the report to the board no later than 72 hours after making the disbursements.

History: 2015 a. 117 ss. 24, 74 (1m).

SUBCHAPTER XI**CONTRIBUTIONS**

11.1101 Contribution limits. (1) INDIVIDUAL LIMITS. An individual may contribute to a candidate committee no more than the following amounts specified for the candidate whose nomination or election the individual supports [See Figure 11.1101 following]:

(a) Candidates for governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent, or justice, \$20,000.

(b) Candidates for state senator, \$2,000.

(c) Candidates for representative to the assembly, \$1,000.

(d) Candidates for court of appeals judge in districts which contain a county having a population of more than 500,000, \$6,000.

(e) Candidates for court of appeals judge in other districts, \$5,000.

(f) Candidates for circuit judge in circuits having a population of more than 300,000, or candidates for district attorney in prosecutorial units having a population of more than 300,000, \$6,000.

(g) Candidates for circuit judge in other circuits or candidates for district attorney in other prosecutorial units, \$2,000.

(h) Candidates for local offices, an amount equal to the greater of the following:

1. Five hundred dollars.

2. Two cents times the number of inhabitants of the jurisdiction or district, according to the latest federal census or the census information on which the district is based, as certified by the appropriate filing officer, but not more than \$6,000.

(2) CANDIDATE COMMITTEES. A candidate committee may contribute to another candidate committee no more than the following amounts specified for the candidate whose nomination or election the committee supports [See Figure 11.1101 following]:

(a) Candidates for governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent, or justice, \$20,000.

(b) Candidates for state senator, \$2,000.

(c) Candidates for representative to the assembly, \$1,000.

(d) Candidates for court of appeals judge in districts which contain a county having a population of more than 500,000, \$6,000.

(e) Candidates for court of appeals judge in other districts, \$5,000.

(f) Candidates for circuit judge in circuits having a population of more than 300,000, or candidates for district attorney in prosecutorial units having a population of more than 300,000, \$6,000.

11.1101 CAMPAIGN FINANCING

- (g) Candidates for circuit judge in other circuits or candidates for district attorney in other prosecutorial units, \$2,000.
- (h) Candidates for local offices, an amount equal to the greater of the following:
 1. Five hundred dollars.
 2. Two cents times the number of inhabitants of the jurisdiction or district, according to the latest federal census or the census information on which the district is based, as certified by the appropriate filing officer, but not more than \$6,000.
- (3) POLITICAL ACTION COMMITTEES.** A political action committee may contribute to a candidate committee no more than the following amounts specified for the candidate whose nomination or election the committee supports [See Figure 11.1101 following]:
 - (a) Candidates for governor, \$86,000.
 - (b) Candidates for lieutenant governor, \$26,000.
 - (c) Candidates for attorney general, \$44,000.
 - (d) Candidates for secretary of state, state treasurer, state superintendent, or justice, \$18,000.
 - (e) Candidates for state senator, \$2,000.

- (f) Candidates for representative to the assembly, \$1,000.
- (g) Candidates for court of appeals judge in districts which contain a county having a population of more than 500,000, \$6,000.
- (h) Candidates for court of appeals judge in other districts, \$5,000.
- (i) Candidates for circuit judge in circuits having a population of more than 300,000, or candidates for district attorney in prosecutorial units having a population of more than 300,000, \$6,000.
- (j) Candidates for circuit judge in other circuits or candidates for district attorney in other prosecutorial units, \$2,000.
- (k) Candidates for local offices, an amount equal to the greater of the following:
 1. Four hundred dollars.
 2. Two cents times the number of inhabitants of the jurisdiction or district, according to the latest federal census or the census information on which the district is based, as certified by the appropriate filing officer, but not more than \$5,000.

Figure 11.1101:

	INDIVIDUAL CONTRIBUTORS	CANDIDATE COMMITTEE CONTRIBUTORS	POLITICAL ACTION COMMITTEE CONTRIBUTORS
GOVERNOR	\$20,000	\$20,000	\$86,000
LT. GOVERNOR	\$20,000	\$20,000	\$26,000
SECRETARY OF STATE	\$20,000	\$20,000	\$18,000
STATE TREASURER	\$20,000	\$20,000	\$18,000
ATTORNEY GENERAL	\$20,000	\$20,000	\$44,000
STATE SUPERINTENDENT	\$20,000	\$20,000	\$18,000
JUSTICE	\$20,000	\$20,000	\$18,000
STATE SENATOR	\$2,000	\$2,000	\$2,000
ASSEMBLY REPRESENTATIVE	\$1,000	\$1,000	\$1,000
APPEALS JUDGE – POPULOUS DISTRICTS	\$6,000	\$6,000	\$6,000
APPEALS JUDGE – OTHER DISTRICTS	\$5,000	\$5,000	\$5,000
CIRCUIT JUDGE – POPULOUS AREA	\$6,000	\$6,000	\$6,000
DISTRICT ATTORNEY – POPULOUS AREA	\$6,000	\$6,000	\$6,000
CIRCUIT JUDGE – OTHER AREA	\$2,000	\$2,000	\$2,000
DISTRICT ATTORNEY – OTHER AREA	\$2,000	\$2,000	\$2,000
LOCAL OFFICES	GREATER OF \$500 OR 2 CENTS TIMES THE POPULATION, BUT NOT MORE THAN \$6,000	GREATER OF \$500 OR 2 CENTS TIMES THE POPULATION, BUT NOT MORE THAN \$6,000	GREATER OF \$400 OR 2 CENTS TIMES THE POPULATION, BUT NOT MORE THAN \$5,000

History: 2015 a. 117.

11.1103 Applicable periods. (1) For an individual who is a candidate for an office that the individual holds, the limits under s. 11.1101 (1) to (3) apply during the term of that office.

(2) For an individual who is a candidate for an office that the individual does not hold, the limits under s. 11.1101 (1) to (3) apply during the period beginning on the date on which the individual becomes a candidate under s. 11.0101 (1) (a) and ending on

the day before the term of office begins for the office sought by the candidate.

History: 2015 a. 117.

11.1104 Exceptions. Except as provided in subs. (3) (b) and (4) (b) and s. 11.1112, the following contributions may be made in unlimited amounts:

- (1)** Contributions to a political action committee.

(2) Contributions transferred between political action committees.

(3) (a) Except as provided in par. (b), contributions to a legislative campaign committee.

(b) A political action committee may contribute no more than \$12,000 in any calendar year to a legislative campaign committee.

(4) (a) Except as provided in par. (b), contributions to a political party.

(b) A political action committee may contribute no more than \$12,000 in any calendar year to a political party.

(5) Contributions made by a political party or legislative campaign committee to a candidate committee.

(6) Contributions paid to a segregated fund established and administered by a political party or legislative campaign committee for purposes other than making contributions to a candidate committee or making disbursements for express advocacy.

(7) Contributions that a candidate makes to his or her candidate committee from the candidate's personal funds or property or the personal funds or property that are owned jointly or as marital property with the candidate's spouse.

(8) Contributions transferred between the candidates for governor and lieutenant governor of the same political party.

(9) Contributions used to pay legal fees and other expenses incurred as a result of a recount under s. 9.01.

(10) Contributions used to pay legal fees and other expenses incurred in connection with or in response to circulating, offering to file, or filing a petition to recall an office holder prior to the time that a recall primary or election is ordered, or after that time if incurred to contest or defend the order.

(11) Contributions to a recall committee.

(12) Contributions to a referendum committee.

(13) Contributions to an independent expenditure committee.

History: 2015 a. 117.

11.1105 Valuation. (1) Except as provided in s. 11.1111, for purposes of complying with a contribution limit under this section, the value of a contribution of any tangible or intangible item, other than money, is the item's fair market value at the time that the individual or committee made the contribution.

(2) Except as provided in s. 11.1111, for purposes of complying with a contribution limit under this section, the value of a contribution of a service is the fair market value of the service at the time that the individual or committee made the contribution.

History: 2015 a. 117.

11.1106 Conduit contributions. (1) For purposes of this chapter, a contribution released by a conduit to a committee is to be reported by the committee as a contribution from the individual who made the contribution and not as a contribution from the conduit.

(2) A contribution of money received from a conduit, accompanied by the information required under s. 11.0704 (1), is considered to be a contribution from the original contributor.

(3) Each filing officer shall place a copy of any report received under s. 11.0704 in the file of the conduit and the file of the recipient.

History: 2015 a. 117.

11.1107 Limitation on cash contributions. Every contribution of money exceeding \$100 shall be made by negotiable instrument or evidenced by an itemized credit card receipt bearing on the face the name of the remitter. No committee required to report under this chapter may accept a contribution made in violation of this section. The committee shall promptly return the contribution, or donate it to the common school fund or to a charitable organization in the event that the donor cannot be identified.

History: 2015 a. 117.

11.1108 Anonymous contributions. No committee may accept an anonymous contribution exceeding \$10. If an anonymous contribution exceeds \$10, the committee shall donate the contribution to the common school fund or to a charitable organization and report the donation as required under this chapter.

History: 2015 a. 117.

11.1109 In-kind contributions. Before making a contribution, as defined under s. 11.0101 (8) (a) 2., to a committee, the prospective contributor shall notify the candidate or candidate's agent or the administrator or treasurer of the committee and obtain that individuals oral or written consent to the contribution.

History: 2015 a. 117.

11.1110 Return of contributions. (1) A committee required to report under this chapter may return a contribution at any time before or after it has been deposited.

(2) (a) Except as provided in par. (b), the subsequent return of a contribution deposited contrary to law does not constitute a defense to a violation.

(b) A committee that accepts a contribution contrary to law, reports that contribution, and returns that contribution within 15 days after the filing date for the reporting period in which the contribution is received does not violate the contribution or source limits under this subchapter.

History: 2015 a. 117.

11.1111 Valuation of opinion poll results. (1) In this section:

(a) "Election period" means any of the following:

1. The period beginning on December 1 and ending on the date of the spring election.

2. The period beginning on May 1 and ending on the date of the general election.

3. The period beginning on the first day for circulating nomination papers and ending on the date of a special election.

(b) "Initial recipient" means the individual who or committee which commissions a public opinion poll or voter survey.

(c) "Results" means computer output or a written or verbal analysis.

(d) "Voter survey" includes acquiring information that identifies voter attitudes concerning candidates or issues.

(2) If a committee receives opinion poll or voter survey results during the first 15 days after the initial recipient receives the results, and the committee received the results during an election period, the committee shall report the results as a contribution. The committee shall report the contribution's value as 100 percent of the cost incurred by the initial recipient to commission the poll or survey, except that if more than one committee receives the results, the committees shall report the contribution's value as 100 percent of the amount allocated to the committee under sub. (5).

(3) If the committee receives the opinion poll or voter survey results 16 to 60 days following the day on which the initial recipient received the results, and the committee received the results during an election period, the committee shall report the results as a contribution valued at 50 percent of the cost incurred by the initial recipient to commission the poll or survey, except that if more than one committee receives the results, the committees shall report the contribution's value as 50 percent of the amount allocated to the committee under sub. (5).

(4) If the committee receives the opinion poll or voter survey results more than 60 days after the initial recipient received the results, the committee is not required to report the results as a contribution.

(5) If a person contributes opinion poll or voter survey results to more than one committee, the person shall apportion the value of the poll or survey to each committee receiving the results by one of the following methods and shall provide the apportioned values to the committees:

(a) Determine the share of the cost of the opinion poll or voter survey that is allocable to each recipient based on the allocation formula used by the person that conducted the poll or survey.

(b) Determine the share of the cost of the opinion poll or voter survey that is allocable to each recipient by dividing the cost of the poll or survey equally among all the committees receiving the results.

(c) Determine the share of the cost of the opinion poll or voter survey that is allocable to each recipient as follows:

1. Divide the number of question results received by each recipient by the total number of question results received by all recipients.

2. Multiple the total cost of the poll or survey by the number determined under subd. 1.

(6) If a person makes a contribution of opinion poll or voter survey results to a committee after the person has apportioned the value of the results to previous recipients under sub. (5), the person shall make a good faith effort to apportion the value to the committee, considering the value apportioned to other recipients under sub. (5), and shall report that value to the committee. For purposes of this subsection, the total value of the contributor's aggregate contributions may exceed the original cost of the poll or survey.

(7) A person who contributes opinion poll or voter survey results shall maintain records sufficient to support the contribution's value and shall provide the contribution's value to the recipient.

History: 2015 a. 117.

11.1112 Corporations, cooperatives, and tribes. No foreign or domestic corporation, no association organized under ch. 185 or 193, no labor organization, and no federally recognized American Indian Tribe may make a contribution to a committee, other than an independent expenditure committee or referendum committee, but may make a contribution to a segregated fund as provided under s. 11.1104 (6) in amounts not to exceed \$12,000 in the aggregate in a calendar year.

History: 2015 a. 117.

The government may regulate corporate political speech through disclaimer and disclosure requirements, but it may not suppress that speech altogether. Federal law prohibiting corporations and unions from using their general treasury funds to make independent expenditures for speech defined as an "electioneering communication" or for speech expressly advocating the election or defeat of a candidate is unconstitutional. *Citizens United v. Federal Election Commission*, 558 U.S. 310, 130 S. Ct. 876, 175 L. Ed. 2d 753 (2010).

11.1113 Sole proprietors, partnerships, and limited liability companies. (1) A contribution made to a committee by a sole proprietorship is considered a contribution made by the individual who is the sole proprietor and subject to the limits under this subchapter.

(2) A contribution made to a committee by a partnership is considered a contribution made by each of the contributing partners and subject to the limits under this subchapter. A partnership that makes a contribution to a committee shall provide to the committee the names of the contributing partners and the amount of the individual contribution made by each partner. For purposes of determining the individual contribution amounts made by each partner, the partnership shall attribute the individual contributions according to each partner's share of the partnership's profits, unless the partners agree to apportion the contribution in a different manner.

(3) LIMITED LIABILITY COMPANIES. (a) A contribution made to a committee by a limited liability company treated as a partnership by the federal internal revenue service pursuant to 26 CFR 301.7701-3 is considered a contribution made by each of the contributing members and subject to the limits under this subchapter. A limited liability company that makes a contribution under this paragraph shall affirm to the candidate committee that it is treated as a partnership for federal tax purposes and eligible to make the contribution. The company shall provide to the committee the

names of the contributing members and the amount of the individual contribution made by each member. For purposes of determining the individual contribution amounts made by each member, the company shall attribute the individual contributions according to each member's share of the company's profits, unless the members agree to apportion the contribution in a different manner.

(b) A contribution made to a candidate committee by a single-member limited liability company in which the sole member is an individual is considered a contribution made by that individual and subject to the individual limits under s. 11.1101 (1). A limited liability company that makes a contribution under this paragraph shall affirm to the candidate committee that it is a single-member limited liability company in which the sole member is an individual and eligible to make the contribution.

History: 2015 a. 117.

11.1114 Two candidate committees. (1) If a candidate establishes a 2nd candidate committee under s. 11.0202 (2) to pursue a state or local office for which the contribution limit under this subchapter is higher than the contribution limit for the office that the candidate originally sought, the 2nd candidate committee may accept contributions up to the higher limit, but shall take into account the amount of any contributions transferred from the first candidate committee to the 2nd candidate committee to determine whether the 2nd candidate committee has reached or exceeded the higher limits.

(2) If a candidate establishes a 2nd candidate committee under s. 11.0202 (2) to pursue a state or local office for which the contribution limit under this subchapter is lower than the contribution limit for the office that the candidate originally sought, the first candidate committee may transfer its contributions to the 2nd candidate committee in an amount not to exceed the contribution limits applicable to the 2nd candidate committee.

(3) Upon termination of a 2nd candidate committee, the 2nd candidate committee may transfer any of its remaining funds to the first candidate committee in amounts not to exceed the contribution limits applicable to the persons who contributed to the first candidate committee.

History: 2015 a. 117.

SUBCHAPTER XII

PROHIBITED PRACTICES

11.1201 False reports and statements. No person may prepare or submit a false report or statement to a filing officer under this chapter.

History: 2015 a. 117.

11.1202 Earmarking. (1) The treasurer of a candidate committee may agree with a prospective contributor that a contribution is received to be used for a specific purpose not prohibited by law. That purpose may not include a disbursement to a committee to support or oppose another candidate.

(2) When a contribution is made to a committee other than a candidate committee, the contributor may not direct the committee to make a disbursement to a committee to support or oppose another candidate.

(3) Except for transfers of membership-related moneys between committees of the same political party, no committee may transfer to another committee the earmarked contributions of others. Transfers of membership-related moneys between political parties shall be treated in the same manner as other transfers.

History: 2015 a. 117.

11.1203 Coordination. (1) No political action committee, independent expenditure committee, other person required to report under s. 11.1001, or individual may make an expenditure for express advocacy for the benefit of a candidate that is coordinated with that candidate, candidate's committee, or candidate's

agent, nor with any legislative campaign committee of the candidate's political party, or a political party, in violation of the contribution limits under s. 11.1101 or the source restrictions under s. 11.1112.

(2) (a) For purposes of this section, an expenditure for express advocacy is coordinated if any of the following applies:

1. The candidate, candidate's agent, legislative campaign committee of the candidate's political party, or the candidate's political party communicates directly with the political action committee, independent expenditure committee, other person, or individual making the expenditure to specifically request that the political action committee, independent expenditure committee, other person, or individual make the expenditure that benefits the candidate and the political action committee, independent expenditure committee, other person, or individual explicitly assents to the request before making the expenditure.

2. The candidate, candidate's agent, legislative campaign committee of the candidate's political party, or the candidate's political party exercises control over the expenditure or the content, timing, location, form, intended audience, number, or frequency of the communication.

(b) If an expenditure for express advocacy is coordinated, but not in violation of the coordination prohibitions under sub. (1), all of the following apply:

1. The political action committee or independent expenditure committee making the expenditure shall report the expenditure as required under this chapter.

2. The candidate committee shall report the expenditure as a contribution.

(3) None of the following are considered coordinated communications prohibited under this section:

(a) Candidates endorsing and soliciting contributions for other candidates.

(b) Candidates, candidate committees, legislative campaign committees, and political parties responding to inquiries about a candidate's or political party's position on legislative or policy issues.

(c) Using publicly available information to create, produce, or distribute a communication if sub. (2) does not apply to such use.

History: 2015 a. 117.

11.1204 Unlawful political contributions. (1) Subject to sub. (2), no person may, directly or indirectly, make any contribution other than from funds or property belonging to the person. No person may, directly or indirectly, give funds or property to another person for the purpose of making a contribution in other than the first person's name.

(2) A conduit releasing a contribution of money in the manner prescribed in s. 11.0704 does not violate sub. (1).

(3) No person may intentionally receive or accept any contribution made in violation of this chapter.

History: 2015 a. 117.

The unit of prosecution under s. 11.24 (1), 1977 stats., is every transfer of funds to another person accompanied by the false listing of any single contributor. An individual illegally furnishing funds from a corporate account may be convicted under s. 11.24 (1), 1977 stats. *State v. Dreske*, 88 Wis. 2d 60, 276 N.W.2d 324 (Ct. App. 1979).

11.1205 Use of government materials by candidates.

(1) (a) Except as provided in sub. (2), no person elected to state or local office who becomes a candidate for national, state, or local office may use public funds for the cost of materials or distribution for 50 or more pieces of substantially identical material distributed after:

1. In the case of a candidate who is nominated by nomination papers, the first day authorized by law for circulation of nomination papers as a candidate.

2. In the case of a candidate who is nominated at a primary election by write-in votes, the day the board of canvassers issues its determination that the person is nominated.

3. In the case of a candidate who is nominated at a caucus, the date of the caucus.

4. In the case of any other candidate who is nominated solely by filing a declaration of candidacy, the first day of the month preceding the month which includes the last day for filing the declaration.

(b) This subsection applies until after the date of the election or after the date of the primary election if the person appears as a candidate on a primary election ballot and is not nominated at the primary election.

(2) This section does not apply to use of public funds for the costs of the following:

(a) Answers to communications of constituents.

(b) Actions taken by a state or local government administrative officer pursuant to a specific law, ordinance or resolution which authorizes or directs the actions to be taken.

(c) Communications between members of the legislature regarding the legislative or deliberative process while the legislature is in session.

(d) Communications not exceeding 500 pieces by members of the legislature relating solely to the subject matter of a special session or extraordinary session, made during the period between the date that the session is called or scheduled and 14 days after adjournment of the session.

History: 2015 a. 117.

Section 11.33, 1979 stats., applies to persons elected to state office who are seeking reelection or election to a different office and to the use of public funds for political purposes. 69 Atty. Gen. 259.

11.1206 Travel by public officers. (1) No person may use any vehicle or aircraft owned by the state or by any local governmental unit for any trip which is exclusively for the purposes of campaigning to support or oppose any candidate for national, state, or local office, unless use of the vehicle or aircraft is required for purposes of security protection provided by the state or local governmental unit.

(2) No person may use any vehicle or aircraft owned by the state or by any local governmental unit for purposes that include campaigning to support or oppose any candidate for national, state, or local office, unless the person pays to the state or local governmental unit a fee which is comparable to the commercial market rate for the use of a similar vehicle or aircraft and for any services provided by the state or local governmental unit to operate the vehicle or aircraft. If a trip is made in part for a public purpose and in part for the purpose of campaigning, the person shall pay for the portion of the trip attributable to campaigning, but in no case less than 50 percent of the cost of the trip. The portion of the trip attributable to campaigning shall be determined by dividing the number of appearances made for campaign purposes by the total number of appearances. Fees payable to the state shall be prescribed by the secretary of administration and shall be deposited in the account under s. 20.855 (6) (h). Fees payable to a local governmental unit shall be prescribed by the governing body of the governmental unit.

History: 2015 a. 117.

11.1207 Political solicitation involving public officials and employees restricted. (1) (a) Except as provided in par.

(b), no person may solicit or receive from any state officer or employee or from any officer or employee of the University of Wisconsin Hospitals and Clinics Authority any contribution during established hours of employment or while the officer or employee is engaged in his or her official duties.

(b) Paragraph (a) does not apply to communications about a referendum.

(2) No person may solicit or receive from any officer or employee of a political subdivision of this state any contribution during established hours of employment or while the officer or employee is engaged in his or her official duties.

(3) Every person who has charge or control in a building, office, or room occupied for any purpose by this state, by any political subdivision thereof, or by the University of Wisconsin Hospitals and Clinics Authority shall prohibit the entry of any person into that building, office, or room for the purpose of making or receiving a contribution.

(4) No person may enter or remain in any building, office, or room occupied for any purpose by the state, by any political subdivision thereof or by the University of Wisconsin Hospitals and Clinics Authority or send or direct a letter or other notice thereto for the purpose of requesting or collecting a contribution.

(5) This section does not apply to a response by a legal custodian or subordinate of the custodian to a request to locate, reproduce, or inspect a record under s. 19.35 if the request is processed in the same manner as the custodian or subordinate responds to other requests to locate, reproduce, or inspect a record under s. 19.35.

History: 2015 a. 117.

11.1208 Unlawful political disbursements and obligations. (1) No person may intentionally receive or accept anything of value, or any promise or pledge thereof, constituting a disbursement made or obligation incurred contrary to law.

(2) (a) Except as provided in pars. (b) and (c), a committee may not make a disbursement or incur an obligation for the committee's or an individual's strictly personal use.

(b) A committee may accept contributions and make disbursements from a campaign depository account for any of the following:

1. For the purpose of making disbursements in connection with a campaign for national office.
2. For payment of civil penalties incurred by the committee under this chapter but not under any other chapter.
3. For the purpose of making a donation to a charitable organization or the common school fund.
4. For payment of the expenses of nonpartisan campaigns to increase voter registration or participation.

(c) A candidate committee may accept contributions and make disbursements from a campaign depository account for payment of inaugural expenses of an individual who is elected to state or local office. Inaugural expenses paid from contributions made to the campaign depository account are reportable under s. 11.0204 (1) as disbursements and are subject to the limits under s. 11.1101.

(3) No contributions to or disbursements from a committee's depository account may be invested for the purpose of producing income unless the investment is in direct obligations of the United States and of agencies and corporations wholly owned by the United States, commercial paper maturing within one year from the date of investment, preferred shares of a corporation, or securities of an investment company registered under the federal investment company act of 1940 (15 USC 80a) and registered for public offer and sale in this state of the type commonly referred to as a "money market fund".

(4) No person may make or accept a contribution, make a disbursement, make an expenditure, or incur an obligation in violation of 11 CFR 110.20 and 52 USC 30121.

History: 2015 a. 117.

SUBCHAPTER XIII

ADMINISTRATION

11.1301 Defense fund authorized. (1) Any candidate or public official who is being investigated for, charged with, or convicted of a criminal violation of this chapter or ch. 12, or whose agent is so investigated, charged, or convicted, may establish a defense fund for disbursements supporting or defending the candidate, official, or agent, or any dependent of the candidate, official, or agent, while that person is being investigated for, or while

the person is charged with or convicted of a criminal violation of this chapter or ch. 12.

(2) No person may use a contribution received from a contributor to a candidate committee fund for a purpose for which a defense fund is authorized under sub. (1) unless the person obtains the contributor's authorization. Notwithstanding s. 11.1202 (3), any contributor may authorize the transfer of all or part of a contribution from a campaign fund to a defense fund.

History: 2015 a. 117.

11.1302 Donations to charitable organizations or school fund. Any committee may make a donation to a charitable organization or the common school fund from the committee's depository account. No later than 5 days after a committee makes a donation to a charitable organization or the common school fund from the committee's depository account, the committee shall notify the committee's filing officer in writing of the name of the donee and the date of the donation, and shall provide an explanation for not retaining the amount donated in the committee's depository account.

History: 2015 a. 117.

11.1303 Attribution of political contributions, disbursements and communications. (1) No disbursement may be made anonymously and no contribution or disbursement may be made in a fictitious name or by one person or organization in the name of another.

(2) (a) Every printed advertisement, billboard, handbill, sample ballot, television or radio advertisement, or other communication containing express advocacy which is paid for by any contribution or disbursement shall clearly identify its source.

(b) Every communication described under par. (a) the cost of which is paid for or reimbursed by a committee, or for which a committee assumes responsibility, whether by accepting a contribution or making a disbursement, shall identify its source by the words "Paid for by" followed by the name of the committee making the payment or reimbursement or assuming responsibility for the communication and may include the name of the treasurer or other authorized agent of the committee.

(c) Every communication for express advocacy the cost of which exceeds \$2,500 and is paid for or reimbursed by any person, other than a committee, shall identify its source by the words "Paid for by" followed by the name of the person.

(d) In addition to the requirements of pars. (a) to (c), a person required to submit an affirmation under oath, as provided under s. 11.0505 (1) (b) 6., 11.0605 (1) (b) 6., or 11.1001 (1) (b) 6. shall also include the words "Not authorized by any candidate or candidate's agent or committee" in every communication containing express advocacy.

(e) Communications described in pars. (a) to (c) and made by a candidate committee may identify the name of the candidate committee except that no abbreviation may be used to identify the committee.

(em) Each printed advertisement, billboard, handbill, paid television or radio advertisement, or other communication made for the purpose of influencing the recall from or retention in office of an individual holding a state or local office shall clearly identify its source in the manner prescribed in pars. (b) and (c).

(f) This subsection does not apply to communications containing express advocacy printed on small items on which the information required by this subsection cannot be conveniently printed, including text messages, social media communications, and certain small advertisements on mobile phones. The commission may, by rule, specify small items or other communications to which this subsection shall not apply.

NOTE: Par. (f) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(f) This subsection does not apply to communications containing express advocacy printed on small items on which the information required by this subsection cannot be conveniently printed, including text messages, social media communications, and certain small advertisements on mobile phones. The

board may, by rule, specify small items or other communications to which this subsection shall not apply.

(g) The attributions required by this subsection in written communications shall be readable, legible, and readily accessible.

(3) Whenever any person receives payment from another person, in cash or in-kind, for the direct or indirect cost of conducting a poll concerning support or opposition to a candidate, political party, or referendum, the person conducting the poll shall, upon request of any person who is polled, disclose the name and address of the person making payment for the poll and, in the case of a committee, the name of the treasurer of the committee making payment.

History: 2015 a. 117 ss. 24, 74 (1m); s. 35.17 correction in (2) (e).

11.1304 Duties of the ethics commission. The commission shall:

NOTE: Section 11.1304 (title) and (intro.) are shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 they read:

11.1304 Duties of the government accountability board. The board shall:

(1) Prescribe forms for making the reports, statements, and notices required by this chapter. The commission shall make the forms available free of charge on the commission's Internet site and shall distribute or arrange for the distribution of all forms for use by other filing officers.

NOTE: Sub. (1) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(1) Prescribe forms for making the reports, statements, and notices required by this chapter. The board shall make the forms available free of charge on the board's Internet site and shall distribute or arrange for the distribution of all forms for use by other filing officers.

(2) Upon request, transmit a form described under sub. (1), free of charge, by facsimile or by 1st class mail.

(3) (a) Prepare and publish for the use of persons required to file reports and statements under this chapter a manual setting forth simply and concisely recommended uniform methods of bookkeeping and reporting.

(b) Prepare, publish, and revise as necessary a manual simply and concisely describing the filing and registration requirements established in this chapter in detail, as well as other major provisions of this chapter and ch. 12.

(4) Develop a filing, coding, and cross-indexing system consonant with the purposes of this chapter.

(5) Assign an identification number to each committee for whom the commission acts as a filing officer under s. 11.0102 (1) and to each conduit.

NOTE: Sub. (5) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(5) Assign an identification number to each committee for whom the board acts as a filing officer under s. 11.0102 (1) and to each conduit.

(6) (a) Except as provided in par. (b), require each committee for whom the commission serves as filing officer under s. 11.0102 (1) to file each campaign finance report that is required to be filed under this chapter in an electronic format. The commission shall permit an authorized individual to provide at the time of filing an electronic signature, as defined in s. 137.11 (8), that is subject to a security procedure, as defined in s. 137.11 (13). A committee that files a report under this subsection in an electronic format may file with the commission that portion of the report signed by an authorized individual rather than submit the electronic signature of that individual. The commission shall provide complete instructions to any committee that files a report under this subsection.

NOTE: Par. (a) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(a) Except as provided in par. (b), require each committee for whom the board serves as filing officer under s. 11.0102 (1) to file each campaign finance report that is required to be filed under this chapter in an electronic format. The board shall permit an authorized individual to provide at the time of filing an electronic signature, as defined in s. 137.11 (8), that is subject to a security procedure, as defined in s. 137.11 (13). A committee that files a report under this subsection in an electronic format may file with the board that portion of the report signed

by an authorized individual rather than submit the electronic signature of that individual. The board shall provide complete instructions to any committee that files a report under this subsection.

(b) Permit a committee that accepts contributions in a total amount or value of \$1,000 or less during a campaign period to opt out of the requirement to file a campaign finance report in an electronic format as specified in par. (a). In this paragraph, the campaign period of a candidate committee begins and ends as provided under s. 11.1103, and the campaign period of any other committee begins on January 1 of each odd-numbered year and ends on December 31 of the following year.

(7) Compile and maintain on an electronic system a current list of all reports and statements received by or required of and pertaining to each committee registered under this chapter.

(8) Maintain a duplicate record of any statement submitted by a political action committee under s. 11.0505 or by an independent expenditure committee under s. 11.0605 or by a person under subch. X together with the record of each candidate to whom it relates.

(9) Determine whether each report or statement required to be filed under this chapter has been filed in the form and by the time prescribed by law, and whether it conforms on its face to the requirements of this chapter.

(10) Immediately send to any committee or conduit which is delinquent in filing, or which has filed otherwise than in the proper form, a notice that the committee or conduit has failed to comply with this chapter. Whenever a candidate committee has appointed an individual other than the candidate as campaign treasurer, the commission shall send the notice to both the candidate and the treasurer of the candidate committee.

NOTE: Sub. (10) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(10) Immediately send to any committee or conduit which is delinquent in filing, or which has filed otherwise than in the proper form, a notice that the committee or conduit has failed to comply with this chapter. Whenever a candidate committee has appointed an individual other than the candidate as campaign treasurer, the board shall send the notice to both the candidate and the treasurer of the candidate committee.

(11) Receive and maintain in an orderly manner all reports and statements required to be filed with the state under the federal election campaign act. The commission shall:

NOTE: Sub. (11) (intro.) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(11) Receive and maintain in an orderly manner all reports and statements required to be filed with the state under the federal election campaign act. The board shall:

(a) Preserve such reports and statements for a period of 6 years from date of receipt.

(b) Compile and maintain a current list of all reports and statements pertaining to each candidate who is required to file a report or statement under the federal election campaign act.

(c) Promptly compile and release for public inspection a list of all reports received from candidates for national office and from committees supporting or opposing such candidates which are required to be filed with the state under the federal election campaign act, as soon as possible after each deadline for receipt of such reports as provided by federal law.

(12) Make the reports and statements filed under this chapter, including those reports and statements filed under sub. (11), available on the commission's Internet site for public inspection and copying, commencing as soon as practicable but not later than the end of the 2nd day following the day during which they are received. No information copied from such reports and statements may be sold or utilized by any person for any commercial purpose.

NOTE: Sub. (12) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(12) Make the reports and statements filed under this chapter, including those reports and statements filed under sub. (11), available on the board's Internet site for public inspection and copying, commencing as soon as practicable but not later than the end of the 2nd day following the day during which they are

received. No information copied from such reports and statements may be sold or utilized by any person for any commercial purpose.

(13) Upon the request of any person, permit copying of any report or statement described under sub. (12) by hand or by duplicating machine at cost.

(14) Include in its annual report under s. 19.47 (5) compilations of any of the following in its discretion:

NOTE: Section 19.47 (5) is created eff. 6–30–16 by 2015 Wis. Act 118.

(a) Total reported contributions, disbursements, and incurred obligations for all committees registered and reporting under this chapter during the biennium.

(b) Total amounts contributed during the biennium, reported by contribution amounts as determined by the commission, to each type of committee registered and reporting under this chapter.

NOTE: Par. (b) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(b) Total amounts contributed during the biennium, reported by contribution amounts as determined by the board, to each type of committee registered and reporting under this chapter.

(c) Total amounts expended during the biennium, reported by disbursement amounts as determined by the commission, by each type of committee registered and reporting under this chapter.

NOTE: Par. (c) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(c) Total amounts expended during the biennium, reported by disbursement amounts as determined by the board, by each type of committee registered and reporting under this chapter.

(d) Total amounts expended for influencing nominations and elections whenever separate information is reported.

(e) Aggregate amounts contributed by any contributors shown to have contributed more than \$100.

(15) Prepare and publish from time to time special reports comparing the various totals and categories of contributions and disbursements made with respect to preceding elections.

(16) Make available a list of delinquents for public inspection.

(17) Promulgate rules to administer this chapter.

History: 2015 a. 117 ss. 24, 74 (1m).

SUBCHAPTER XIV

PENALTIES

11.1400 Civil penalties. (1) Any person who violates this chapter may be required to forfeit not more than \$500 for each violation.

(2) In addition to the penalty under sub. (1), any person who is delinquent in filing a report required by this chapter may be required to forfeit not more than \$50 or one percent of the annual salary of the office for which the candidate is being supported or opposed, whichever is greater, for each day of delinquency.

(3) Notwithstanding sub. (1), any person who makes any contribution in violation of this chapter may be required to forfeit treble the amount of the contribution or portion of that contribution which is illegally contributed.

(4) Notwithstanding sub. (1), any person who is subject to a requirement to pay a filing fee under s. 11.0102 and who fails to pay that fee within the time prescribed in that section shall forfeit \$500 plus treble the amount of the fee payable by that person.

(5) Except as otherwise provided in ss. 19.49 (2) (b) 13. and 14. and (g) and 19.554, actions under this section may be brought by the commission or, upon the commission's determination of probable cause, by the district attorney for the county where the defendant resides or, if the defendant is a nonresident, by the district attorney for the county where the violation is alleged to have occurred. For purposes of this subsection, a person other than an individual resides within a county if the person's principal place of operation is located within that county.

NOTE: Sub. (5) is shown as amended eff. 6–30–16 by 2015 Wis. Act 117, s. 24g, and as affected by 2015 Wis. Act 117, s. 74 (1m) eff. 6–30–16. Prior to 6–30–16 it reads:

(5) Except as otherwise provided in ss. 5.05 (2m) (c) 15. and 16. and (h), 5.08, and 5.081, actions under this section may be brought by the board or, upon the board's determination of probable cause, by the district attorney for the county where the defendant resides or, if the defendant is a nonresident, by the district attorney for the county where the violation is alleged to have occurred. For purposes of this subsection, a person other than an individual resides within a county if the person's principal place of operation is located within that county.

(6) Any elector may file a verified petition with the commission requesting that civil action under this chapter be brought against any person or committee. The petition shall allege such facts as are within the knowledge of the petitioner to show probable cause that a violation of this chapter has occurred.

NOTE: Sub. (6) is shown as affected eff. 6–30–16 by 2015 Wis. Act 117, s. 74 (1m). Prior to 6–30–16 it reads:

(6) Any elector may file a verified petition with the board requesting that civil action under this chapter be brought against any person or committee. The petition shall allege such facts as are within the knowledge of the petitioner to show probable cause that a violation of this chapter has occurred.

(7) When a candidate committee treasurer or candidate's agent incurs an obligation or makes a disbursement, that action by the treasurer or agent is imputed to the candidate for purposes of civil liability under this subchapter.

(8) In civil actions under this chapter the acts of every member of a candidate committee are presumed to be with the candidate's knowledge or approval until clearly proven otherwise.

History: 2015 a. 117 ss. 24, 24g, 74 (1m).

Section 11.60, 1977 stats., is a civil penalty section even though some violations of it involve intent. *State v. Dreske*, 88 Wis. 2d 60, 276 N.W.2d 324 (Ct. App. 1979).

In a forfeiture action against a committee, assets of the committee, but not of its members, are reachable. *Elections Board v. Ward*, 105 Wis. 2d 543, 314 N.W.2d 120 (1982).

11.1401 Criminal penalties; prosecution. (1) (a) Whoever intentionally violates s. 11.1204 or any registration or reporting requirement under this chapter is guilty of a Class I felony.

(b) Whoever intentionally violates subch. XI or s. 11.1201, 11.1208, or 11.1303 is guilty of a Class I felony if the intentional violation does not involve a specific figure or if the intentional violation concerns a figure which exceeds \$100 in amount or value.

(c) Whoever intentionally violates any of the following may be fined not more than \$1,000 or imprisoned not more than 6 months or both:

1. Any provision of this chapter other than those provided in par. (a).

2. Any provision under par. (b) if the violation concerns a specific amount or value not exceeding \$100.

(2) Except as otherwise provided in ss. 19.49 (2) (b) 13. and 14. and (h) and 19.554, and only after the commission has determined probable cause, all prosecutions under this section shall be conducted by the district attorney for the county where the defendant resides or, if the defendant is a nonresident, by the district attorney for the county where the violation is alleged to have occurred. For purposes of this subsection, a person other than an individual resides within a county if the person's principal place of operation is located within that county.

NOTE: Sub. (2) is shown as amended eff. 6–30–16 by 2015 Wis. Act 117, s. 24h, and as affected by 2015 Wis. Act 117, s. 74 (1m) eff. 6–30–16. Prior to 6–30–16 it reads:

(2) Except as otherwise provided in ss. 5.05 (2m) (c) 15. and 16. and (i), 5.08, and 5.081, and only after the board has determined probable cause, all prosecutions under this section shall be conducted by the district attorney for the county where the defendant resides or, if the defendant is a nonresident, by the district attorney for the county where the violation is alleged to have occurred. For purposes of this subsection, a person other than an individual resides within a county if the person's principal place of operation is located within that county.

(3) (a) If a successful candidate for public office, other than a candidate for the legislature, is adjudged guilty in a criminal action of any violation of this chapter under sub. (1) (a) or (b), or of any violation of ch. 12 under s. 12.60 (1) (a) committed during his or her candidacy, the court shall after entering judgment enter a supplemental judgment declaring a forfeiture of the candidate's

right to office. The supplemental judgment shall be transmitted to the officer or agency authorized to issue the certificate of nomination or election to the office for which the person convicted is a candidate. If the candidate's term has not yet begun, the candidate shall not take office. If the candidate's term has begun, the office shall become vacant. The office shall then be filled in the manner provided by law.

(b) If a successful candidate for the legislature is adjudged

guilty in a criminal action of any violation of this chapter under sub. (1) (a) or (b), or of any violation of ch. 12 under s. 12.60 (1) (a) committed during his or her candidacy, the court shall after entering judgment certify its findings to the presiding officer of the house of the legislature to which the candidate was elected.

History: 2015 a. 117 ss. 24, 24h, 74 (1m).

Section 11.61 (1) (a), 1977 stats., does not require the state to prove that the defendant had actual knowledge of the violated statute. *State v. Dreske*, 88 Wis. 2d 60, 276 N.W.2d 324 (Ct. App. 1979).

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JUDGE VICTOR MANIAN
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the March 1, 2016 Board Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared and Presented by:
Nathan W. Judnic, Staff Counsel

SUBJECT: Staff Guidance - Common Nomination Paper Challenges

In previous election cycles, including the spring cycle we are currently in, Board staff has provided local filing officers and candidates running for public office with a staff memorandum outlining the requirements and processes applied under both the statutes and administrative code for challenging nomination papers. The communication was based on a staff memorandum to the Board and it included a list of some common nomination paper challenges, as well as a summary of how the Board has previously acted on staff recommendations related to those challenges. The memorandum was usually tailored specifically to the type of election being administered (partisan or non-partisan) as the statutory citations vary based on the election type (although the language is the same).

In an effort to standardize this guidance, make it easier for staff to update the guidance from one cycle to the next if necessary and provide a more concise document to local filing officers and candidates, Board staff has prepared a draft 'stand-alone' guidance document. This document pulls together some of the same information addressed in the previous memorandum, but is hopefully more usable for the intended audiences. In anticipation of a busy fall election cycle, Board staff requests the Board's authorization to publish and distribute this stand-alone guidance document to local filing officers and prospective candidates for public office. The stand-alone guidance document on common nomination paper challenges is attached for your review and discussion.

Recommended Motion: The Board authorizes staff to publish and distribute the guidance document entitled Common Nomination Paper Challenges, and further authorizes staff to make necessary updates and revisions to this document based on Board decisions on specific nomination paper challenges in the future.

CHALLENGES TO NOMINATION PAPERS

Parties wishing to challenge nomination papers of state and federal candidates file such challenges with the G.A.B. Parties wishing to appeal a decision of a local election official regarding nomination papers or challenges related to local candidates may also file a complaint with the G.A.B. In either case, parties are reminded that the Board may, if it finds, by a preponderance of the evidence, that a challenge or complaint is frivolous, order the complainant to forfeit up to the greater of \$500 or the expenses incurred by the G.A.B. in investigating the complaint.

The requirements and standards related to nomination papers and challenges to nomination papers are governed generally by Ch. 8, Wis. Stats, and GAB Ch. 2, Wis. Admn. Code. Pursuant to Wis. Admn. Code GAB §2.05(5), “where a required item of information on a nomination paper is incomplete, the filing officer shall accept the information as complete if there has been substantial compliance with the law.” Furthermore, any information on a nomination paper is entitled to a presumption of validity. Wis. Admn. Code GAB § 2.05(4). Both challenges and responses must be verified (notarized) and may include supporting documentation. The burden is on the challenger to establish, by clear and convincing evidence, any insufficiency of the nomination papers and if the challenger does so, the burden then shifts to the challenged candidate to establish that the nomination papers or any challenged signatures are sufficient. Wis. Admn. Code GAB §§ 2.07(2) and (3).

Over the years, G.A.B. staff and the Board have analyzed numerous types of challenges and developed a consistent methodology for resolving the most common challenges that have been filed. This document outlines common and anticipated challenges to nomination papers and the analysis the Board has applied in the past to evaluate and rule on challenges to nomination papers. While the Board may adopt different analyses and decisions in specific cases, this document has been prepared to inform local election officials, candidates and challengers regarding the legal reasoning previously approved by the Board and its staff. This should help candidates and political parties concentrate their efforts on challenges with a supportable legal basis, and reduce the filing of frivolous challenges or those involving legal issues which have been well settled.

While challenges are not limited to those described in the administrative rules, there are two general categories of challenges – challenges to the header of the nomination papers which may result in declaring all signatures contained on nomination papers using that header to be invalid, and challenges to individual signatures which do not affect the validity of other signatures on the nomination papers.

Common Nomination Paper Challenges

1. Candidate Information (Header Portion of Paper)

None of the information in the header of the nomination paper, (i.e., candidate's name, candidate's address, political party represented, date of election, office sought, name of jurisdiction or district in which candidate seeks office), may be altered, amended, corrected or added after circulation of the nomination paper. This is the nomination information that each signatory saw and relied upon in deciding to sign the paper in support of placing the candidate's name on the ballot.

a. Office Title and District Designation

Challenge: Irregularities in the title of the office or the district number as required by Wis. Stat. §§ 8.10(2)(b), 8.15(a).

Analysis: Staff has typically allowed for variances in listing the office title, such as "Assembly," "Representative," "State Assembly." In the past, staff determined that the papers were sufficient as long as the electors could determine the office and district the candidate was pursuing by other information provided in the nomination paper heading. Additionally, where the title or district designations are illegible or in the incorrect boxes, staff has found these pages to substantially comply when the required information could be determined elsewhere in the nomination paper heading. The Board has approved these recommendations.

b. Election Date

Challenge: Incomplete or missing date of election as required by Wis. Stat. §§ 8.10(2)(b), 8.15(5)(a).

Analysis: When a date of election is completely missing from a petition, staff has recommended approving the challenge and striking the signatures on those pages. When a date is listed but incomplete or incorrect (e.g., using the date of the primary, not indicating the year, indicating the month and year but not the day, indicating an incorrect date, or incorrectly indicating "general" as the type of election on the petition heading), past policy for this Board and the former Elections Board found substantial compliance with Wis. Stat. §§ 8.10 or 8.15 where there was sufficient notice to the signers that the candidate was seeking office at the election immediately following circulation of the nomination papers. Consequently, staff has typically allowed for irregularities in the listed election date where it can be determined that electors understood the nomination papers were for the fall election event. The Board has approved these recommendations.

c. Candidate Address

Challenge: The candidate has not specified a municipality for voting purposes.

Analysis: The Board has rejected challenges to petitions where the candidate has not specified a municipality for voting purposes. Wis. Stat. §§ 8.10(2)(c) and 8.15(5)(b) provide that "[e]ach candidate shall include his or her mailing address on the candidate's nomination papers," but is

silent with regards to inclusion of municipality for voting purposes. The established policy of the Board in reviewing nomination papers has been to find substantial compliance with Wis. Stat. §§ 8.10 and 8.15 by presuming the validity of the information listed unless evidence to the contrary is presented. Absent such evidence, the municipality listed for voting purposes is presumed to be the same as the municipality listed for mailing purposes.

Challenge: The space in the header for candidate street number, fire number, rural route number, box number if a rural route and street name is blank.

Analysis: When the candidate's basic address information (number and name of street) is blank in the header, staff has recommended approving the challenge and striking the signatures on those pages. Wis. Stat. §§ 8.10(2)(b) and (c), 8.15(5)(a) and (b) clearly indicate that a candidate's address must appear on the nomination paper to provide signers the opportunity to evaluate the candidate prior to supporting their nomination. Similar to a blank date of election in the header, the Board has found that papers must contain a minimum amount of information about the candidate and the election for which they are asking to be nominated, for the paper to substantially comply with the law. The Board has previously approved this recommendation.

d. Candidate Certification

Challenge: The candidate has not completed the gender identification checkbox in the candidate certification statement.

Analysis: Staff has considered such an omission to be an oversight of a technical requirement and have considered papers that are otherwise correct to be in substantial compliance with statutory requirements. The Board has approved this recommendation.

e. Candidate Dates of Circulation

Challenge: The candidate circulated nomination papers prior to the date he or she filed a campaign registration statement or declaration of candidacy.

Analysis: Staff has recommended dismissing these challenges. Wis. Stat. §§ 8.10(5), 8.15(4)(b) provide that if a candidate has not filed a campaign registration statement prior to the time of filing nomination papers, "the candidate shall file the statement with the papers." Wis. Stat. § 8.21(1) provides that each candidate shall file a declaration of candidacy "no later than the latest time provided for filing nomination papers." The Board has approved these recommendations.

2. Circulator Information

a. Circulator Address

Challenge: The circulator's address, required by Wis. Stat. §§ 8.10(3)(a) or 8.15(4)(a), is insufficient because the circulator has not indicated type of municipality of residence (e.g., "Town of" or "City of").

Analysis: Staff has recommended dismissing these challenges. Wis. Stat. §8.15(4)(a) (Wis. Stat. § 8.10(3) incorporates the standard in § 8.15(4)(a)) states in the relevant portion that "the certification of a qualified circulator stating his or her residence with street and number, if any,

shall appear at the bottom of each nomination paper, stating he or she personally circulated the nomination paper and personally obtained each of the signatures.” There is no separate requirement that the circulator indicate the type of municipality of residence. The Board has approved these recommendations.

Challenge: The circulator’s address, required by Wis. Stat. §§ 8.10(3), 8.15(4)(a), is insufficient because the circulator has not indicated the municipality of residence.

Analysis: Staff has recommended finding substantial compliance for papers missing the municipality in the circulator’s address where the circulator is the candidate and where the missing information is supplied by reference to other information on the same page (e.g., the candidate’s address in the nomination paper heading). Staff has typically struck signatures on pages in which the circulator was someone other than the candidate, and the certification of circulator did not include the circulator’s municipality. Staff has determined that the circulator’s ‘residence’ should include the name of their municipality for it to substantially comply with the statutory requirement. The Board has previously approved these recommendations.

b. Circulator Date and Signature

Challenge: The date of certification is incomplete or incorrect, as required by Wis. Stat. §§ 8.10(3), 8.15(4)(a).

Analysis: The circulator may correct errors in the certificate of the circulator, such as the circulator failed to sign or otherwise complete the certificate, or entered inadvertently erroneous data (for instance: the circulator dated the certificate before circulation, not after). If the circulator has not corrected these errors by affidavit by the correction deadline, the challenge must be approved and the signatures on those pages struck. The Board has approved staff recommendations to this effect.

3. Elector Signatures

Only one signature per person for the same office is valid. In addition to his or her signature, in order for the signature to be valid, each signer of a nomination paper shall legibly print his or her name in a space provided next to his or her signature and shall list his or her municipality of residence for voting purposes, the street and number, if any, on which the signer resides, and the date of signing. Wis. Stat. §§ 8.10(4)(b), 8.15(2).

a. Multiple Signatures

Challenge: The elector has signed nomination papers for more than one candidate for the same office.

Analysis: Where the elector has signed another candidate’s papers prior to the signature on the challenged papers, the later signatures should be struck. The Board has approved this recommendation.

b. Signature

Challenge: The elector has “signed” with a printed name.

Analysis: Staff has allowed signatures where the name has been printed. Wis. Admn. Code GAB § 2.05(8) requires that the elector “sign his or her own name;” the rule does not require that the signature be made in cursive. The dictionary definition of “signature” simply states that it is “the name of a person written with his own hand.” The Board has also accepted a staff recommendation that signatures be permitted where both the “printed name” and “signature” have been printed.

Challenge: The elector’s signature is illegible.

Analysis: Staff has recommended denying challenges that alleged that signatures are illegible. Wis. Stat. §§ 8.10(4)(b), 8.15(2) require each signer of a nomination paper to provide a signature and address. There is no requirement that a signature must be legible, and individual signers mark their signatures in a wide variety of ways (e.g., by marking an “X”). The Board has approved this recommendation.

c. Printed Name

Challenge: The elector’s printed name is illegible or in cursive.

Analysis: Challenges to printed names were first considered and decided by the Board in 2014. The statutory requirement is that “. . . in order for the signature to be valid, each signer of a nomination paper shall legibly print his or her name in a space provided next to his or her signature . . .” Wis. Stat. §§ 8.10(4)(b) and 8.15(2).

There are some practical difficulties in determining an objective standard for a legibly printed name. For example, some signatures are clearly legible but the “printed name” may have been written in cursive, or included some letters that were not separated, as a dictionary definition of “printed” might require.

Based upon the G.A.B.’s experience in evaluating printed names on nomination papers, as well as the stated legislative intent of 2013 Act 160 and related administrative rules, the G.A.B. has developed standards and guidance for local election officials charged with reviewing nomination papers and other election petitions. The legislative record emphasized that the purpose of Act 160 was to preserve the ability of opposing candidates to identify petition signers in order to consider filing challenges, and not to reject signatures that were legible. At its meeting of October 28, 2014, the Board directed its staff and local filing officers to apply the following standards to determine the sufficiency of signatures and printed names on nomination papers and other election petitions:

1. The filing officer shall confirm that the signer has completed information in both the “Signature” box and the “Printed Name” box of the nomination paper or other election petition. The signature may be marked as the signer customarily marks his or her signature, including by using an “X” or by using either traditional printed letters or a handwritten signature. Similarly, the signer’s printed name is not required to include only letters that are separated from one another.

2. If the filing officer can discern no part of the signer's name, after reviewing both the signature and the printed name, it should be deemed illegible and the signature should not be counted.
3. After reviewing both the signature and printed name of a signer, if the filing officer can discern a possible name, but may not be certain of the exact spelling of the name, the printed name is deemed legible and the signature shall be counted if otherwise valid.
4. The filing officer is not required to consult extrinsic sources of information (voter registration records, telephone directories, etc.), but may do so if it assists the filing officer in discerning a possible name.
5. The signer must print his or her name, and the signer must execute a correcting affidavit if the printed name is missing or insufficient for the signature to be counted. However, a circulator may print the name of a signer with a disability who requests such assistance.

While requiring some subjective judgment by filing officers, these standards accurately capture the intent of 2013 Act 160 and do not require a hyper-technical application of the phrase "legibly print." In reviewing nomination papers and other election petitions, G.A.B. staff and local filing officers will be able to apply a common sense approach which does not eliminate legible names simply because letters in a printed name are connected or cross over one another. In essence, the printed name requirement is used to clarify or complete a signature which may not be legible or readable, not to invalidate signatures on the basis of a name failing to meet a literal definition of "printed."

d. Signature Address

Wis. Stat. §§ 8.10(4)(b), 8.15(2) require that a signer of a nomination paper "shall list his or her municipality of residence for voting purposes, the street and number, if any, on which the signer resides." Errors in which the elector used an address or listed a municipality which does not reflect his or her actual residence or wrote an incomplete address may be corrected by the elector or by the circulator in a correcting affidavit filed by the correction deadline.

Challenge: The elector's address is missing an apartment number.

Analysis: Staff has recommended that signatures be found in substantial compliance where the insufficiency is a missing apartment number. The Board has approved this recommendation.

Challenge: The elector's address is missing the municipality designation or the elector has checked a box in error.

Analysis: The Board and its staff have advised candidates and challengers that a signatory's failure to check the correct box to indicate "Town, Village or City" is not a basis for disqualifying a signature unless a challenger can show that the given address is outside the subject jurisdiction or district. For instance, the challenger needs to show that a given address has to be in the Village of X, not in the Town of X and, therefore is outside District Y. The signatory's error or omission in checking a box on a form is not sufficient evidence for a challenge.

Challenge: The elector’s address is incomplete because the elector has abbreviated the name of the municipality.

Analysis: The Board has rejected challenges to signatures alleged not to include the proper municipality of residence, where the municipality can be determined by other information contained on the nomination papers, pursuant to Wis. Admn. Code GAB § 2.05(15)(c). For instance, the municipality of “WFB” was determined by the mailing address to indicate “Whitefish Bay,” or “Gtown” was determined by the zip code to indicate “Germantown.”

Challenge: The elector has used a P.O. Box as his or her address.

Analysis: Board policy has been to accept signatures with a P.O. Box rather than a residential address if the entire municipality in which the P.O. Box is located is within the candidate’s District.

Challenge: The elector lives outside the district.

Analysis: A complaint challenging the eligibility of a signatory to a nomination paper based on the signer’s non-residency must be accompanied by reference to MyVote Wisconsin or “Who is My Legislator?” web searches, by a map of the district demonstrating that the address is outside the district, or by a signed statement from the election official, (municipal clerk or deputy clerk), whose responsibility it is to determine the residency of electors of the district. Without such references, the complainant challenger’s bare assertion of the signer’s non-residency is not sufficient to sustain the challenger’s burden of proof. Time permitting, Board staff may attempt to verify the location of the address via MyVote Wisconsin and WisVote. The Board has approved this policy.

e. Signature Date

Challenge: The date of the elector’s signature, as required by Wis. Stat. §§ 8.10(4)(a), 8.15(2), is incomplete or missing.

Analysis: Wis. Admn. Code GAB § 2.05(15)(a) allows for a signature to survive an incomplete date challenge if “the date can be determined by reference to the dates of other signatures on the paper.” In the past, the Board policy has required that signatures on the first and last line of a nomination paper contain the complete date information, and not allowed missing date information on those lines to be determined by reference to the dates of other signatures on the page. However, in the context of a court case challenging the Board’s application of Wis. Admn. Code GAB § 2.05(15)(a), the WI Department of Justice has advised that the Board’s interpretation of that rule was too restrictive in that it required incomplete dates to be “bracketed” by complete dates. The DOJ recommended that the Board equally apply the principle of determining missing date information by reference to other information on the page, even if the incomplete date appeared on the first or last signature line. The Board has approved this recommendation.

Challenge: The elector’s signature is dated after the date of the circulator’s certification.

Analysis: Staff has struck these signatures pursuant to the Board's administrative rules that provide that a signature may not be counted if it is dated after the date of the certificate of the circulator. Wis. Admn. Code GAB § 2.05(15)(b).

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JUDGE VICTOR MANIAN
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the March 1, 2016 Board Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared and Presented by:
Nathan W. Judnic, Staff Counsel

SUBJECT: Petition Signature Review Follow Up

Introduction

At the Board's special meeting held on February 8, 2016 to decide whether Mr. Roque De La Fuente submitted the required number of petition signatures to appear on the 2016 Presidential Preference Primary ballot, the Board was presented with a document prepared by Attorney Matt O'Neill, which challenged some of the Board staff's signature determinations in various categories. As you recall, the Board denied Mr. De La Fuente's petition based on a common sense reading of Wis. Stat. § 8.12(1)(c) and passed a motion confirming the staff's reading which required Mr. De La Fuente to obtain at least 1,000 signatures from each of the 8 Congressional districts in the State. This statutory interpretation has since been affirmed by both the Dane County Circuit Court and the Wisconsin Court of Appeals. Based on the staff analysis and recommendation presented to the Board, and the concession by Mr. O'Neill that no matter how the signatures were deemed valid and counted, Mr. De La Fuente would fall short of the 1,000 signature threshold in at least 3 districts, the Board unanimously passed a motion denying Mr. De La Fuente ballot access for failure to reach the required minimum signature threshold.

The Board, within its discretion, chose not to reach a decision on the merits of each allegation made by Mr. O'Neill. That decision by the Board was final, and this memorandum should in no way be construed as revisiting the ballot access denial of Mr. De La Fuente. The Board directed staff to bring the specific signature issues raised by Mr. O'Neill, but applicable to future signature review by Board staff, back for consideration at the March 1, 2016 meeting. Any decisions made by the Board regarding the issues outlined in this memorandum may be incorporated into the staff's guidance regarding nomination paper circulation and challenges.

Mr. O'Neill's letter, dated February 8, 2016 addressed to Michael Haas, and the Board staff memorandum and supporting documents prepared for the February 8, 2016 meeting follow this memorandum as Attachments A and B respectively. The following analysis addresses common

signature issues raised in Mr. O’Neill’s February 8, 2016 letter. To put the issues in context, the discussion of individual signature categories begins on Page 5 of his letter.

Circulator Did Not List Municipality (O’Neill Letter, Page 6)

Mr. O’Neill argues that Wis. Stat. § 8.40(2) does not explicitly require the circulator to state his or her municipality. Board staff have allowed signatures on pages in which the circulator did not include the ‘type’ of municipality, that substantial compliance exists when a circulator’s municipality could be discerned from other information (if they are also the candidate) from other information on the page and that the missing municipality of the circulator could be obtained from the circulator’s name and address (meaning street number and street name).

Wis. Stat. § 8.40(2) requires a circulator to state “his or her residence with street and number, if any.” The Board staff has consistently struck signatures on pages on which the circulator does not list the name of the municipality in which they reside. A common understanding of a person’s residence is where the person resides, lives, or makes their home. The Board staff believes the circulator’s residence must include the name of the city, town or village in which they live, in addition to providing the street and number ‘if any’ for the requirement to be satisfied. Taking Mr. O’Neill’s reading of this requirement, a circulator could provide ‘10 Main St.’ and satisfy the circulator residence requirement. Contrary to Attorney O’Neill’s assertion, Board staff could not easily determine the municipality of residence because many municipalities use the same street addresses. The statute requires more than just a number and street – it requires the circulator to provide their residence, and along with their residence they should provide the number and street if they have one. The Board staff believes the minimum to providing a circulator’s residence, is the name of the municipality in which they reside.

Additionally, there is no dispute, that the error committed by the circulators here could be corrected by filing a correcting affidavit with the filing officer providing the missing information. Wis. Admn. Code GAB § 2.05(4). Mr. De La Fuente did not file any timely correcting affidavits with the Board from nomination paper circulators which could have rehabilitated these signatures.

Erroneous Use of 2015 Rather than 2016 (O’Neill Letter, Pages 6-7)

Mr. O’Neill argues that signatures listing the year 2015, on pages in which other signatures list 2016 should have been counted because circulation of the petitions was not available until January 2016. It’s a common mistake to list 2015 instead of 2016 in January, and Wis. Admn. Code GAB § 2.05(15)(a) allows signatures with missing dates to be accepted if the date can be determined by reference to other information on the paper. Mr. O’Neill argues that the GAB staff should have been able to determine the dates of signatures to be 2016 based on other signatures that listing 2016 or the circulator listing 2016 as the year they were circulated.

Wis. Stat. § 8.40(1) requires the individual signing the nomination paper to include the date on which the paper was signed. Wis. Stat. § 8.12(1)(c) sets the circulation timeframe for the petition, meaning signatures can only be obtained during the allowed circulation timeframe. The Board staff is acutely aware of the substantial compliance standard afforded to nomination papers and election petitions, and applies the following standards in favor of substantial compliance (accept signature or signatures on page) when ‘date issues’ arise during their review:

- The date of the signer is missing – signature is counted if a preceding and subsequent valid signature provides a valid date (known as ‘bracketing’).
- The date is present, but some portion is illegible – signature is counted if it could reasonably be determined to be within the allowed circulation period. May use other information on the page to reach that reasonableness determination.
- A partial date of signing exists, and a valid date can be discerned by valid signatures preceding the partial date or subsequent to the partial date – signature is counted if it could reasonably be determined that the signature was obtained within the allowable circulation period by ‘bracketing’ the incomplete date between valid dates.
- “Ditto” marks are used for the date of the last signer – signature is counted if the previous signature provided a valid date.

In some scenarios, the Board staff has determined the date of signing requirement is not substantially complied with:

- The date is clearly wrong, meaning the date as listed by the signer, is outside of the allowable timeframe for circulation. Bracketing is not allowed in this scenario, because you cannot bracket a clearly wrong date with clearly correct or valid dates and somehow ignore the invalid date.
- The date of the first or last signer on the page is incomplete or completely missing, therefore “bracketing” is not available on that page.
- The circulator lists a date within the allowable circulation period in the certification, but none of the signatures on the page contain a valid date (no year at all, wrong year). The circulator’s certification date does not substitute for the date of signing for the individual.

The scenario which Mr. O’Neill presents, and commonly occurs, is that the date is clearly wrong and there is no ambiguity as to legibility or partialness of a valid date where the first set of parameters (finding substantial compliance) above would apply. The scenario described fits more squarely within the second set of parameters above (finding no substantial compliance). The Board staff believes that both sets of parameters described above, appropriately apply the substantial compliance standard used when analyzing signatures that contain date issues. Without basic minimum requirements, the statutory requirement to provide the date of signing is rendered meaningless.

Additionally, there is no dispute, that the error committed by the signers here could be corrected by filing a correcting affidavit with the filing officer providing the correct information. Wis. Admn. Code GAB § 2.05(4). Mr. De La Fuente did not file any timely correcting affidavits with the Board from nomination paper circulators or signers which could have rehabilitated these signatures.

Electors Do Not List Year, Circulator Has Year (O’Neill Letter Page 7)

Mr. O’Neill argues that signatures that contain no date, but that are contained on a page in which the circulator has provided a date in the certification, should be valid. Similar to rationale provided in the previous subsection, Mr. O’Neill argues that common sense dictates that the signers signed the pages in the same year provided by the circulator and that it is inconceivable that the petitions were even available in 2015.

The parameters described above in the section titled, “Erroneous Use of 2015 Rather than 2016” addresses this issue. The parameters are used to determine if the information on the page substantially complies with the requirements, and are consistent with Wis. Admn. Code GAB § 2.05(a) which allows for a missing date of signing to be counted if the date can be determined by reference to dates of other signers on the paper. As discussed in the previous section, the date the circulator signs a certification does not provide a substitute for the individual signer providing the date they signed the papers. Without basic minimum requirements, the statutory requirement to provide the date of signing is rendered meaningless.

Additionally, there is no dispute, that the error committed by the signers here could be corrected by filing a correcting affidavit with the filing officer providing the correct information. Wis. Admn. Code GAB § 2.05(4). Mr. De La Fuente did not file any timely correcting affidavits with the Board from nomination paper circulators or signers which could have rehabilitated these signatures.

Lack of Printed Name (O’Neill Letter Pages 7-8)

Mr. O’Neill argues that signatures that were legible, but did not contain a printed name should be counted because the statutory purpose has been met and that the signatures substantially complied with the printed name requirement.

The Board has taken up the issue of the Printed Name requirement enacted as part of 2013 Wisconsin Act 160. The guidance adopted by the Board at its meeting of October 28, 2014 is reproduced below, and is used by the GAB staff in making determinations on signatures that have a potential ‘printed name’ issue.

At its meeting of October 28, 2014, the Board directed its staff and local filing officers to apply the following standards to determine the sufficiency of signatures and printed names on nomination papers and other election petitions:

1. The filing officer shall confirm that the signer has completed information in both the “Signature” box and the “Printed Name” box of the nomination paper or other election petition. The signature may be marked as the signer customarily marks his or her signature, including by using an “X” or by using either traditional printed letters or a handwritten signature. Similarly, the signer’s printed name is not required to include only letters that are separated from one another.
2. If the filing officer can discern no part of the signer’s name, after reviewing both the signature and the printed name, it should be deemed illegible and the signature should not be counted.
3. After reviewing both the signature and printed name of a signer, if the filing officer can discern a possible name, but may not be certain of the exact spelling of the name, the printed name is deemed legible and the signature shall be counted if otherwise valid.

4. The filing officer is not required to consult extrinsic sources of information (voter registration records, telephone directories, etc.), but may do so if it assists the filing officer in discerning a possible name.
5. The signer must print his or her name, and the signer must execute a correcting affidavit if the printed name is missing or insufficient for the signature to be counted. However, a circulator may print the name of a signer with a disability who requests such assistance.

In describing the printed name policy in a memorandum (“Haas Memorandum”) distributed to local filing officers when considering paper challenges, Elections Division Administrator Mike Haas describes the standards established by the Board which Mr. O’Neill seems to disagree with.

In describing the above policy, the Haas Memorandum states:

While requiring some subjective judgment by filing officers, these standards accurately capture the intent of 2013 Act 160 and do not require a hyper-technical application of the phrase “legibly print.” In reviewing nomination papers and other election petitions, G.A.B. staff and local filing officers will be able to apply a common sense approach which does not eliminate legible names simply because letters in a printed name are connected or cross over one another. In essence, the printed name requirement is used to clarify or complete a signature which may not be legible or readable, not to invalidate signatures on the basis of a name failing to meet a literal definition of “printed.”

Mr. O’Neill cites Wis. Stat. § 8.40(1) as the basis for the staff’s decision to strike signatures that do not comply with the printed name requirement, but chooses to ignore the actual language of the statute which states, “each signer shall legibly print his or her name in a space provided next to his or her signature” and that “no signature is valid under this subsection unless the signer satisfies the requirements of this subsection.” While Mr. O’Neill clearly disagrees, the Board staff believes the guidance provided on the printed name requirement strikes the appropriate balance (as intended by the Legislature) between formalism and the will of the elector, and need not be revised at this time.

Finally, there is no dispute, that the error committed by the signers here could be corrected by filing a correcting affidavit with the filing officer providing a printed name. Wis. Admn. Code GAB § 2.05(4). Mr. De La Fuente did not file any timely correcting affidavits with the Board from nomination paper signers providing a printed name which could have rehabilitated these signatures.

Elector Date is After Circulator Date (O’Neill Letter, Page 8)

Mr. O’Neill correctly states that this error is fatal to the signatures on the page but could be corrected by submitting an affidavit from the circulator indicating the correct date on which they circulated the affected petitions.

Although not cited by Mr. O’Neill, Wis. Admn. Code GAB § 2.05(15)(b) is directly on point:

“An individual signature on a nomination paper may not be counted when any of the following occur:

...

(b) The signature is dated after the date of certification contained in the certification of circulator.

The issue Mr. O’Neill cites is actually a common error, in that the circulator completes the certification prior to circulating the page, which in some instances causes the certification to pre-date the signatures. The Board staff receives many affidavits from circulators that attest to when they actually circulated the papers. The key however, is that such affidavits must be submitted to the filing officer timely for them to be considered. The deadline for correcting affidavits is contained in Wis. Admn. Code GAB § 2.05(4) and states that, “the person giving the corrective affidavit shall have personal knowledge of the correct information and the correcting affidavit shall be filed with the filing officer not later than three calendar days after the applicable statutory due date for nomination papers.”

In these instances, the statutory due date for submission of the papers was January 26, 2016, making the due date for the correcting affidavits, January 29, 2016. Mr. O’Neill attached two correcting affidavits to his February 8, 2016 letter executed that same day, and indicated he was actively obtaining additional circulator affidavits after that date. The affidavits were not timely filed with the Board and therefore signatures on those pages were properly rejected. The Board staff sees no reason to revisit the provisions of the rule that require this affidavit deadline despite Mr. O’Neill’s questioning of it. Given the extremely tight timeframes for accepting and resolving nomination paper challenges so that candidates can be certified and ballots may be printed, the deadline for submitting correcting affidavits in Wis. Admn. Code GAB § 2.05(4) should continue to be enforced.

Page Includes Electors from More than One Congressional District (O’Neill Letter, Pages 9-11)

Mr. O’Neill argues that in instances where the statutory requirement (all signers on each separate page shall reside in same Congressional district) can have multiple interpretations, it must be construed liberally in favor substantially compliance with the requirements, versus a more strict application. Mr. O’Neill argues that “placing Mr. De La Fuente on the ballot would acknowledge his substantial compliance and give to the will of the voters.” Finally, Mr. O’Neill argues that Wis. Stat. § 8.12(1)(c) could be interpreted to mean that 8,000 signatures are required from across the State, but not necessarily 1000-1500 are required from each of the 8 Congressional districts.

Board staff acknowledges that the treatment of signatures on petition pages from more than one congressional district was an issue of first impression for the Board to decide. Prior to the meeting and after extensive internal discussions, Board staff believed that while the strict language of the statute (“All signers on each separate petition paper shall reside in the same congressional district.” Wis. Stat. § 8.12(1)(c)) was clear, the issue of what to do with signatures that did not meet this standard was not. Given this uncertainty, Board staff took on the task of analyzing the signatures under various legal theories as they related to the signatures that did not ‘strictly’ comply with Wis. Stat. § 8.12(1)(c). As a result, staff tracked how each signature would be counted under each theory, and ultimately presented a chart at the Board meeting corresponding to each interpretation and the associated methodology. Board staff ultimately recommended Interpretation A (see Staff Memorandum, Attachment B, Page 4), acknowledging that arguments could be made for each of the interpretations, but that the clear language of Wis. Stat. § 8.12(1)(c) pointed towards striking signatures if the pages commingled signatures from multiple districts.

The Board discussed this issue at some length, and some members suggested that a ‘less strict’ approach may be warranted – possibly Interpretation C, which the Board staff labeled as “Substantial Compliance – Header Irrelevant/Majority Only.” No formal vote or acceptance of any of the interpretations was taken as it was not needed for resolving the issue before the Board. As a matter of first impression, Board staff believes a decision from the Board on which interpretation should be applied in the future, should a candidate choose to circulate presidential preference ballot access petitions under Wis. Stat. § 8.12(1)(c) is warranted.

Conclusion and Recommended Board Action

As the Fall Election cycle moves into full swing and nomination paper circulation begins April 15, 2016, the Board staff requests reaffirmation from the Board that the analysis used by the staff in resolving the election petition issues described above remains valid. Additionally, if the Board reaffirms the staff’s analysis as to the issues discussed above, staff requests authorization to include the analysis in the “Common Nomination Paper Challenges” stand-alone document presented to the Board separately at this meeting.



FOX | O'NEILL | SHANNON s.c.

WILLIAM FITZHUGH FOX
BRUCE C. O'NEILL
Court Commissioner
THOMAS P. SHANNON +
WILLIAM R. SODERSTRÖM
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February 8, 2016

Of Counsel --
KENNETH P. BARCZAK

* ALSO ADMITTED TO PRACTICE IN ILLINOIS

VIA EMAIL

Michael Haas
Elections Division Administrator
Wisconsin Government Accountability Board
212 East Washington Avenue
Madison, WI 53703

RE: Roque "Rocky" De La Fuente Presidential Preference Petition

Dear Mr. Haas:

This letter, and the attachments submitted herewith, will serve as Roque "Rocky" De La Fuente's response to the GAB's staff's recommendation regarding Mr. De La Fuente's Ballot Access Petition.

INTRODUCTION

The issue before the GAB is whether Candidate Roque "Rocky" De La Fuente, in accordance with his Petition for Placement on Presidential Preference Ballot, will be placed on Wisconsin's Democratic Presidential Primary ballot. The practical impact may be admittedly slight – Mr. De La Fuente has little name recognition in Wisconsin and has not been involved in the televised debates or the suffocating national press coverage of this unique Presidential election campaign.

Part of the beauty of our democratic and open system of government is that the political parties do not solely control the nominating process. Rather, citizens can, by signing nomination papers, compel additional individuals to be added to the ballot and thus offer an additional choice to voters looking to express their voices through the ballot box. *See McCarthy v. Elections Board*, 166 Wis. 2d 481, 490 (1992) ("The law governing the selection of names for ballot placement in the presidential preference election is inclusionary, not exclusionary.").

More than the minimum 8,000 qualified electors of Wisconsin have asked that Mr. De La Fuente be added to the primary ballot as a candidate for President of the United States for the Democratic Party. To be sure, there were some errors by electors and circulators alike in the process. But as set forth below and in the attached Revised GAB Spreadsheet and correcting affidavits, many of the identified errors are minor, and the electors and circulators substantially complied with the petitioning requirement, which is all that is required.

Notably, no person and no party has objected to Mr. De La Fuente's petition to be added to the primary ballot. Applying the petition standards in the required generous fashion, the Board should find that Mr. De La Fuente substantially complied with the requirements by submitting more than 8,000 valid signatures, from electors residing in all of Wisconsin's congressional districts, and effectuate the will of those electors by including Mr. De La Fuente on Wisconsin's Presidential Preference ballot.

Mr. Kennedy's Memorandum to the Board in anticipation of today's meeting recommends denying Mr. De La Fuente access to the primary ballot, due to alleged inadequacies in the Petitions. As itemized in the Revised GAB Spreadsheet submitted with this letter, ___ of the challenged signatures are valid when the proper standards are applied and correcting affidavits considered. This alone negates the fundamental assumptions underlying the Memorandum's recommendation, which was that under any scenario Mr. De La Fuente does not have at least 8,000 valid signatures. Indeed, applying a reasonable reading of § 8.12(c), Wis. Stats., Mr. De La Fuente's Petitions more than substantially comply with the statutory and regulatory requirements for placement on the Presidential Primary ballot.

Statutory Standards

The relevant statutes, specifically involving electoral petitions, are § 8.12(c), Wis. Stats., as to the Presidential primary:

No later than 5 p.m. on the last Tuesday in January of each presidential election year, any person seeking the nomination by the national convention of a political party filing a certification under this subsection for the office of president of the United States. . . . may submit to the commission a petition to have the person's name appear on the presidential preference ballot. The petition . . . shall be signed by a number of qualified electors equal in each congressional district to not less than 1,000 signatures nor more than 1,500 signatures. The form of the petition shall conform to the requirements of s. 8.40. All signers on each separate petition paper shall reside in the same congressional district.

§ 8.40(1), Wis. Stats., covering Petition requirements:

In addition to any other requirements provided by law, each separate sheet of each petition for an election, including a referendum, shall have on the face at the top in boldface print the word "PETITION". Each signer of such a petition shall affix his or her signature to the petition, accompanied by his or her municipality of residence for voting purposes, the street and number, if any, on which the signer resides, and the date of signing. In addition, each signer shall legibly print his or her name in a space provided next to his or her signature. No signature is valid under this subsection unless the signer satisfies the requirements under this subsection.

and § 8.40(2), Wis. Stats., covering Petition circulators:

The certification of a qualified circulator stating his or her residence with street and number, if any, shall appear at the bottom of each separate sheet of each petition specified in sub. . . . The circulator shall indicate the date that he or she makes the certification next to his or her signature.

Required Liberal Application of Election Law Requirements

The GAB's determination of Mr. De La Fuente's access to the ballot should rightly be guided by the overarching instruction in Wis. Stat. § 5.01(1) that Chapter 8, like the balance of our election laws,

"shall be construed to give effect to the will of the electors, if that can be ascertained from the proceedings, notwithstanding informality or failure to fully comply with some of their provisions."

(Emphasis added). In *State el rel. Zimmerman v. Carpenter*, 254 Wis. 619 (1949), the Supreme Court applied the predecessor to § 5.01(1), at that time subsection (6), to a ballot access issue, holding: "The effect of subsection (6) is to relax the strict provisions of title 2 in all cases where the will of the electors can be ascertained from the proceedings had." While Mr. Kennedy's Memorandum makes no mention of this critical statutory admonition, it does go to the trouble of exploring alternative interpretations of the applicable statutes, and identifies which interpretations will result in valid signatures that would otherwise be disregarded on a technicality.

And it must be noted there is no allegation that any elector has been or will be misled by any perceived error in any nomination Petition, such as a Circulator's failure to include his or her municipality in the Certification of Circulator (which, as we shall see, is not a statutory requirement at all).

Mr. Kennedy's Memorandum notes at page 1 that the Presidential Preference Selection Committee is "charged with placing the names of all candidates whose candidacy is generally advocated or recognized in the national news media on the ballot," and may place additional candidates on the ballot. Mr. De La Fuente fulfills this standard, as evidenced by the fact that has successfully been or will be placed on the ballots of approximately 25 states outside of Wisconsin.

Mr. Kennedy's Memorandum also notes at page 2 that under GAB 2.09, "the standards for determining the sufficiency signatures on nomination papers are to be used in the review of other election petitions." *See also* Wis. Adm. Code GAB 2.09(1). While Mr. Kennedy distinguishes the petition from nomination papers by § 2.09's reference to the § 8.40 petition provisions, the substantive signature provisions of §§ 8.10(4)(b) and 8.40(1) are basically the same (aside from § 8.40's use of "petition").

The guiding principle here is "substantial compliance." GAB 2.05(5). As to the issues raised by the Memorandum, the following provisions directly or analogously apply, within § 5.01(1)'s mandate that they be construed to give effect to the "will of the electors," "notwithstanding informality or failure to fully comply with some of their provisions":

- | | |
|-----------------|--|
| GAB 2.05(4) | Any information appearing on a nomination paper is entitled to a presumption of validity. Signer or circulator informational errors may be corrected by affidavit. |
| GAB 2.05(5) | Incomplete items shall be accepted as complete if there has been substantial compliance with the law. |
| GAB 2.05(15)(a) | Missing signature dates, otherwise unacceptable, may be determined by reference to the dates of other signatures on the paper. |
| GAB 2.05(15)(c) | Incomplete or missing signer addresses, otherwise unacceptable, may be determined by the information provided on the nomination paper. |
| GAB 2.07(3)(a) | The burden is on the challenger (here the GAB staff) to establish any insufficiency. Only after that initial burden is satisfied does the burden move to the candidate to challenge establish its sufficiency. |

GAB 2.07(4) The burden of proof is clear and convincing evidence.

See also, January 4, 2016 Michael Haas Memorandum regarding Challenges to Nomination Papers, pages 1, 2. Indeed, the Haas Memorandum emphasizes multiple examples of perceived or technical errors which are to be viewed as being in substantial compliance.

This response will now address three issues: (1) the number of valid signatures submitted, after consideration of the appropriate standards above and the correcting affidavits; (2) GAB staff's analysis of the five potential interpretations of the last sentence of Wis. Stat. § 8.12(c); and (3) GAB staff's position that a candidate must not only have a minimum of 8,000 signatures, but that there must be at least 1,000 signatures from each congressional district.

Mr. De La Fuente Submitted More than 8,000 Valid Signatures.

Mr. De La Fuente has examined each one of the signatures that GAB staff found to be invalid. The spreadsheet provided by staff did not identify the specific grounds for each challenged signature, but staff helpfully uploaded all of the analyzed petitions (thank you). Based upon the markings of staff we were able to ascertain the basis for most if not all of the challenges.

Submitted herewith is a "Corrected GAB Spreadsheet," wherein we have responded to each of the challenged signatures, and indicate whether we agree or disagree with staff's analysis. Where we disagree, we explain why the signature is valid. And in certain cases we have also submitted Correcting Affidavits from the Circulators, though in many cases (such as a missing Circulator municipality), no such affidavit is necessary.

This analysis recognizes an additional 1,354 valid signatures, for a total of **8,668**, well beyond the minimum of 8,000.

The staff recommendations to reject signatures fall into a variety of categories, including but not limited to the following:

<u>Reason for Rejection</u>	<u>Signatures impacted</u>
Circulator did not list municipality	614
Elector did not list the year	224
Elector date after date of Circulator	193
Elector wrote 2015 instead of 2016	46
Circulator wrote 2015 instead of 2016	40
Elector listed county as municipalty	41
Elector date error, correctible by page	18
Circulator date error, correctible by page	10
SUBTOTAL:	1186

As discussed below, for most of these categories the signatures should be recognized as valid, as the error falls into the technical category and the elector or Circulator substantially complied with the requirements for petitioning that an individual be added to the Presidential Primary ballot.

Circulator Did Not List Municipality.

Staff recommends rejecting all Petition pages where the Circulator does not state his or her municipality, presumably under § 8.40(2). This impacts 614 signatures. However, § 8.40(2) only requires the Circulator, in signing his or her certification, to state “*his or her residence with street and number, if any.*” It does *not* explicitly require the Circulator to state his or her municipality. That should be the end of the story.

The Haas Memorandum (page 4) came to a similar conclusion where a Circulator did not indicate the type of municipality (village, city), stating, as to identical § 8.14(4)(a): “There is no separate requirement that the circulator indicate the type of municipality of residence.” *See also, in this regard*, the Haas Memorandum’s analogous construction of § 8.15(2) (page 5; signatures need not be legible since the statutes do not require legibility).

Moreover, more than substantial compliance exists where the circulator provides his or her full address, from which the municipality can be discerned. *See* GAB 2.05(5) (accepting incomplete items if substantial compliance). In this regard, the Haas Memorandum (page 4) finds compliance under § 8.15(4)(a) where the Circulator does not list his or her municipality, the Circulator is also the candidate, and the missing information can be learned from other information on the page. Here, the missing municipality can be obtained from the Circulator’s legible name and address.

Erroneous Use of 2015 Rather than 2016.

The staff recommends striking any signature where the elector or circulator mistakenly dated his or her signature “2015,” instead of 2016, even where all other signatures on the Petition page contain the correct 2016 dates. This is nonsensical.

The Petitions were circulated in January, 2016. By law, they could not be and were not available for circulation until January, 2016. Wis. Stat. § 8.10(2). It is more than common, after the calendar turns, to continue to use the prior year’s date from sheer habit. We’ve all done it – look at your checkbook. Even Mr. Kennedy’s Memorandum did it—the year denominations at the top left of pages 2-5 refer to the upcoming “February 8, 2015 Board Meeting.” That meeting, of course, occurs today, February 8, 2016.

No one would reject Mr. Kennedy's Memorandum because of this common, ministerial, unconscious mistake. And no one should reject these isolated electors' identical mistakes, especially where other signatures on a Petition page contain the correct "2016" date.

This conclusion is consistent with GAB 2.05(15)(a), which accepts a missing signature date if the date can be determined with reference to other information on a document. The Haas Memorandum (pages 7, 8) applies this provision to incomplete dates. Here, other electors and/or the Circulator on a Petition page used the 2016 date. There is no issue.

Electors Do Not List Year, Circulator Has Year.

GAB staff recommends rejecting signatures which contain the date and month but not the year of signing, even though the Petition page's Circulator states the year, presumably under § 8.40(1), Wis. Stats. This impacts 224 signatures. These signatures should be accepted under the rationale stated immediately above.

Moreover, GAB 2.05(15)(a) is squarely on point. That rule accepts a missing signature date if the date can be determined with reference to other information on a document. Here, that other information is the year provided by the circulator.

The Petitions could not be circulated until January, 2016, and had to be submitted by February 2, 2016. § 8.10(2). Common sense dictates that, as the circulator's date confirms, these signers made their signatures in 2016. This is particularly true since the signers only omitted the year, not the month and day of their signatures. It is inconceivable that Petitions were even available in January or February, 2015, for the 2016 Democratic Presidential Primary.

These signatures should be accepted.

Lack of Printed Name.

The staff recommends striking any signature where the elector did not also include a printed name, presumably under Wis. Stat. § 8.40(1). In many cases, however, the signatures were legible, addresses were provided, and the signer's identity is easily discernible. The statutory purpose has been met.

GAB 2.05(5) provides that incomplete items shall be accepted as complete if there has been substantial compliance with the law. At the very least, these signers are in substantial compliance. Under the overall policies of Mr. Haas' January, 2016 Memorandum, legible signatures without printed names should be deemed valid and compliant.

The Haas Memorandum applies a "common sense" approach to various potential signature issues, and uses that phrase throughout its analysis. In addressing the interplay between signatures and printed names, the Memorandum (page 6) rejects a "hyper-technical

application of the phrase ‘legibly print,’” and confirms that signatures should be accepted where they appropriately identify the signer:

“...In reviewing nomination papers and other election petitions, G.A.B. staff and local filing officers will be able to *apply a common sense approach which does not eliminate legible names* simply because letters in a printed name are connected or crossed over one another. In essence, *the printed name requirement is used to clarify or complete a signature which may not be legible or readable, not to invalidate signatures on the basis of a name failing to meet a literal definition of “printed.”*

(Emphasis added). It is true that the Haas Memorandum refers to the signer as being required to print his or her name (page 6). That reference, however, is made in the context of ambiguity in a signature. Even there, the common sense approach favors validity. Page 6, item 3, for example, provides that a signature is deemed valid if only a possible name, without confirmation of the exact spelling, can be discerned from a signature and printed name. The instant cases are even stronger evidence of validity, where the legible signed names confirm the signers’ identities.

Similarly, the Haas Memorandum allows signatures which are printed rather than cursive, and which are even illegible (page 5). Here, legible signatures clearly identify the signer.

As the Haas Memorandum acknowledges (page 5), the purpose of 2013 ACT 160, “was to preserve the ability of opposing candidates to identify petition signers in order to consider filing challenges, and not to reject signatures that were legible.” Formalism was never intended to trump the will of the people as expressed in Petitions or nomination papers. The electoral process is not a hyper-technical dart board.

Elector Date is After Circulator Date,

There are 193 instances where the date written by the elector is after the date set forth in the circulator’s certification. If uncorrected, these signatures must be rejected. However, the GAB’s rules and prior practice allow a circulator to correct these errors where it was caused by the circulator writing the date at the time he or she began circulating the petition pages, rather than after obtaining all of the signatures. GAB 2.05(4).

We are in the process of contacting the circulators to ascertain if this was the case, and obtaining correcting affidavits that will be submitted to the Board. Given the short time frame and intervening Super Bowl, this is no small task. I will forward the Affidavits as I receive them, and ask for some indulgence on the timing. Even without these 193 signatures, however, the corrections noted above and in the corrected spreadsheet result in over 8,000 signatures under either Interpretation C or Interpretation E.

Page Includes Electors from More than One Congressional District.

The primary focus of Mr. Kennedy's Memorandum is the effect of the final sentence of § 8.12(c), which states: "All signers on each separate petition paper shall reside in the same congressional district." Staff carefully sets forth no less than five potential ways to construe this statutory language as applied to Mr. De La Fuente's Petition, with total valid signature counts running from 3,435 up to 7,314.

Mr. Kennedy agrees (page 4) that "an argument can be made for" *any* of the Memorandum's five Interpretations. The Memorandum, however, recommends Interpretation A (Strict Compliance—Header Irrelevant) which, under the Memorandum's erroneous computations, yields only 5,503 "valid" signatures. Of course, the notion of "Strict Compliance" is antagonistic to the legislatively and administratively accepted practice of substantial compliance, as long-recognized by the courts and practiced in the Haas Memorandum.

Mr. De La Fuente submits that Memorandum Interpretation E (Substantial Compliance, Header Irrelevant, Count All) or, alternatively, Interpretation C (Substantial Compliance, Header Irrelevant, Majority Only), should be applied here, subject to the Congressional District remarks below. When the signatures to be reinstated, as described above and in the attached corrected spreadsheet, are added back in, each Interpretation exceeds 8,000 signatures, more than sufficient to place Mr. De La Fuente on the ballot.

There are two main reasons for this conclusion.

First, placing Mr. De La Fuente on the ballot would acknowledge his substantial compliance and give effect to the will of the voters.

When the proper, previously stricken signatures are reinstated as described above, Mr. De La Fuente's Petitions exceed the benchmark number of signatures required to be placed on the ballot. The Memorandum nonetheless recommends that hundreds of those signatures be discounted under an unreasonable misconstruction of § 8.12(c)'s last sentence — "All signers on each separate petition paper shall reside in the same congressional district."

According to the Memorandum, all signatures on any Petition page which includes electors from more than one district must be stricken. Under this strict approach this is true even if, for example, only one or two signatures are from differing districts. From what does the Memorandum attribute such monumental substantive weight to this language, and so to Interpretation A? "(A) literal interpretation." (Memorandum, page 4).

But the Memorandum (pages 2, 3) concedes that the GAB has not previously construed this language, and that the sentence "has several possible interpretations, each of which results in a different

calculation of the total number of valid signatures.” The Memorandum even acknowledges that § 8.12(c)’s last sentence may be reasonably construed (page 3):

“ . . . as a *technical requirement* in which *substantial compliance with the statutes is satisfied by apportioning each signature to the appropriate congressional district*, even if the petition page contained a mix of addresses from various districts and the header did not indicate a district matching any of the signature addresses on the page.”

(Emphasis added).

Construing the provision as a technical one, as opposed to a substantive guillotine, recognizes the focus in these matters on substantive compliance and serving the will of the voters. Particularly given the absence of any judicial construction of the provision, the emphasis should be on opening the electoral process for candidates, affirming the electors’ desire to have additional candidates on the ballot, and giving the voters as many opportunities as possible to express their will.

Second, § 8.12(c) does not require that a candidate’s Petitions contain 1,000 or more signatures from every Congressional district; the statute requires only that the Petitions, in the aggregate, contain signatures at least “equal” to the number of districts times (x) 1,000. Today there are 8 districts in Wisconsin; thus a candidate needs at least 8,000 signatures. After the next Decennial Census, Wisconsin may be accorded more districts. If Wisconsinites remain in a loving mood and generate some population growth, a candidate will need at least 11,000 total signatures.

Fundamental to its recommendation, the Memorandum primarily¹ construes § 8.12(c) to require that at least 1,000 signatures be from residents of each Congressional district. The statute, however, does not so state. The statute states only that the number of signatures “equal” to between 1,000 to 1,500 per district. If the legislature had wanted signers to consist of at least 1,000 residents from each district, it easily could and would have said so, and would have used the following, plain language: “. . . and shall be signed by not less than 1,000 nor more than 1,500 residents of each congressional district qualified to vote. . . .” It did not, because this was not the intent.

Mr. De La Fuente’s reasonable construction of the statute fosters a more “inclusionary” electoral process, consistent with *McCarthy*. It also strengthens the purposes of Wisconsin’s electoral statutes – to fulfill the will of the electors. Over 8,000 qualified electors, equating to

¹ The Memorandum (page 5) suggests at one point that it might be sufficient if 1,000 signatures were obtained in “the majority of” districts. This language certainly suggests substantial compliance.

over 1,000 per congressional district, have petitioned for Mr. De La Fuente to be placed on the Wisconsin Democratic Presidential Primary ballot. These not insignificant electors want the opportunity, for themselves and other voters, to formally include Mr. De La Fuente in Wisconsin's election process and to vote for him.

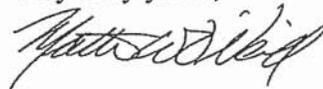
The statutory and regulatory emphasis on substantial compliance over strict compliance is designed to give the benefit of electoral doubt to Wisconsin voters. Mr. Kennedy's Memorandum would yield less choice for the voters, not more. The GAB's role, however, is to open the primary process to all qualified candidates, not to unilaterally shut the ballot door on a candidate (and those who might vote for him) who possesses a reasonable statutory justification for his inclusion on the ballot.

CONCLUSION

The Wisconsin Presidential Preference Primary will benefit from an additional option. Mr. De La Fuente has presented a Petition bearing more than the minimum required 8,000 signatures, once the appropriate standards are applied to the Petition pages. The Board should approve the Petition. Accordingly, we recommend the following alternative motions for the Board:

MOTION 3: The Board finds that the election petition filed on behalf of Roque "Rocky" De La Fuente contains 8,668 valid signatures, more than the required total of 8,000 valid signatures. Therefore the Petition is granted and Mr. De La Fuente is granted ballot access for the Democratic Party Presidential Preference Primary.

Very truly yours,



MATTHEW W. O'NEILL

MWO:ljc
Enclosure
CC: Client

CORRECTING AFFIDAVIT OF CIRCULATOR EVERETT HARRIS III

1. I, Everett Harris III of 12053 S. Laflin Street, Chicago, IL 60693, certify that I am the circulator on the Petitions for Placement of Roque "Rocky" De La Fuente for Presidential Preference Ballot bearing my name and signature.
2. On one page that I circulated (page 168), I dated the certification page 1/23/2015. This was a mistake. The date should have been 1/23/2016.
3. On one of the pages I circulated (pages 170), I dated the circulator certification when I started circulating the petition. I failed to correct this when I turned in the pages.
4. I personally obtained all the signatures on the dates the signers have listed on the petitions.

Everett Harris III
Everett Harris III

Subscribed and sworn to before me
this 8 day of February, 2016.

Arshan Abid
Arshan Abid

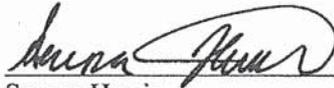
Notary Public, State of N-Y

My Commission: 08/31/2019



CORRECTING AFFIDAVIT OF CIRCULATOR SERENA HARRIS

1. I, Serena Harris, of 9038 S. Aberdeen Street, Chicago, IL 60620, certify that I am the circulator on the Petitions for Placement of Roque "Rocky" De La Fuente for Presidential Preference Ballot bearing my name and signature.
2. On several pages that I circulated (pages 99, 102, 103, 104, 105, 106, 107, 113), I listed my street address but failed to include Chicago, IL. This was an error on my part, but I believe I substantially complied with the requirements, particularly where the municipality of the circulator is largely irrelevant to the person signing the petition.
3. I personally obtained all the signatures on the dates the signers have listed on the petitions.


Serena Harris

Subscribed and sworn to before me
this 08 day of February, 2016.



Notary Public, State of W-V

My Commission: 08/31/2019.



State of Wisconsin\Government Accountability Board

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JUDGE VICTOR MANIAN
Chair

KEVIN J. KENNEDY
Director and General Counsel

DATE: For the February 8, 2016 Special Board Meeting
TO: Members, Wisconsin Government Accountability Board
FROM: Kevin J. Kennedy, Director and General Counsel

Prepared and Presented by:

Michael Haas, Elections Division Administrator
David Buerger, Elections Specialist

SUBJECT: Ballot Access Petition of Roque De La Fuente

This memorandum summarizes the review by Government Accountability Board (G.A.B.) staff of the election petition seeking to place the name of Roque De La Fuente on the ballot for the Wisconsin Presidential Preference Primary on April 5, 2016. Based upon the staff's determination that the petition does not contain sufficient valid signatures, staff recommends that the Board deny ballot access to Mr. De La Fuente.

A. Background

As provided in Wis. Stat. § 8.12(1)(a) and (b), the Presidential Preference Selection Committee met on January 5, 2016 to choose the candidates that will appear on the April 5 Presidential Preference ballot. The committee is charged with placing the names of all candidates whose candidacy is generally advocated or recognized in the national news media on the ballot. The committee may place the names of other candidates on the ballot as well. Wis. Stat. § 8.12(1)(b). The Selection Committee chose 12 Republican candidates and 3 Democratic Candidates.

A candidate who was not selected by the committee may petition the G.A.B. to have his or her name placed on the Presidential Preference ballot. On January 26, 2016, the Government Accountability Board received a petition from Roque "Rocky" De La Fuente of San Diego, CA, seeking to place his name on the Democratic Presidential Preference ballot. Mr. De La Fuente has qualified for the presidential primary in approximately 25 other states.

The deadline for filing challenges to the petition is 4:30 p.m. on Friday, February 5. The G.A.B. is not aware of any individual or party that is considering filing a challenge. Under federal and state law, ballots for the Presidential Primary must be available for military and permanent overseas electors by February 18, 2016. Therefore, it is important that the ballot status of Mr. De La Fuente be determined by the Board so that the list of certified candidates and ballot order can be finalized and ballots can be printed.

B. Legal Standards for Petition

The G.A.B.'s review of the petition submitted on behalf of Mr. De La Fuente is governed by Wis. Stat. § 8.12(1)(c), which states as follows:

No later than 5 p.m. on the last Tuesday in January of each presidential election year, any person seeking the nomination by the national convention of a political party filing a certification under this subsection for the office of president of the United States, or any committee organized in this state on behalf of and with the consent of such person, may submit to the board a petition to have the person's name appear on the presidential preference ballot. The petition may be circulated no sooner than the first Tuesday in January of such year, or the next day if Tuesday is a holiday, and shall be signed by a number of qualified electors equal in each congressional district to not less than 1,000 signatures nor more than 1,500 signatures. The form of the petition shall conform to the requirements of s. 8.40. *All signers on each separate petition paper shall reside in the same congressional district. Emphasis added.*

This section requires a minimum of 8,000 valid signatures because Wisconsin has eight congressional districts, including 1,000 valid signatures in each of the congressional districts.

GAB 2.09, Wis. Adm. Code, states that the standards for determining the sufficiency of signatures on nomination papers are to be used in the review of other election petitions. While the G.A.B.'s review of the De La Fuente petition follows the process of reviewing nomination papers, the petition is distinguished from nomination papers by the above statutory language citing "petition" and also by its reference to Wis. Stat. § 8.40, which describes basic requirements of an election petition (including requirements for the header as well as addresses, printed names and dates for each signature).

Pursuant to applicable statutes and administrative rules, signatures must be struck for a variety of deficiencies. For example, a signer's address is outside of the State of Wisconsin, or the signature is not accompanied by a legible printed name, or the date of the signature is outside of the permitted circulation period. The De La Fuente petition contained 8,990 total signatures and G.A.B. staff determined that 1,676 must be struck due to defects in individual signatures, defects in the circulator's certification which invalidated all signatures on specific petition pages, or because an address did not establish that the signer resided in any Wisconsin congressional district. Based on this review alone, staff determined that the De La Fuente petition does not contain sufficient valid signatures.

The Board's practice has been to make a finding as to a specific number of valid signatures, for the benefit of the parties involved and to create a clear record for any potential court review. Determining this specific figure for the De La Fuente petition is complicated by the requirement of 1,000 signatures in each congressional district and the last sentence of Wis. Stat. § 8.12(1)(c): "All signers on each separate petition paper shall reside in the same congressional district."

The last sentence of Wis. Stat. § 8.12(1)(c) has not been previously interpreted by the Board and staff is requesting the Board's direction in applying the correct interpretation for purposes of evaluating the De La Fuente petition as well as for providing guidance to candidates seeking such ballot access in the future. In practice and specifically regarding the De La Fuente petition,

this provision has several possible interpretations, each of which results in a different calculation of the total number of valid signatures. Staff calculated the number of valid signatures using five possible interpretations. Because the petition does not include 8,000 valid signatures, and because it lacks at least 1,000 valid signatures of residents in at least five congressional districts, the petition is not valid under any possible interpretation of the language requiring petition signers on each separate page to reside in the same congressional district.

C. Possible Interpretations of Congressional District Requirement

As with candidate nomination papers, the De La Fuente petition indicated in the header of each petition page the congressional district in which the signers purportedly resided. While this was not a requirement of the petition under Wis. Stat. § 8.40, the designation was intended to organize the petition into congressional districts and to facilitate the calculation of the number of valid signatures in each congressional district. However, many of the petition pages included all addresses in congressional districts other than the district indicated in the header, or a mix of addresses in congressional districts that may or may not include the district indicated in the header of the petition page. Attached are sample pages from the De La Fuente petition.

Given the statutory language and the variety of the petition pages, G.A.B. staff developed five different interpretations of the requirement that all signers on a separate petition page must reside in the same congressional district, depending on how literally and strictly the requirement was applied. For example, the requirement may be viewed as a strict substantive requirement in which every signature on a petition page is struck if all of the signatures on the page are not from the same congressional district listed in the header. Or it may be viewed as a technical requirement in which substantial compliance with the statutes is satisfied by apportioning each signature to the appropriate congressional district, even if the petition page contained a mix of addresses from various districts and the header did not indicate a district matching any of the signature addresses on the page.

Attached is a chart summarizing the staff's review of the number of valid signatures after applying each interpretation. The chart indicates that the De La Fuente petition contains at least 3,435 valid signatures and at most 7,314 valid signatures, and that it lacks 1,000 valid signatures in at five congressional districts and possibly in all congressional districts, depending upon the interpretation which is used.

For shorthand reference, staff assigned a designation to each of the plausible interpretations, and the guidelines for applying each interpretation are summarized as follows:

Interpretation A (Strict Compliance – Header Irrelevant):

- If all signers on the page are from the same Congressional District, count all otherwise valid signatures.
- If all signers on the page are NOT from the same Congressional District, strike all signatures on the page.

Interpretation B (Strict Compliance – Header Matters):

- If all signers on the page are from the same Congressional District AND the Congressional District of the header is the same as the Congressional District of the signers, count all otherwise valid signatures.
- If all signers on the page are from the same Congressional District but the Congressional District of the header is NOT the same as the Congressional District of the signers, strike all signatures on the page.

Interpretation C (Substantial Compliance – Header Irrelevant/Majority Only):

- If all signers on the page are from the same Congressional District, count all otherwise valid signatures.
- If signers on the page are a mix of two or more Congressional Districts, count all otherwise valid signatures of the majority Congressional District and reject otherwise valid signatures of the minority Congressional Districts.
- If there is an equal number of signatures of two or more Congressional Districts on a page, count any otherwise valid signatures matching the district of the header and strike all other signatures.

Interpretation D (Substantial Compliance – Header Matters):

- If all signers on the page are from the same Congressional District AND the Congressional District of the header is the same as the Congressional District of the signers, count all otherwise valid signatures.
- If signers on the page are a mix of two or more Congressional Districts but the Congressional District of the header is the same as at least one signer, count all otherwise valid signatures whose Congressional District matches the header and reject all other signatures.

Interpretation E (Substantial Compliance – Header Irrelevant/Count All)

- Count all otherwise valid signatures. If signers on the page are a mix of two or more Congressional Districts, assign each valid signature to the appropriate Congressional District, irrespective of the District listed in the header.

While an argument can be made for each of the possible interpretations, staff recommends that the Board adopt Interpretation A as the proper application of Wis. Stat. § 8.12(1)(c). This interpretation requires striking all signatures on a page if all of the signers do not reside in the same congressional district, and counts all signatures if the addresses are in the same congressional district even if that district is different than the district noted in the header. This recommendation is based upon a literal interpretation of the last sentence of Section 8.12(1)(c) which states that “All signers on each separate petition paper shall reside in the same congressional district.”

Interpretation A also recognizes that the designation of the congressional district in the header is not a requirement of an election petition under Wis. Stat. §8.40 as it would be for nomination papers. The congressional district noted in the header of each page does not designate Mr. De La

Fuente's residence or the office which he is seeking. The consensus of staff, therefore, is that the format of the header is acceptable under GAB 2.05(5), Wis. Adm. Code, which states that "Where any required item of information on a nomination paper is incomplete, the filing officer shall accept the information as complete if there has been substantial compliance with the law." This principle applies to other election petitions as well under GAB 2.09(1), Wis. Adm. Code.

D. Determination of Valid Signatures

As noted, G.A.B. staff determined whether individual signature or entire petition pages were disqualified based upon standards applicable to nomination papers and other election petitions. Staff then calculated whether any remaining signatures should be struck under each interpretation of Wis. Stat. § 8.12(1)(c). As illustrated more fully on the attached chart, the total number of valid signatures under each Interpretation, in ascending order, is as follows:

Interpretation B: 3,435 valid signatures
Interpretation D: 4,568 valid signatures
Interpretation A: 5,503 valid signatures
Interpretation C: 7,011 valid signatures
Interpretation E: 7,314 valid signatures

Under any interpretation of Wis. Stat. §8.12(1)(c) considered by staff, the De La Fuente petition does not contain the required minimum of 8,000 valid signatures. In addition, the attached chart documents that under each of the interpretations, the petition also lacked the required minimum of 1,000 valid signatures in either the majority of or all of the congressional districts. Staff recommends that the Board find the petition filed on behalf of Roque De La Fuente to be insufficient for those two reasons. Staff also recommends that the Board specifically find that the petition contains 5,503 valid signatures based upon the review conducted pursuant to Interpretation A as described above.

E. Recommended Motions

Based upon the above summary and analysis, Board staff recommends the following motions:

MOTION 1: The Board determines that the proper application of Wis. Stat. 8.12(1)(c) requires counting otherwise valid signatures if all signers on the page are from the same Congressional District, and striking all signatures on the petition page if all signers on the page are not from the same Congressional District, irrespective of the Congressional District designated in the header of the petition page.

MOTION 2: The Board finds that the election petition filed on behalf of Rocque De La Fuente contains 5,503 valid signatures rather than the required total of 8,000 valid signatures, and does not contain the required 1,000 valid signatures in each of Wisconsin's eight congressional districts. Therefore the petition is insufficient and Mr. De La Fuente is denied ballot access for the Democratic Party Presidential Preference Primary.

PETITION FOR PLACEMENT ON PRESIDENTIAL PREFERENCE BALLOT

Candidate's name as it will appear on the ballot; no abbreviations or titles may be used. **Roque "Rocky" De La Fuente**

Street, fire, or rural route number; box number (if rural route); and name of street or road. **700 Front Street, apt. 2106**

Name of municipality for mailing purposes. State. Zip Code. **San Diego CA 92121**

Name of municipality for voting purposes. Town Village City **San Diego**

Name of municipality for mailing purposes. **5440 Morehouse Drive, Suite 3600**

Date of Presidential Preference Primary. **April 5, 2016**

Name of Party. **Democratic**

Wisconsin Congressional District Number. **5**

I, the undersigned, request that the candidate whose name and address are listed above, be placed on the presidential preference ballot at the election to be held on the date indicated above, as a candidate representing the above-named party, so that voters will have the opportunity to express their preference for him or her as a candidate for President of the United States. I am eligible to vote in the Wisconsin Congressional District indicated above. I have not signed the nomination paper of any other candidate for this office at this election.

The municipality used for mailing purposes, when different than municipality of residence, is not sufficient. The name of the municipality of residence must always be listed.

Signatures of Electors	Printed Name of Electors	Street and Number or Rural Route Rural address must also include box or fire no	Municipality of Residence Provide name of municipality	Date of Signing
	Sergio Alvarez	121 1/2 Avenue Waukesha WI 53183	Waukesha	1-25-16
	Linda Lee	655 Macterny Cir Brookfield 53045	Brookfield	1-25-16
	Christina Faria	357 Scarsdaley Avenue 1160505	Aurora	1-25-16
	Kaitlyn Mullen	1734 R4375 A. Inman 2 53189	Sussex	1-25-16
	Jacob Vander Bolton	5302 C 345 River View Dr Waukesha 53189	Waukesha	1-25-16
	Dan Beresini	551 W 5715 Wmghulst GME Waukesha WI 53184	Waukesha	1-25-16
	Conner Ladwig	1177 Madison Ave Waukesha, WI 53184	Waukesha	1-25-16
	Rosemary Miller	331 Buchner Ct Waukesha WI 53186	Waukesha	1-25-16
	Michael Radlow	4760 N Dale Crest Dr Waukesha WI 53183	Waukesha	1-25-16

CERTIFICATION OF CIRCULATOR
 I, Vincent Morris (Name of circulator) certify: I reside at 621 Oaklawn #77 Det Mich (circulator's residence - include number, street and municipality.)

I further certify I am either a qualified elector of Wisconsin, or a U.S. citizen, age 18 or older who, if I were a resident of this state, would not be disqualified from voting under Wis. Stat. § 6.03. I personally circulated this petition and personally obtained each of the signatures on this petition. I know that the signers are electors of the congressional district listed above. I know that each person signed the paper with full knowledge of its content on the date indicated opposite his or her name. I intend to support this candidate. I am aware that falsifying this certification is punishable under Wis. Stat. § 12.13(3)(a).

1-25-16 (Date)
Vincent Morris (Signature of circulator)

PETITION FOR PLACEMENT ON PRESIDENTIAL PREFERENCE BALLOT

Candidate's name as it will appear on the ballot; no abbreviations or titles may be used.
 Street, fire, or rural route number; box number (if rural route); and name of street or road
 700 Front Street, apt. 2106

Name of municipality for mailing purposes
 Roque "Rocky" De La Fuente

Name of municipality for voting purposes
 Town San Diego
 Village
 City name of municipality

State
 CA

Zip Code
 92121

Date of Presidential Preference Primary
 April 5, 2016

Name of Party
 Democratic

Wisconsin Congressional District Number
 7

I, the undersigned, request that the candidate whose name and address are listed above, be placed on the presidential preference ballot at the election to be held on the date indicated above, as a candidate representing the above-named party, so that voters will have the opportunity to express their preference for him or her as a candidate for President of the United States. I am eligible to vote in the Wisconsin Congressional District indicated above. I have not signed the nomination paper of any other candidate for this office at this election.

The municipality used for mailing purposes, when different than municipality of residence, is not sufficient. The name of the municipality of residence must always be listed.

Signatures of Electors	Printed Name of Electors	Street and Number or Rural Route Rural address must also include box or fire no	Municipality of Residence Provide name of municipality	Date of Signing
1. Maggie Malone	Maggie Grace	5251 H 90th St Milwaukee Keyway 53226	Milwaukee	1-15-16
2. Renee Malone	Renee Malone	3255 24th St Milwaukee WI 53216	Milwaukee	1-15-16
3. Breonnys Brewster	Breonnys Brewster	3938th 39th St Milwaukee WI 53216	Milwaukee	1-15-16
4. Wilma Bell	Wilma Bell	3520 A North 39th	Milwaukee	1-15-16
5. Peggy Ealy	Peggy Ealy	4408 W. Eggert Pl 53218	Milwaukee	1-15-16
6. Deborah W. Weber	Deborah W. Weber	5001 W. Buzzer St 53210	Milwaukee	1-15-16
7. Elmer H. H. H.	Elmer H. H. H.	2174 W Concordia 53206	Milwaukee	1-15-16
8. Louise H. H. H.	Louise H. H. H.	4466 W 58th	Milwaukee	1-15-16
9. Robert E. Lee	Robert E. Lee	3425 N 60 53216	Milwaukee	1-15-16
10. Stella Lee	Stella Lee	5541 N Weston Ave 53209	Milwaukee	1-15-16

CERTIFICATION OF CIRCULATOR
 I, Rosonda Croom (Name of circulator)
 certify: I reside at 612 Hedden Ave Akron OH 44307
 (circulator's residence - include number, street and municipality.)

I further certify I am either a qualified elector of Wisconsin, or a U.S. citizen, age 18 or older who, if I were a resident of this state, would not be disqualified from voting under Wis. Stat. § 6.03. I personally circulated this petition and personally obtained each of the signatures on this petition. I know that the signers are electors of the congressional district listed above. I know that each person signed the paper with full knowledge of its content on the date indicated opposite his or her name. I know their respective residences given. I intend to support this candidate. I am aware that falsifying this certification is punishable under Wis. Stat. § 12.13(3)(a) 1-15-16
Rosonda Croom (Signature of circulator)
 (Date)

PETITION FOR PLACEMENT ON PRESIDENTIAL PREFERENCE BALLOT

Candidate's name as it will appear on the ballot; no abbreviations or titles: Street, fire, or rural route number; box number (if rural route); and name of street or road
700 Front Street, apt. 2106

Name of municipality for mailing purposes: State Zip Code
5440 Morehouse Drive, Suite 3600 CA 92121

Name of municipality for voting purposes: Town Village City
San Diego
 name of municipality

Wisconsin Congressional District Number: 7

Name of Party: Democratic

I, the undersigned, request that the candidate whose name and address are listed above, be placed on the presidential preference ballot at the election to be held on the date indicated above, as a candidate representing the above-named party, so that voters will have the opportunity to express their preference for him or her as a candidate for President of the United States. I am eligible to vote in the Wisconsin Congressional District indicated above. I have not signed the nomination paper of any other candidate for this office at this election.

The municipality used for mailing purposes, when different than municipality of residence, is not sufficient. The name of the municipality of residence must always be listed.

Signatures of Electors	Printed Name of Electors	Street and Number or Rural Route Rural address must also include box or fire no	Municipality of Residence Provide name of municipality	Date of Signing
1.	Kyle Salzman	210 Strongs Ave Stevens Post 54481	<input checked="" type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City Stevens Post 3	1/26/2016
2.	Tara Wenzel	3931 Dickland Hill Dr 54494	<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City Stevens Post 3	1-26-16
3.	Donald Rex	3401 McCulloch	<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City S.P. 3	1/26/16
4.	Mark Allen	4511 Ruthel Ln	<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City Wausau	1/26/16
5.	Timothy Thuber	5231 Whitnack Ave 54494	<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City Wor 3	1-26-16
6.	Betty Jones	330 Wausau Stilling	<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City Plover	1/26/16
7.	Jason Jones	3610 KARRINGTON PL 54467	<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City Plover WI	1/26/16
8.	Gary Clark	1729 Plum Dr Wausau 54401	<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City Wausau	1-25-16
9.	Caylan Maxwell	3931 Coach Lantern Dr 54494	<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City Wausau Rapids 3	1/25/16
10.	Adam Asenault	3743 16th St 54403	<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City Wausau	1/24/16

CERTIFICATION OF CIRCULATOR
 certify: I reside at 2080 Beavensfield Est Pt MA 48021
(circulator's residence - include number, street and municipality.)

I further certify I am either a qualified elector of Wisconsin, or a U.S. citizen, age 18 or older who, if I were a resident of this state, would not be disqualified from voting under Wis. Stat. § 6.03. I personally circulated this petition and personally obtained each of the signatures on this petition. I know that the signers are electors of the congressional district listed above. I know that each person signed the paper with full knowledge of its content on the date indicated opposite his or her name. I know their respective residences given. I intend to support this candidate. I am aware that falsifying this certification is punishable under Wis. Stat. § 12.13(3)(a).

1/26-16 (Date)

 (Signature of circulator)

Roque "Rocky" De La Fuente Petition Results

(In ascending order by number of valid signatures under that interpretation)

Interpretation B (Strict Compliance – Header Matters):	3435
Interpretation B - Congressional District 1	639
Interpretation B - Congressional District 2	362
Interpretation B - Congressional District 3	784
Interpretation B - Congressional District 4	530
Interpretation B - Congressional District 5	96
Interpretation B - Congressional District 6	168
Interpretation B - Congressional District 7	381
Interpretation B - Congressional District 8	475

Interpretation D (Substantial Compliance – Header Matters):	4568
Interpretation D - Congressional District 1	770
Interpretation D - Congressional District 2	448
Interpretation D - Congressional District 3	990
Interpretation D - Congressional District 4	679
Interpretation D - Congressional District 5	233
Interpretation D - Congressional District 6	242
Interpretation D - Congressional District 7	602
Interpretation D - Congressional District 8	604

Interpretation A (Strict Compliance – Header Irrelevant):	5503
Interpretation A - Congressional District 1	1083
Interpretation A - Congressional District 2	733
Interpretation A - Congressional District 3	827
Interpretation A - Congressional District 4	1651
Interpretation A - Congressional District 5	185
Interpretation A - Congressional District 6	168
Interpretation A - Congressional District 7	381
Interpretation A - Congressional District 8	475

Interpretation C (Substantial Compliance – Header Irrelevant/Majority Only):	7011
Interpretation C - Congressional District 1	1248
Interpretation C - Congressional District 2	913
Interpretation C - Congressional District 3	1084
Interpretation C - Congressional District 4	1967
Interpretation C - Congressional District 5	373
Interpretation C - Congressional District 6	238
Interpretation C - Congressional District 7	584
Interpretation C - Congressional District 8	604

Interpretation E (Substantial Compliance – Header Irrelevant/Count All):	7314
Interpretation E - Congressional District 1	1306
Interpretation E - Congressional District 2	918
Interpretation E - Congressional District 3	1147
Interpretation E - Congressional District 4	2011
Interpretation E - Congressional District 5	422
Interpretation E - Congressional District 6	260
Interpretation E - Congressional District 7	628
Interpretation E - Congressional District 8	622

State of Wisconsin \ Government Accountability Board

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JUDGE VICTOR MANIAN
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the March 1, 2016 Board Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared and Presented by:
Nathan W. Judnic, Staff Counsel

SUBJECT: Nomination Paper Form Revisions
(GAB-166, GAB-167, GAB-168, GAB-169) – P.O. Box Issue and Required Fields

Introduction

The Board staff seeks approval of revisions to nomination paper forms used by candidates running for state and local public office, including candidates that will be circulating nomination papers to appear on the 2016 General Election ballot. There are four forms that are posted on the G.A.B. website which candidates download and use as templates for the nomination papers they circulate. The GAB-166 and GAB-167 are the nomination papers for independent candidates running for Governor/Lt. Governor and President/Vice President respectively. The GAB-168 is the nomination paper for Partisan Office, and the GAB-169 is the nomination paper for Non-Partisan Office. In addition to the form revisions, Board staff also seeks authority from the Board to modify the instructions that accompany these forms to correspond with any approved revisions.

The last significant revision to the Board's nomination paper forms was in 2014, which added a column to capture a signer's printed name (2013 Wisconsin Act 160). At that same time, language was added to the circulator's certification which clarified the residency and eligibility requirements of the circulator. The current version of form GAB-169 and a proposed revised version are attached to the memorandum. If revisions to the GAB-169 are approved, Board staff would apply the same revisions to the other three GAB forms as the language and purposes are identical.

Background

The Board staff believes the statutes contemplate, if not require, a candidate to provide their residential address in the header of their nomination paper. Wis. Stat. §§ 8.10(2)(b) and 8.15(5)(a) both state that each nomination paper shall have substantially the following words printed at the top:

I, the undersigned, request that the name of (insert candidate's last name plus first name, nickname or initial, and middle name, former legal surname, nickname or middle initial or initials if desired, but no other abbreviations or titles), residing at (insert candidate's street address) be placed on the ballot at the (spring or special) election to be held on (date of election) as a candidate so that voters will have the opportunity to vote for (him or her) for the office of (name of office). I am eligible to vote in the (name of jurisdiction or district in which candidate seeks office). I have not signed the nomination paper of any other candidate for the same office at this election.

Current Forms GAB-166, GAB-167, GAB-168 and GAB-169 all state below the header:

I, the undersigned, request that the candidate, whose name and address are listed above, be placed on the ballot at the election described above as a candidate so that voters will have the opportunity to vote for him or her for the office listed above. I am eligible to vote in the jurisdiction or district in which the candidate named above seeks office. I have not signed the nomination paper of any other candidate for the same office at this election.

The Board has previously approved this interpretation of the statutes and in almost all cases, signatures that appear on nomination papers where the candidate has listed a P.O. Box instead of their residential address, have been struck by Board staff. There are a couple narrow, notable exceptions, one of which arose recently through a local ballot access decision appeal.¹ A candidate for school board, based on his reading of the statutes, the language provided on the nomination paper form and the form's instructions, provided his campaign's P.O. Box instead of his residential address in the header of his nomination papers. An individual challenged all of the signatures that were submitted by the candidate as insufficient because of the error in the header. The local filing officer reasoned that the statutes did not clearly require a residential address, the statutes specifically require a candidate to provide their mailing address on the papers and the statutes only required language substantially complying with the statute to appear at the top of the page.

The local filing officer rejected the challenge to the papers and granted ballot access to the candidate. While the G.A.B. staff would have likely reached a different outcome had the challenge been made to the Board, the well-reasoned decision provided by the local filing officer required a finding of the Board (in consultation with Board Chair Manian and Director and General Counsel Kennedy per specific delegation of authority on local ballot access appeals) that the local clerk did not abuse her discretion in allowing a P.O. Box to be used by a candidate. *See Baden v. Meyer* (Papers of Ni'a, GAB EL 16-04). This situation prompted the Board staff to look at the four forms described above, and clarify what address information is required going forward.

¹ The other notable exception, where the Board has allowed a P.O. Box to be listed by the candidate is when there is a credible security threat to the candidate if the candidate's residential address would be made public, and the candidate has requested and received approval of this accommodation in advance of circulation.

Proposed Revisions

Residential Address Form Fields and Language Below the Header:

The proposed changes to the form fields in the header clarify that the candidate's 'residential' address should be listed. Previously, the form stated that the candidate should provide their street, fire, or rural route number; box number (if rural route); and name of street and road. Adding the 'residential address' title to this part of the form, as well as a notation that directs the candidate not to provide a P.O. Box will hopefully clarify the information that is sought in this box. A change to the box which seeks mailing address information (Wis. Stat. §§ 8.10(2)(c), 8.15(5)(b)) of the candidate is also proposed, so that both the residential address information and the mailing address information (if different) of the candidate is fully captured.

Finally, the language below the header adds "residential" in front of address to clarify that the candidate's residential address should appear on the paper.

Form Fields – Required Notation

Adding a notation to each of the boxes in the header which the Board has determined are 'required' fields could cut down on the number of errors made by candidates filling out their papers prior to circulation, as well as the number of nomination papers that are subject to challenge. The Board staff proposes adding the "(required)" notation to the following boxes in the header of the form: Candidates Name, Residential Address, Name and Type of Municipality for Voting Purposes, Mailing Address (if different than residential), State, Type of Election, Election Date, Title of Office, Branch, District, Seat (if applicable) and Name of Jurisdiction or District.

Recommended Motion #1: The Board approves the revisions to form GAB-169 as presented at the March 1, 2016 Board meeting. The Board directs staff to make the same revisions to forms GAB-166, GAB-167, GAB-168.

Recommended Motion #2: The Board authorizes staff to update the instructions to forms GAB-166, GAB-167, GAB-168 and GAB-169 to reflect the approved revisions.

Candidate's name; no titles may be used. _____ Street, fire, or rural route number; box number (if rural route); and name of street or road

Name of municipality for <u>voting</u> purposes <input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City _____ (name of municipality)	Name of municipality for <u>mailing</u> purposes WI	State WI	zip code	Type of election <input type="checkbox"/> spring <input type="checkbox"/> special	Election date
Title of office _____		Name of jurisdiction or district in which candidate seeks office _____			

I, the undersigned, request that the candidate, whose name and address are listed above, be placed on the ballot at the election described above as a candidate so that voters will have the opportunity to vote for him or her for the office listed above. I am eligible to vote in the jurisdiction or district in which the candidate named above seeks office. I have not signed the nomination paper of any other candidate for the same office at this election.

The municipality used for mailing purposes, when different than municipality of residence, is not sufficient. The name of the municipality of residence must always be listed.

Signatures of Electors	Printed Name of Electors	Street and Number or Rural Route Rural address must also include box or fire no	Municipality of Residence Provide name of municipality	Date of Signing
1.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
2.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
3.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
4.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
5.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
6.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
7.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
8.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
9.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
10.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	

CERTIFICATION OF CIRCULATOR

I, _____ (Name of circulator) _____ (Circulator's residence - include number, street, and municipality.)
 certify: I reside at _____

I further certify I am either a qualified elector of Wisconsin, or a U.S. citizen, age 18 or older who, if I were a resident of this state, would not be disqualified from voting under Wis. Stat. §6.03. I personally circulated this nomination paper and personally obtained each of the signatures on this paper. I know that the signers are electors of the jurisdiction or district the candidate seeks to represent. I know that each person signed the paper with full knowledge of its content on the date indicated opposite his or her name. I know their respective residences given. I intend to support this candidate. I am aware that falsifying this certification is punishable under Wis. Stat. § 12.13(3)(a).

Candidate's name (required); no titles may be used.	Residential Address (required) No P.O. Box Addresses Street, fire, or rural route number; box number (if rural route); and name of street or road	Name and type of municipality for voting purposes (required) <input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	Election date (required) _____ (name of municipality)
Mailing address, including municipality for mailing purposes (required if different than residential address or voting municipality)	State (required) <div style="text-align: center; font-size: 2em; font-weight: bold;">WI</div> Branch, district or seat number (required if applicable) <input type="checkbox"/> Branch <input type="checkbox"/> District <input type="checkbox"/> Seat	zip code	Type of election (required) <input type="checkbox"/> spring <input type="checkbox"/> special
Title of office (required)	Name of jurisdiction or district in which candidate seeks office (required)		

I, the undersigned, request that the candidate, whose name and residential address are listed above, be placed on the ballot at the election described above as a candidate so that voters will have the opportunity to vote for him or her for the office listed above. I am eligible to vote in the jurisdiction or district in which the candidate named above seeks office. I have not signed the nomination paper of any other candidate for the same office at this election.

The municipality used for mailing purposes, when different than municipality of residence, is not sufficient. The name of the municipality of residence must always be listed.

Signatures of Electors	Printed Name of Electors	Residential Address Street and Number or Rural Route (Rural address must also include box or fire no.)	Municipality of Residence Provide name of municipality for voting purposes.	Date of Signing
1.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
2.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
3.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
4.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
5.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
6.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
7.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
8.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
9.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	
10.			<input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City	

CERTIFICATION OF CIRCULATOR

I, _____ (Name of circulator) certify: I reside at _____ (Circulator's residential address - Include number, street, and municipality).
 I, _____ (Date) further certify I am either a qualified elector of Wisconsin, or a U.S. citizen, age 18 or older who, if I were a resident of this state, would not be disqualified from voting under Wis. Stat. §6.03. I personally circulated this nomination paper, and personally obtained each of the signatures on this paper. I know that the signers are electors of the jurisdiction or district the candidate seeks to represent. I know that each person signed the paper with full knowledge of its content on the date indicated opposite his or her name. I know their respective residences given. I intend to support this candidate. I am aware that falsifying this certification is punishable under Wis. Stat. § 12.13(3)(a).

 (Signature of circulator)

Page No. _____

State of Wisconsin \ Government Accountability Board

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JUDGE VICTOR MANIAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the March 1, 2016 Board Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel

Prepared and Presented by:
Michael Haas
Elections Division Administrator

SUBJECT: Treatment of Hole-Punched Driver's Licenses and State ID as Proof of Residence and Voter Photo Identification

With the reinstatement of the Voter Photo ID Law, one of the questions which has been posed to staff of the Government Accountability Board (G.A.B.) is whether a driver's license or State ID card issued by the Department of Motor Vehicles (DMV) is an acceptable form of photo identification if the license or ID has been hole-punched by either the Wisconsin DMV or the motor vehicle agency of another state. In analyzing that issue, Board staff has also evaluated whether a driver's license or State ID card containing a hole punch may be used as a form of proof of residence when an individual is attempting to register to vote. In the opinion of Board staff, the relevant statutes do not permit a hole-punched driver's license or State ID to be used as an acceptable form of proof of residence, but do allow such a license or ID card to be used as an acceptable form of Photo ID.

Background

An individual may possess a driver's license or State ID issued by the Wisconsin DMV under various circumstances. According to the DMV, if a Wisconsin customer renews their driver's license or State ID, or requests a duplicate license or State ID and still has their old product, the DMV will hole punch the previous card. The DMV then issues a temporary receipt over the counter and the new license or ID card arrives in the mail in 7-10 days. If someone moves to Wisconsin from out of state, after issuing the Wisconsin license or ID card, the DMV will hole-punch their out of state product. If a Wisconsin resident moves to another state (for example, to attend college) and obtains a license or identification card from that state, the Wisconsin product will be hole-punched as well by the other state.

As with many other states, Wisconsin does not allow an individual to hold a valid and current license or State ID from more than one state. But an individual may retain a driver's license or

State ID with a hole punch while also possessing a new product from either Wisconsin or another state. If the Wisconsin DMV hole-punched the product, the individual should have an updated Wisconsin receipt prior to receiving the new driver's license or State ID. If another state hole-punched the product and the individual possesses a valid product from that state, it indicates that the individual claimed residency in the other state, at least for the purpose of obtaining driving privileges or obtaining an identification card.

The complexity in determining whether a hole-punched Wisconsin driver's license or State ID may be used as either proof of residence for voter registration or as an acceptable form of photo identification for voting purposes arises from the various uses of the Wisconsin product as well as the different statutes governing voter registration and voting. An individual must show evidence that they are a Wisconsin resident before obtaining a license or ID from the DMV. A driver's license authorizes an individual to operate a motor vehicle in Wisconsin, but it may also constitute proof of an individual's residency or of an individual's identity.

To complicate the issue further, an individual's residence for voting purposes may be different than their residence for other purposes, such as for tax status or establishing eligibility for in-state college tuition. Wisconsin law provides that, in general, Wisconsin college students may choose to vote in their home municipality or in the municipality in which the university or college is located.

Proof of Residency for Voter Registration

Wis. Stat. § 6.34 lists various documents which may be used to establish an individual's residency when registering to vote, or transferring the registration to another address, and the list includes a current and valid driver's license or a current and valid State ID issued by the DMV. *Wis. Stat. § 6.34(3)(a)1. and 2.* The license or State ID must contain a current and complete residential address. *Wis. Stat. § 6.34(3.)* If an individual has changed the address in the DMV database but their license or State ID contains an outdated address, the product may not be used as proof of residence.

Because § 6.34 specifies that the driver's license or State ID must be current and valid in order to be used as an acceptable form of proof of residence, Board staff believes that one of these products containing a hole punch cannot be used as proof of residence when registering to vote. If the license or ID is hole-punched by the Wisconsin DMV, it is because the product is being replaced by an updated version. The individual receives a temporary receipt immediately which can be used as a proof of residence document, as a document issued by a unit of government pursuant to Wis. Stat. 6.34(3)(a)11., until the new license or ID card arrives. If the license or ID is hole-punched by another state, it is because the product is being replaced by another state's license or State ID. In either case it seems that the hole-punched license or ID card would no longer be current, and in the case of a driver's license, would no longer be valid for driving purposes.

Form of Voter Photo ID

Wis. Stat. 5.02(6m) establishes the documents which qualify as an acceptable form of photo identification for voting purposes under the Photo ID Law, including the following:

(a) One of the following documents that is unexpired or if expired has expired after the date of the most recent general election:

1. An operator's license issued under ch. 343.
2. An identification card issued under s. 343.50.

This provision differs from the proof of residence requirements in two respects. First, instead of stating that the driver's license or State ID must be "current," it states that the document must be either unexpired or if it is expired, the expiration date must be after the most recent general election. Thus, the driver's license or State ID may be current for voting purposes for up to two years after it is considered current for purposes of driving privileges or for other identification purposes.

Second, this provision does not state that the driver's license or State ID must be "valid," as is the case under the proof of residency statute. A driver's license may be used for photo ID purposes even if the driving privileges have been revoked or suspended.

In some cases, the old driver's license or State ID card may contain a hole punch which removes the expiration date. Board staff believes that in that case the product does not constitute a valid form of photo identification for voting purposes because it does not indicate whether it is unexpired or expired after the most recent general election.

However, in the event that the hole punch does not remove the expiration date, and the expiration date on the driver's license or State ID card is after the date of the most recent general election, it is the opinion of Board staff that the product continues to be an acceptable form of photo identification for voting purposes, even though it no longer confers Wisconsin driving privileges or may not be recognized to establish residency or identification with the Wisconsin DMV or another state.

Recommended Motion:

The Board finds that a driver's license or State ID card issued by the Wisconsin Division of Motor Vehicles which contains a hole punch from the DMV or another state does not constitute an acceptable form of proof of residency because it is no longer current or valid. The Board finds that a driver's license or State ID card issued by the Wisconsin Division of Motor Vehicles which contains a hole punch from the DMV or another state does constitute an acceptable form of photo identification for voting purposes, provided that it contains an expiration date after the date of the most recent general election.

State of Wisconsin \ Government Accountability Board

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JUDGE VICTOR MANIAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the March 1, 2016 Board Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel

Prepared and Presented by:
Michael Haas
Elections Division Administrator

SUBJECT: Annual Reports Regarding Use of HAVA Funds and 2015 List of Elections
Division Accomplishments

As a condition of Wisconsin's receipt and use of federal funds under the Help America Vote Act of 2002 (HAVA), the Government Accountability Board is required to submit annual reports to the U.S. Election Assistance Commission (U.S. EAC). The annual reports were due at the end of the 2015 calendar year but relate to agency activities during the 2015 federal fiscal year, October 1, 2014 through September 30, 2015. The G.A.B. requested and received a short filing extension because the agency's accountant position has been vacant and additional time was needed to collect financial data for the reports. Attached are two narrative reports describing major initiatives of the G.A.B. using funds disbursed under HAVA §101 and HAVA §251, along with corresponding Federal Financial Reports which track the total HAVA funds received and the remaining portions available to Wisconsin.

Due to agency functions that qualify to use funds from either Section 101 or Section 251 funds, the first eleven pages of the two narrative reports describe the same agency activities. The reports represent a snapshot of many of the Elections Division projects that took place over the last year, although some tasks funded solely by state funds are not included in the reports. The entire Elections Division and agency finance staff contributed to the material contained in the annual HAVA reports, but they were compiled and drafted by Elections Specialist David Buerger, who has also been the lead author of previous annual reports.

These reports are provided for the Board's information, and no action is required of the Board.

STATE OF WISCONSIN
Wisconsin Government Accountability Board

HAVA, Title I, Section 101
Analysis & Description of Activities Funded
(October 1, 2014 – September 30, 2015)

In Wisconsin, elections are administered at the state level by the Government Accountability Board (G.A.B.), but are conducted at the local level by 1,925 local elections officials covering 72 counties and 1,853 municipalities.

During FFY-2015, the G.A.B. administered seventeen elections. There were seven state-level elections held during the reporting period including three regularly scheduled elections including the 2014 General Election, the 2015 Spring Primary, and the 2015 Spring Election. Four special elections were also held to fill vacancies in the State Senate and Assembly. The G.A.B. also assisted in ten other local elections including local recalls, school district referenda, and special elections to fill local offices. There were also twenty-three recounts, which were conducted by local election officials supported by Board staff. Over the reporting period Wisconsin used approximately 2,755 polling places and recorded votes in 3,590 reporting units.

During the reporting period, HAVA 101 funds were used to support six general purposes:

1. Complying with the requirements of Title III – § 101(b)(1)(A).

Wisconsin became fully compliant with Title III of HAVA on August 6, 2008. HAVA § 101 funds have been used to support various activities that are required to keep the State in compliance with Title III.

The Wisconsin Government Accountability Board (G.A.B.) has assembled a technical team for applications development and support for G.A.B.'s IT systems. The IT team develops any new IT tools the Elections Division may need as well as supports all Elections Division software applications including:

- Statewide Voter Registration System (SVRS) – soon to be known as WisVote
- MyVote Wisconsin – a public information web portal
- Wisconsin Election Data Collection System (WEDCS)
- Canvass Reporting System (CRS)
- AccessElections! Accessibility Compliance System
- Provisional Ballot Tracking System
- Outstanding Absentee Reporting System
- Ineligible Voter List
- Felon Audit Dashboard
- BADGER Voters

The Statewide Voter Registration System (SVRS) was first established in Wisconsin in 2005, in response to new Federal requirements in the Help America Vote Act of 2002. The SVRS software was a commercial off the shelf (COTS) package called AESM purchased from Accenture LLP through a Request for Proposal process. The AESM system was based on a county voter registration system developed in the late 1990s. Accenture upgraded the system

to the newer technologies available in 2003 and added additional features to allow it to work as a statewide and not just countywide system.

The system was ultimately delivered to Wisconsin in 2005 but suffered from serious flaws and countless bugs. In the initial roll-out of the system, only voter registration features were functional, with absentee ballot tracking and election management features added on as they became usable. Several critical features of the system were never developed or functioned as specified in the contract, resulting in a contract settlement with Accenture in 2007. With the settlement, Accenture gave G.A.B. staff a perpetual license for the AESM product with full access to modify the source code as needed to maintain the system, as well as returning monies paid by the G.A.B. for features that had not been developed.

G.A.B. subsequently established and expanded an internal IT development team to support the SVRS system going forward. After several significant updates to the SVRS system, the IT team began using Dynamics CRM to develop new IT functionalities instead of modifying SVRS directly. After the successful use of Dynamics CRM for several projects, the G.A.B.'s IT Lead recommended rewriting the entire SVRS system using Dynamics CRM and retiring the AESM product. During 2013 and 2014, staff worked to conceptualize how SVRS could be improved by developing it in Dynamics CRM. Actual development of the new system in Dynamics CRM began on July 1, 2014.

The team is currently finishing up development of the new statewide voter registration system to replace SVRS, now being called WisVote, which will significantly boost performance and reduce operating costs. Developments related to Wisconsin's voter photo ID requirement temporarily diverted the attention that program and IT staff could give to WisVote development. However, Board staff and IT staff have made significant progress with business requirements and software builds during the reporting period. Board staff has conducted several rounds of module-specific testing, integrated testing, and quality assurance testing. Staff also conducted a series of webinars with a group of municipal and county clerks to demonstrate the new system and solicit feedback regarding it and suggestions for future development. The WisVote system is scheduled to go live in 2016.

Board staff installed updates to G.A.B. IT systems on several occasions during FFY-2015. These updates were for the following general purposes:

- Addition of new functionality
- General performance enhancements
- Resolution of technical issues with the software

The Statewide Voter Registration System (SVRS) received several smaller updates this reporting period as the IT team transitions to focus more on the development of the new WisVote system:

- Several small updates were made to SVRS to correct functions related to tracking voters who provide a photo ID for mail-in absentee ballots and voters who are exempt from having to provide photo ID for mail-in absentee ballots.
- One update was made to SVRS after IT staff identified four minor bugs in the service used to validate addresses in SVRS and MyVote Wisconsin. The four bugs were isolated to rare and very specific circumstances but could impact assigning voters to the correct districts.

- At the request of municipal clerks, the Voter Verification Postcard Notice and the Notice of Suspension of Registration mailings in SVRS were updated to include the address for the current G.A.B. website.

Board staff continues to work with local land information departments in acquiring updated ward boundaries to account for any recent annexations. Board staff is working with municipal and county clerks to improve receipt of annexation ordinances. The Department of Administration (DOA) continues to send a quarterly list of all annexation ordinances it receives from municipalities. Board staff is working with other state agencies via the State Agency Geospatial Information Committee (SAGIC) on facilitating state agency roles regarding improved accuracy and communication of spatial information to improve overall spatial data related to the SVRS. Board staff is also working with the Wisconsin Land Information Association (WLIA), which represents local land information constituents. Boundary data acquisition, verification, and updates into SVRS require one GIS staff person approximately 20 hours per week. Accurate GIS data is essential to ensuring accurate ballot assignment within SVRS.

The Canvass Reporting System (CRS) was upgraded to the latest version of the software to eliminate problems reported when exporting large reports.

The AccessElections! Accessibility Compliance System saw further improvements this reporting period. This system serves as a robust administration tool for the G.A.B. to further develop the accessibility survey design; enter paper survey data; review and analyze data; and generate reports. The system provides detailed reporting (customizable to state-specific requirements) to analyze survey data, including, but not limited to: identifying key barriers at polling places to match needs with accessibility supply orders; comparison reports by location; and providing a method to track polling place visits.

MyVote Wisconsin (<https://myvote.wi.gov/>) serves as Wisconsin's comprehensive voter information portal and includes information on voter registration, absentee voting, election dates, polling place hours and location, sample ballots, elected official contact information, absentee ballot status, voting history, provisional ballot status, and other general information regarding voting. The MyVote Wisconsin site also facilitates voter registration by allowing voters to generate an electronic voter registration online, which is instantaneously logged in the SVRS, and can be quickly confirmed by the local election official once the signed original application is received. The MyVote Wisconsin site also hosts Wisconsin's military and overseas voter online ballot request and delivery system. This reporting period, MyVote Wisconsin received several updates to reflect changes in state law, provide better information and instructions to voters, fix minor defects, better utilize database resources, improve security, and implement miscellaneous improvements suggested by clerks and voters.

Several changes were made to MyVote Wisconsin during the reporting period primarily due to a series of court decisions that alternatively stayed or reinstated implementation of the state's voter photo ID requirement. A fix was also installed to make it easier for military and overseas voters to interact with the partisan primary ballot by allowing them to pick the party for which they intend to vote. MyVote would then display only contests for that party. There were also multiple changes that resulted from the MyVote usability assessment performed during the prior reporting period.

The Ineligible Voter List system allows local election officials to access Department of Corrections' data on convicted felons currently under supervised release in the community. This online system allows local election officials to search statewide data for potential matches with new registrants and to print localized ineligible voter lists on demand. This system is more cost-effective and efficient than the former manual process of printing felon lists centrally and mailing them to their respective localities. Local election officials have applauded this new system to make the current process more effective and in some cases have eliminated the use of paper lists entirely through effective use of technology in the polling place to provide an entirely electronic check-in process.

Additionally, Wis. Stat. § 6.56(3m) requires the Board to compare the list of voters in an election with the list transmitted to the Board by the Department of Corrections (DOC) containing the names of individuals disqualified from voting due to felony convictions. With the new automated tracking tool now in place, municipal clerks can quickly identify whether they believe that the voter and the offender are the same person and whether a vote was correctly recorded for the voter. Clerks are asked to attach a copy of the poll list page for the voter and the voter registration form. Clerks then assign the record back to Board staff which reviews the clerk's response. If the clerk indicates the records are not a match the case will be closed. If a clerk believes it is a match or is uncertain, Board staff will review the supporting documents attached and send a referral, if appropriate, to the local district attorney. A dashboard interface has also been developed for DOC users to update felon information for potential matches.

With the new automated tracking tool now in place, Board staff has dramatically reduced the time that it takes to complete the Voter Felon Audits. As of February 20, 2015, G.A.B. staff has completed the Voter Felon Audits for 18 elections using the new tracking tool. From the 18 elections, a total of 112 names have been referred to District Attorneys.

Board staff continues to collect information provided by Wisconsin probate courts regarding adjudications of incompetency and voting eligibility. Staff has completed the design and development of a searchable electronic list of all persons who have been adjudicated incompetent by a Wisconsin court and are ineligible to vote, as well as those who have subsequently had their right to vote restored. This list was made available for local election officials' use on June 3, 2015 for the purpose of voter list maintenance.

The Wisconsin Election Data Collection System (WEDCS) is where local election officials provide a large variety of election-related statistics such as the number of registered voters in their municipality, the number of absentee ballots issued/returned/counted/rejected, etc. This data is used to respond to a number of local inquiries as well as national surveys like the US EAC's Election Administration and Voting Survey. Board staff continues to refine the system and provide users with updated tutorials on completing the forms with more accurate and updated definitions.

Local election officials also submit actual election cost data (not estimates) through WEDCS. Cost data was gathered for two state-level elections during the reporting period. Municipal and county clerks reported cost data in eight different pre-determined categories for each election. The cost categories include notices, ballots, absentee, voting equipment, polling place, poll workers, other local election officials, and miscellaneous costs which clerks are asked to specify. Local election officials will also submit annual cost reports for the 2015 calendar year by February 1, 2016. The G.A.B. incorporates the collection of election costs

into its business practices because these costs are a major component in providing meaningful reporting on election results and statistics. In addition, this information helps:

- Convey the complete cost of conducting elections to chief executives, governing boards, and voters.
- Develop budgets for elections.
- Prepare fiscal impact statements on pending election-related legislation.
- Predict election costs based on voting trends and projected turnout.
- Identify potential cost savings.

Local election officials continue to use the SVRS to validate voter registration information against Department of Transportation (DOT) and Social Security Administration (SSA) records, and confirm matches with Department of Corrections (DOC) felon information and Department of Health Services (DHS) death data. Local election officials process these “HAVA Checks” and confirm matches on a continuous basis during the course of their daily election administration tasks. This process has been followed since these interfaces first became functional in SVRS on August 6, 2008.

G.A.B. staff also completed several tasks related to certification and testing of voting equipment during FFY-2015.

On March 16, 2015, Board staff received an application for approval of the 4.14-D & 4.14-DS voting systems. Dominion Voting Systems (Dominion) submitted complete specifications for hardware, firmware and related components to the voting systems. In addition, Dominion submitted technical manuals, documentation, and instruction materials necessary for the operation of the voting systems. At the same time, Dominion requested the Board approve the federally certified Democracy Suite 4.14-D voting system and the modified 4.14-DS voting system. On June 5, 2015, Board staff received an updated application for approval of the 4.14-D & 4.14-DS voting systems, removing the Democracy Suite Adjudication software, AIMS, and AutoMARK from the application.

The Voting System Test Laboratory (VSTL) responsible for testing 4.14-D, National Technical Systems (NTS), recommended that the U.S. Election Assistance Commission (EAC) certify the 4.14-D voting system. Dominion provided the NTS report to Board staff along with the Application for Approval. Voting systems submitted to the EAC for testing after December 13, 2007, are tested using the 2005 Voluntary Voting System Guidelines (VVSG 1.0). The EAC certified the Dominion Democracy Suite 4.14-D voting system on November 25, 2014, and issued certification number: DVS-DemSuite4.14-D.

4.14-DS is a modification to the federally certified 4.14-D. The modification provides support for modeming of unofficial election results from an ICE or ICP to the ICL through analog or wireless telecommunications networks. Numerous modifications to the 4.14-DS voting system were tested to VVSG 1.0 by NTS. The telecommunication component of the 4.14-DS received functional testing only.

Board staff scheduled voting system testing and demonstrations for the 4.14-D and 4.14-DS voting systems April 21-23, 2015 for functional testing and April 28-29, 2015 for road testing. A four-person team conducted these testing campaigns.

As required by Wis. Admin. Code GAB 7.02(1), Board staff conducted three mock elections with each component of Democracy Suite 4.14 systems to ensure the voting systems conform

to all Wisconsin requirements. The test elections included a partisan primary, a general election with both a presidential and gubernatorial vote, and a nonpartisan election combined with a presidential preference vote.

Board staff designed a test deck of 1,001 ballots using various configurations of votes over the three mock elections to verify the accuracy and functional capabilities of the Democracy Suite 4.14 voting systems. Test ballots were provided by Dominion and marked by Board staff. Each mock election included three wards. Board staff fed these ballots through the ICE, ICC, and ICP. The ballot marking device on the ICE was tested by marking 29-40 ballots with the accessibility option and onboard printer. Two ballots were marked separately by the ICP COTS printer, which was conducted outside of the normal test deck campaigns. The votes captured by the onboard ICE printer and external COTS printer on the ICP were verified by Board staff before being scanned and counted by the ICE, ICC, and ICP. Board staff was able to reconcile each mock election on each piece of voting equipment submitted for testing.

On March 24, 2015, Board staff received an application for approval of the Unity 3410 and Unity 3411 voting systems. ES&S submitted complete specifications for hardware, firmware, and related components to the voting systems. In addition, ES&S submitted technical manuals, documentation, and instructional materials necessary for the operation of the voting systems. ES&S requested that the Board approve the federally certified Unity 3410 voting system and the modified Unity 3411 voting system. On June 30, 2015, ES&S retracted the request for approval of the Digital Scan 850 (DS850) with the Unity 3410 and Unity 3411. A revised application was received without the request for approval of the DS850.

The Voting System Test Laboratory (VSTL) responsible for testing the Unity 3410, National Technical Systems (NTS), recommended that the U.S. Election Assistance Commission (EAC) certify the Unity 3410 voting system. ES&S provided the NTS report to Board staff along with the Application for Approval. Voting systems submitted to the EAC for testing after December 13, 2007, are tested using the 2005 Voluntary Voting System Guidelines (VVSG 1.0). The EAC certified the ES&S Unity 3.4.1.0 voting system on April 4, 2014 and issued certification number: ESSUnity3410.

The Unity 3411 is a modification to the federally certified Unity 3410. The modification provides support for analog landline modeming of unofficial election results from a DS200 to the EMS through analog telecommunication networks. The modifications include an analog landline modem to the DS200 and the necessary software to interface with the EMS. Modifications to the Unity 3411 voting system were tested to the VVSG 1.0 by NTS. NTS notes provided ES&S with one Notice of Anomaly in the TDP, which ES&S corrected prior to NTS's final report on the Unity 3411.

Board staff scheduled voting system testing and demonstrations for the Unity 3410 and Unity 3411 voting systems on July 15-17, 2015 for functional testing and on July 22-24, 2015 for telecommunication testing. A four-person staff team conducted the testing campaigns.

ES&S did not submit a redacted technical data package (TDP) as required by the agency application; however, a full unredacted TDP was submitted. ES&S asserted that the materials are not a "record" under current Wisconsin public records laws. Wis. Stat. § 19.32(2). ES&S further requested, due to the time and expense of redacting the documentation, that the requirement be waived. Board staff proceeded with testing of the

Unity 3410 and Unity 3411 voting systems and provided a letter to ES&S indicating that their application was incomplete and placing ES&S on notice concerning the implications for failing to supply a redacted TDP. A redacted TDP is requested from the vendor as part of the application for approval in the event that a public records request is made by an individual to the G.A.B. or a Wisconsin jurisdiction for the specifications of the voting system. Board staff requests a redacted TDP to assist in the timely completion of public record requests, and to prevent copyrighted and trademarked materials from mistakenly being disclosed. Staff has advised ES&S of potential issues which may arise if a redacted TDP is not submitted, but the omission does not affect the performance, testing, or evaluation of the voting systems.

As required by Wis. Admin. Code GAB 7.02(1), Board staff conducted three mock elections with each component of the Unity 3410 and Unity 3411 voting systems to ensure the voting systems conform to all Wisconsin requirements. The test elections included a partisan primary, a general election with both a presidential and gubernatorial vote, and a nonpartisan election combined with a presidential preference vote. Each mock election included three wards. A partisan special election was placed on the nonpartisan election ballot and a nonpartisan special election was placed on the partisan primary ballot to test whether the voting equipment could account for two separate elections on the same ballot.

Board staff designed a test deck of 914 ballots using various configurations of votes over the three mock elections to verify the accuracy and functional capabilities of the Unity 3410 and Unity 3411 voting systems. 897 test ballots were provided by ES&S and marked by Board staff. 17 test ballots were provided by ES&S and marked by ES&S according to the specifications provided to ES&S by Board staff. Board staff fed the ballots from each of the three elections through a different DS200. The nonpartisan election combined with a presidential preference vote and the general election with both a presidential and gubernatorial vote were fed into the 1.3 version of the DS200. The partisan primary was fed into the 1.2 version of the DS200. Board staff was able to reconcile the three mock elections on each DS200 submitted for testing.

An application for approval of Engineering Change Order (ECO) 918 for the ES&S EVS 5300 voting system was received on March 26, 2015. This ECO was a de minimis change to the end of life modem of the DS200. This ECO was approved by the Director and General Counsel and presented to the Board on April 29, 2015.

Wis. Stat. § 7.08(6) is the state embodiment of § 301(a)(5) of the Help America Vote Act (HAVA). Wis. Stat. § 7.08(6), requires the Government Accountability Board (G.A.B.) to audit each voting system that is used in this state following each General Election. The Government Accountability Board randomly selects a pre-determined number of reporting units across Wisconsin to target for municipal audits, including a minimum of five (5) reporting units for each voting system used in Wisconsin. The audits are conducted in accordance with the procedures set forth below. Both the municipal and county clerk of reporting units selected for audit are notified of the selection. If fewer than five (5) reporting units for any voting system are selected through the random selection process, then additional reporting units are randomly selected for the voting system until five reporting units per voting system have been selected. Any reporting unit selected for audit that is subject to a recount is replaced by another reporting unit selected at random by the G.A.B. For good cause, the G.A.B. may identify other reporting units to be audited.

After the 2014 General Election, G.A.B. staff selected a total of 104 reporting units across Wisconsin to conduct the 2014 post-election voting equipment audit. The municipalities

selected to conduct a post-election audit include five reporting units for each piece of touch screen and optical scan voting equipment approved for use in Wisconsin. If fewer than five reporting units for any voting system were selected through the random selection process additional reporting units were selected by voting system until five reporting units per voting system were selected.

The 103 reporting units represent 79 municipalities throughout the state. Ten municipalities did not inform G.A.B. staff of the date and time of their scheduled audit prior to their occurrence as requested by audit procedures. No municipality completed a voting equipment audit during a municipal canvassing period. Twenty-five municipalities completed their initial audits prior to the certification of the election by the Board on December 1, 2014, as permitted by the Board's motion on October 28, 2014. One municipality did not complete their initial audit by the December 15, 2014 deadline. All municipalities submitted their initial audit materials before the end of 2014.

Both the touch screen voting equipment and optical scan voting equipment used and audited for the 2014 general election tabulated as expected and according to vendor specifications.

The audits revealed matters for future consideration by the Legislature, the Board, the County and Municipal Clerks, as well as concerned citizens. As noted in the Board's previous audits, the voting equipment used within the state, while accurate, is aging and beginning to show signs of wear that many municipalities will need to address. The audit also underscored the necessity of educating voters on the voting process as well as the continued need to have technology in place that makes the voting experience easily understandable and accessible by all voters.

No later than June 15 following each general election, Wisconsin Statute § 6.50(1) directs the Government Accountability Board to examine voter registration records for each municipality and identify each qualified elector who has not voted within the previous four years, and then mail a Notice of Suspension of Registration to the elector. This process of updating the registration list is commonly referred to as "four-year maintenance," and state statute requires that the audit and mailing be completed every two years.

Prior to the enactment of 2013 Wisconsin Act 149, municipal clerks were required to perform the four-year maintenance and send the required mailings. However, in response to recommendations made by the Legislative Audit Bureau (LAB) in the audits conducted in 2005 and 2007, the G.A.B. performed the four-year maintenance on behalf of the municipal clerks following the 2008, 2010 and 2012 general elections. The G.A.B. has assumed the responsibility for mailing the notices on behalf of clerks since 2008 to ensure that the process was completed uniformly and cost effectively across the state. 2013 Wisconsin Act 149 formally transferred the responsibility for reviewing the voter registration list and mailing notices from municipal clerks and boards of election commissioners to the Board.

To promote continued compliance with Title III requirements and improve data quality, Board staff drafted an election administration event calendar and Statewide Voter Registration System (SVRS) checklists covering all regularly scheduled elections and shared these materials with local election officials in order to improve consistency amongst the 1,924 local elections officials. Board staff monitors local elections and progression of election administration milestones in SVRS. As part of its post-election activities, the G.A.B. performed cross-system data analysis, comparing election statistics reported in WEDCS, canvass results, and voter participation in SVRS. Staff worked with local clerks in reviewing

and reconciling these data sources. Board staff provides technical assistance on a daily basis via phone and email to local election officials to maintain Title III compliance and improve the administration of elections in Wisconsin. The below table is a summary of the contact volume during the reporting period:

	Phone Calls Received	Emails Received
October 2014	3,953	1,964
November 2014	3,286	1,207
December 2014	1,114	831
January 2015	1,926	1,222
February 2015	1,470	851
March 2015	1,664	1,042
April 2015	1,822	916
May 2015	547	570
June 2015	610	503
July 2015	1,173	574
August 2015	556	485
September 2015	595	477
Grand Total	18,716	10,642

For every statewide election, G.A.B. staff maintains special extended office hours to provide assistance to local election officials, candidates, and the public. Office hours are typically extended beginning the Wednesday before the election and continuing through the Friday following the election to address election-related concerns.

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

2. Improving the administration of elections for Federal office – § 101(b)(1)(B).

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

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

revised ballot design based upon their own assessments of the ballot's readability as well as the operation of their specific voting equipment.

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

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

Board staff has been reviewing and, when necessary, revising G.A.B. manuals, forms, and guidance to clerks which was previously created when the photo ID requirement was in effect in 2012 and then again briefly before the 2014 General Election. Board staff conducted a training webinar in April 2015 for municipal and county clerks involved in the May and June special elections.

Finally, several staff members met with representatives of the agency which developed and produced the Bring It to the Ballot website, public service announcements, brochures, posters and other voter outreach materials when the photo ID requirement was previously in effect. The Bring It to the Ballot website was reactivated immediately after the April Spring Election. The agency updated those materials and resources, and is also developing recommendations for the most efficient and effective public information campaign should funds become available for such an effort during the 2016 election cycle.

In addition to preparing local election officials and voters for the 2015 special elections, the staff's efforts will help to evaluate best practices for the implementation of the photo ID requirement on a statewide basis starting with the 2016 Spring Primary.

In July 2013 Director Kevin Kennedy assembled a team to research and prepare for the potential use of electronic poll books in Wisconsin. The team was also charged with recommending standards for approval of electronic poll books pursuant to Wis. Stat. § 6.79(1m). The initial research report was presented to the Board at its December 2013 meeting. Board staff presented the final report at the March 2014 meeting with two recommendations. First, that the Board direct staff to continue to research and develop standards for approval of electronic poll books pursuant to Wis. Stat. § 6.79(1m); and second that the staff should conduct an analysis of the costs and benefits of developing in-house a

custom electronic poll book system for use in Wisconsin. Both motions failed and Director Kennedy noted that based on the decision of the Board, staff would not devote any significant resources to further electronic poll book research.

At the April 2015 meeting, Manitowoc County Clerk Jamie Aulik appeared to request that the Board revisit the development of standards for electronic poll books and presented a letter signed by 107 municipal and county clerks requesting the same. At the June 2015 meeting, both voter advocates and election officials spoke in support of developing standards for the approval of electronic poll books for use in Wisconsin. During the Elections Division report the Board discussed the growing clerk interest in having the Board develop standards for certification and approval of electronic poll books. A motion to direct staff to develop standards for consideration at the September meeting failed, but the Board directed staff to survey the clerks to determine their level of support for development of standards and the actual use of electronic poll books, if approved.

IT staff recently implemented several improvements to the BADGER Voters data request system to improve security and enhance the user experience by making a few technical fixes. Initial planning has also begun to develop new standard report options that would allow users to request lists of voters who registered within a specified date range, or voters who returned an absentee ballot within a given date range. Staff is also looking into allowing users to choose whether they want a list of voters who participated in any of the selected elections or all elections selected (e.g., voters from any spring election versus voters who participated in all of the last three spring elections).

Confidential information in the Statewide Voter Registration System (SVRS) remains protected under state law. Private data that cannot be purchased include a voter's date of birth, driver license number, Social Security number, special accommodation needs for voters with disabilities, financial information, or any information about "confidential voters" who are victims of domestic abuse, stalking or sexual assault.

Users must create an account through the State of Wisconsin's external account system, and online payments are managed by the Department of Administration through U.S. Bank. This site leverages available security features to protect confidential information and ensure that the available data cannot be accessed free of charge. The database is read-only and the site only allows access to specific non-confidential information and is only available after successful processing of the payment. The details of these security measures are not enumerated here to help safeguard the process and confidential voter information. Revenue from the BADGER Voters site will continue to support SVRS maintenance, as well as SVRS training and support for county and municipal clerks.

Finally, HAVA § 101 funds were used towards administrative expenses, such as equipment leases, office space, and telephone costs for the HAVA-funded staff.

3. Educating voters concerning voting procedures, voting rights and voting technology – § 101(b)(1)(C)

The G.A.B has continued implementation of a comprehensive initiative focused on voter education and technical assistance. The goal of the initiative is to inform Wisconsin electors about important aspects of election law and their rights and responsibilities. Some of the highlights of this initiative to educate voters include:

1. The use of social media including Facebook and Twitter.
2. Development and maintenance of voter education materials including a comprehensive frequently-asked questions list, quick explanatory brochures, and more substantive voting guides covering a wide variety of subject areas (voter registration, absentee voting, election-specific deadlines, etc.)
3. Updating of a voter education video entitled “Voting 101 – Back to Basics.”
4. Development and maintenance of a comprehensive Voter Information Center page on the agency website.

As part of the G.A.B.’s photo ID outreach efforts to voters, staff has made several presentations to voter groups in Wisconsin. The approach has been to talk primarily with audiences comprised of representatives from community organizations that work with voters. Board staff has found that it is most effective to focus our outreach efforts on training representatives of voter organizations. The representatives then bring the information back to their organizations where they can train organization staff and volunteers who will be conducting outreach to voters. In the past few months the G.A.B. has held the following training events:

Milwaukee, WI. In July Board staff held a photo ID training event for community leaders in Milwaukee. The meeting was well attended with about 15 community organizations represented. Staff was able to provide training on voting and photo ID, engage in a lengthy question and answer, distribute a packet of training materials to attendees, and distribute print materials such as posters and brochures on the photo ID law.

Madison, WI. In early August Board staff presented at a photo ID event at the City of Madison Central Library. The event was sponsored by a voter advocacy coalition. There were representatives from at least 10 community organizations in attendance. Staff was able to provide training on voting and photo ID, engage in a question and answer, distribute a packet of training materials to attendees, and distribute print materials such as posters and brochures on the photo ID law.

Minocqua, WI. G.A.B. staff was invited to present at an event at the Minocqua Library for the Northwood’s League of Women Voters in mid-August. The League also invited five or six other politically diverse organizations to co-sponsor the event. There were more than 60 attendees, all of whom were involved in various voter outreach efforts in northern Wisconsin. Staff was able to provide training on voting and photo ID, engage in a question and answer, distribute a packet of training materials to attendees, and distribute print materials such as posters and brochures on the photo ID law.

Staff has also been working with vendors to update the Bring It to the Ballot public education and outreach campaign. As of late August, all the videos, TV and radio ads, and printed materials had been updated with new information about how to get a free state ID card for voting. Additionally, the mobile version of the BringIt.wi.gov website for mobile devices was in final testing.

4. Training election officials, poll workers and election volunteers – § 101(b)(1)(D)

The G.A.B. continued to utilize webinar software to conduct election administration training sessions and host teleconferences with 1,925 local election officials and thousands of front-line election inspectors. The webinar training platform allows the G.A.B. to deliver effective, timely, and uniform training at a reduced cost. The training materials include

written material and web-based video recordings. The video training tools allow local election officials to learn in a variety of formats and provide on-demand training opportunities.

Board staff also provided instructor-led and hands-on instruction to municipal and county clerks attending Wisconsin County and Municipal Clerks Associations various conferences and district meetings throughout the reporting period. Board staff also conducted in-depth SVRS election data classes at the Wisconsin Clerks Institute in July 2015.

During the reporting period, Board staff conducted 62 training classes for approximately 3,524 election officials, not including any training provided via on-demand online training. These classes ranged from classroom-structured in-person training, to large-scale teleconferences with hundreds of listeners at a time for refresher courses and updates on timely election subjects such as military and overseas absentee voting guidelines, common Election Day challenges and provisional ballot procedures. Election officials have the option to attend training live or review recorded webinars available for download from the G.A.B.'s website on-demand at no charge. To reduce costs, Board staff has focused on online training sessions instead of in-person classroom trainings. Board staff also attends and makes presentations at local election official annual conferences and district meetings. HAVA funds were used to print training materials and pay travel costs for agency staff.

Board staff conducted online training teleconferences with clerks in Milwaukee and Sheboygan counties who used CRS to report unofficial election night results for the 2014 General Election. Staff also supported counties who uploaded result files directly from their voting equipment compilation software. Before Election Day, Board staff obtained and uploaded test files from each county. Board staff continues to provide support to counties who will be using CRS to report unofficial election night results.

Board staff also revised several election administration training resources (see Section 2 above) to reflect changes to the law and produced new materials to assist the public in understanding the registration and voting process. Notable training resources developed or revised during this period include the Election Administration Manual, Election Day Manual, SVRS Training Manual, and the Absentee Voting in Residential Care Facilities and Retirement Homes Manual.

Finally, HAVA § 101 funds were also used to send state election officials to national workshops and conferences to improve election administration and work with national election administrators to better improve elections.

5. Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing nonvisual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language – § 101(b)(1)(G).

The Wisconsin Government Accountability Board (G.A.B.) provides ongoing information and assistance to municipalities that are considering opening additional (new) polling places or moving existing polling places to a new location. The primary goal of the G.A.B. continues to be 100% accessibility compliance at all polling places in Wisconsin.

During the reporting period, the G.A.B. completed development of an online platform that provides polling place accessibility audit results to local election officials. The development

of this system was the final phase of a modernization project aimed at increasing the efficiency of the audit program. Previous phases of the project included replacing the paper-based polling place accessibility survey process with an electronic version that significantly improved data quality and configuring the electronic survey for field work on tablet computers and revising the survey to increase compatibility with the audit report generation application.

The G.A.B. continues to employ a full-time Elections Specialist to serve as the Accessibility Coordinator. The Accessibility Coordinator is responsible for managing the polling place audit program and working with the IT team to continue to develop and improve the electronic survey format and the larger web-based system.

Beginning with the November 4, 2014 General Election and continuing through the April 7, 2015 Spring Election, Government Accountability Board staff and representatives, primarily temporary workers, took advantage of the three regularly scheduled statewide elections during the reporting period to conduct onsite accessibility compliance reviews. During the reporting period, the G.A.B. conducted 428 onsite accessibility compliance audits, across 37 of Wisconsin's 72 counties, in 242 of Wisconsin's 1,853 municipalities.

Top findings of the 2015 accessibility compliance reviews include:

- Some polling places lack required election notices and/or those posted are not printed in 18 point font.
- Some polling places lack accessible parking spaces and/or have insufficient signage for accessible parking spaces.
- Some polling places have insufficient signage marking accessible entrances and accessible pathways.
- Some polling places lacked ADA-compliant booth or table for voters casting a paper ballot.
- Some polling places had accessible pathways with breaks or edges where the height difference was larger than ½ inch.
- Some polling places have doors that require excessive force to open, lack lever door handles, and/or do not have an electronic feature such as an automatic opener, power-assist, or bell/buzzer.
- Some polling places did not have their accessible voting equipment or accessible voting booths set up to ensure voter privacy.

Board staff continues to meet periodically with an expanded Accessibility Advisory Committee. Representatives from nine different groups that work with people with disabilities serve on the committee and provide G.A.B. staff with information about the needs of voters in their specific communities. The Accessibility Advisory Committee has met regularly in coordination with the fall and spring election cycles and as needed to obtain feedback on agency activities with regards to accessibility, and to leverage voter outreach programs.

Most recently during this reporting period, G.A.B. staff has reviewed and offered feedback on informational pamphlets and videos explaining voting rights that were produced by a disability rights organization. Advisory Group members have also 'shadowed' polling place accessibility auditors out in the field and offered feedback on the audit process. G.A.B. staff has also created public outreach materials aimed at voters with disabilities that have been widely distributed by organizations represented on the agency Accessibility Advisory

Committee. These materials were designed to be distributed through a variety of platforms, including social media platforms and email lists.

To present a ballot audibly to a voter with visual impairments accessible voting equipment must be programmed with the correct pronunciation of candidate names. For the each State election during this reporting period, staff prepared a phonetic guide of candidate names.

6. Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information – § 101(b)(1)(H).

The G.A.B. maintains a toll-free hotline (1-866-VOTE-WIS) to collect voter comments, questions, and complaints. During the reporting period, approximately 1,966 calls were received via this hotline.

Board staff also maintains the MyVote Wisconsin website, a voter information portal, to provide general election information, access detailed automated information regarding voter registration status, polling place location, and other relevant information. Voters may also provide comments or complaints via the website to report possible voting fraud, voting rights violations, or other violations.

STATE OF WISCONSIN
Wisconsin Government Accountability Board

HAVA, Title II, Section 251
Analysis & Description of Activities Funded
(October 1, 2014 – September 30, 2015)

In Wisconsin, elections are administered at the state level by the Government Accountability Board (G.A.B.), but are conducted at the local level by 1,925 local elections officials covering 72 counties and 1,853 municipalities.

During FFY-2015, the G.A.B. administered seventeen elections. There were seven state-level elections held during the reporting period including three regularly scheduled elections including the 2014 General Election, the 2015 Spring Primary, and the 2015 Spring Election. Four special elections were also held to fill vacancies in the State Senate and Assembly. The G.A.B. also assisted in ten other local elections including local recalls, school district referenda, and special elections to fill local offices. There were also twenty-three recounts, which were conducted by local election officials supported by Board staff. Over the reporting period Wisconsin used approximately 2,755 polling places and recorded votes in 3,590 reporting units.

During the reporting period, HAVA 251 funds were used to support three general purposes:

1. Meet the requirements of Title III – § 251(b)(1).

Wisconsin became fully compliant with Title III of HAVA on August 6, 2008. HAVA § 251 funds have been used to support various activities that are required to keep the State in compliance with Title III.

The Wisconsin Government Accountability Board (G.A.B.) has assembled a technical team for applications development and support for G.A.B.'s IT systems. The IT team develops any new IT tools the Elections Division may need as well as supports all Elections Division software applications including:

- Statewide Voter Registration System (SVRS) – soon to be known as WisVote
- MyVote Wisconsin – a public information web portal
- Wisconsin Election Data Collection System (WEDCS)
- Canvass Reporting System (CRS)
- AccessElections! Accessibility Compliance System
- Provisional Ballot Tracking System
- Outstanding Absentee Reporting System
- Ineligible Voter List
- Felon Audit Dashboard
- BADGER Voters

The Statewide Voter Registration System (SVRS) was first established in Wisconsin in 2005, in response to new Federal requirements in the Help America Vote Act of 2002. The SVRS software was a commercial off the shelf (COTS) package called AESM purchased from Accenture LLP through a Request for Proposal process. The AESM system was based on a county voter registration system developed in the late 1990s. Accenture upgraded the system

to the newer technologies available in 2003 and added additional features to allow it to work as a statewide and not just countywide system.

The system was ultimately delivered to Wisconsin in 2005 but suffered from serious flaws and countless bugs. In the initial roll-out of the system, only voter registration features were functional, with absentee ballot tracking and election management features added on as they became usable. Several critical features of the system were never developed or functioned as specified in the contract, resulting in a contract settlement with Accenture in 2007. With the settlement, Accenture gave G.A.B. staff a perpetual license for the AESM product with full access to modify the source code as needed to maintain the system, as well as returning monies paid by the G.A.B. for features that had not been developed.

G.A.B. subsequently established and expanded an internal IT development team to support the SVRS system going forward. After several significant updates to the SVRS system, the IT team began using Dynamics CRM to develop new IT functionalities instead of modifying SVRS directly. After the successful use of Dynamics CRM for several projects, the G.A.B.'s IT Lead recommended rewriting the entire SVRS system using Dynamics CRM and retiring the AESM product. During 2013 and 2014, staff worked to conceptualize how SVRS could be improved by developing it in Dynamics CRM. Actual development of the new system in Dynamics CRM began on July 1, 2014.

The team is currently finishing up development of the new statewide voter registration system to replace SVRS, now being called WisVote, which will significantly boost performance and reduce operating costs. Developments related to Wisconsin's voter photo ID requirement temporarily diverted the attention that program and IT staff could give to WisVote development. However, Board staff and IT staff have made significant progress with business requirements and software builds during the reporting period. Board staff has conducted several rounds of module-specific testing, integrated testing, and quality assurance testing. Staff also conducted a series of webinars with a group of municipal and county clerks to demonstrate the new system and solicit feedback regarding it and suggestions for future development. The WisVote system is scheduled to go live in 2016.

Board staff installed updates to G.A.B. IT systems on several occasions during FFY-2015. These updates were for the following general purposes:

- Addition of new functionality
- General performance enhancements
- Resolution of technical issues with the software

The Statewide Voter Registration System (SVRS) received several smaller updates this reporting period as the IT team transitions to focus more on the development of the new WisVote system:

- Several small updates were made to SVRS to correct functions related to tracking voters who provide a photo ID for mail-in absentee ballots and voters who are exempt from having to provide photo ID for mail-in absentee ballots.
- One update was made to SVRS after IT staff identified four minor bugs in the service used to validate addresses in SVRS and MyVote Wisconsin. The four bugs were isolated to rare and very specific circumstances but could impact assigning voters to the correct districts.

- At the request of municipal clerks, the Voter Verification Postcard Notice and the Notice of Suspension of Registration mailings in SVRS were updated to include the address for the current G.A.B. website.

Board staff continues to work with local land information departments in acquiring updated ward boundaries to account for any recent annexations. Board staff is working with municipal and county clerks to improve receipt of annexation ordinances. The Department of Administration (DOA) continues to send a quarterly list of all annexation ordinances it receives from municipalities. Board staff is working with other state agencies via the State Agency Geospatial Information Committee (SAGIC) on facilitating state agency roles regarding improved accuracy and communication of spatial information to improve overall spatial data related to the SVRS. Board staff is also working with the Wisconsin Land Information Association (WLIA), which represents local land information constituents. Boundary data acquisition, verification, and updates into SVRS require one GIS staff person approximately 20 hours per week. Accurate GIS data is essential to ensuring accurate ballot assignment within SVRS.

The Canvass Reporting System (CRS) was upgraded to the latest version of the software to eliminate problems reported when exporting large reports.

The AccessElections! Accessibility Compliance System saw further improvements this reporting period. This system serves as a robust administration tool for the G.A.B. to further develop the accessibility survey design; enter paper survey data; review and analyze data; and generate reports. The system provides detailed reporting (customizable to state-specific requirements) to analyze survey data, including, but not limited to: identifying key barriers at polling places to match needs with accessibility supply orders; comparison reports by location; and providing a method to track polling place visits.

MyVote Wisconsin (<https://myvote.wi.gov/>) serves as Wisconsin's comprehensive voter information portal and includes information on voter registration, absentee voting, election dates, polling place hours and location, sample ballots, elected official contact information, absentee ballot status, voting history, provisional ballot status, and other general information regarding voting. The MyVote Wisconsin site also facilitates voter registration by allowing voters to generate an electronic voter registration online, which is instantaneously logged in the SVRS, and can be quickly confirmed by the local election official once the signed original application is received. The MyVote Wisconsin site also hosts Wisconsin's military and overseas voter online ballot request and delivery system. This reporting period, MyVote Wisconsin received several updates to reflect changes in state law, provide better information and instructions to voters, fix minor defects, better utilize database resources, improve security, and implement miscellaneous improvements suggested by clerks and voters.

Several changes were made to MyVote Wisconsin during the reporting period primarily due to a series of court decisions that alternatively stayed or reinstated implementation of the state's voter photo ID requirement. A fix was also installed to make it easier for military and overseas voters to interact with the partisan primary ballot by allowing them to pick the party for which they intend to vote. MyVote would then display only contests for that party. There were also multiple changes that resulted from the MyVote usability assessment performed during the prior reporting period.

The Ineligible Voter List system allows local election officials to access Department of Corrections' data on convicted felons currently under supervised release in the community. This online system allows local election officials to search statewide data for potential matches with new registrants and to print localized ineligible voter lists on demand. This system is more cost-effective and efficient than the former manual process of printing felon lists centrally and mailing them to their respective localities. Local election officials have applauded this new system to make the current process more effective and in some cases have eliminated the use of paper lists entirely through effective use of technology in the polling place to provide an entirely electronic check-in process.

Additionally, Wis. Stat. § 6.56(3m) requires the Board to compare the list of voters in an election with the list transmitted to the Board by the Department of Corrections (DOC) containing the names of individuals disqualified from voting due to felony convictions. With the new automated tracking tool now in place, municipal clerks can quickly identify whether they believe that the voter and the offender are the same person and whether a vote was correctly recorded for the voter. Clerks are asked to attach a copy of the poll list page for the voter and the voter registration form. Clerks then assign the record back to Board staff which reviews the clerk's response. If the clerk indicates the records are not a match the case will be closed. If a clerk believes it is a match or is uncertain, Board staff will review the supporting documents attached and send a referral, if appropriate, to the local district attorney. A dashboard interface has also been developed for DOC users to update felon information for potential matches.

With the new automated tracking tool now in place, Board staff has dramatically reduced the time that it takes to complete the Voter Felon Audits. As of February 20, 2015, G.A.B. staff has completed the Voter Felon Audits for 18 elections using the new tracking tool. From the 18 elections, a total of 112 names have been referred to District Attorneys.

Board staff continues to collect information provided by Wisconsin probate courts regarding adjudications of incompetency and voting eligibility. Staff has completed the design and development of a searchable electronic list of all persons who have been adjudicated incompetent by a Wisconsin court and are ineligible to vote, as well as those who have subsequently had their right to vote restored. This list was made available for local election officials' use on June 3, 2015 for the purpose of voter list maintenance.

The Wisconsin Election Data Collection System (WEDCS) is where local election officials provide a large variety of election-related statistics such as the number of registered voters in their municipality, the number of absentee ballots issued/returned/counted/rejected, etc. This data is used to respond to a number of local inquiries as well as national surveys like the US EAC's Election Administration and Voting Survey. Board staff continues to refine the system and provide users with updated tutorials on completing the forms with more accurate and updated definitions.

Local election officials also submit actual election cost data (not estimates) through WEDCS. Cost data was gathered for two state-level elections during the reporting period. Municipal and county clerks reported cost data in eight different pre-determined categories for each election. The cost categories include notices, ballots, absentee, voting equipment, polling place, poll workers, other local election officials, and miscellaneous costs which clerks are asked to specify. Local election officials will also submit annual cost reports for the 2015 calendar year by February 1, 2016. The G.A.B. incorporates the collection of election costs

into its business practices because these costs are a major component in providing meaningful reporting on election results and statistics. In addition, this information helps:

- Convey the complete cost of conducting elections to chief executives, governing boards, and voters.
- Develop budgets for elections.
- Prepare fiscal impact statements on pending election-related legislation.
- Predict election costs based on voting trends and projected turnout.
- Identify potential cost savings.

Local election officials continue to use the SVRS to validate voter registration information against Department of Transportation (DOT) and Social Security Administration (SSA) records, and confirm matches with Department of Corrections (DOC) felon information and Department of Health Services (DHS) death data. Local election officials process these “HAVA Checks” and confirm matches on a continuous basis during the course of their daily election administration tasks. This process has been followed since these interfaces first became functional in SVRS on August 6, 2008.

G.A.B. staff also completed several tasks related to certification and testing of voting equipment during FFY-2015.

On March 16, 2015, Board staff received an application for approval of the 4.14-D & 4.14-DS voting systems. Dominion Voting Systems (Dominion) submitted complete specifications for hardware, firmware and related components to the voting systems. In addition, Dominion submitted technical manuals, documentation, and instruction materials necessary for the operation of the voting systems. At the same time, Dominion requested the Board approve the federally certified Democracy Suite 4.14-D voting system and the modified 4.14-DS voting system. On June 5, 2015, Board staff received an updated application for approval of the 4.14-D & 4.14-DS voting systems, removing the Democracy Suite Adjudication software, AIMS, and AutoMARK from the application.

The Voting System Test Laboratory (VSTL) responsible for testing 4.14-D, National Technical Systems (NTS), recommended that the U.S. Election Assistance Commission (EAC) certify the 4.14-D voting system. Dominion provided the NTS report to Board staff along with the Application for Approval. Voting systems submitted to the EAC for testing after December 13, 2007, are tested using the 2005 Voluntary Voting System Guidelines (VVSG 1.0). The EAC certified the Dominion Democracy Suite 4.14-D voting system on November 25, 2014, and issued certification number: DVS-DemSuite4.14-D.

4.14-DS is a modification to the federally certified 4.14-D. The modification provides support for modeming of unofficial election results from an ICE or ICP to the ICL through analog or wireless telecommunications networks. Numerous modifications to the 4.14-DS voting system were tested to VVSG 1.0 by NTS. The telecommunication component of the 4.14-DS received functional testing only.

Board staff scheduled voting system testing and demonstrations for the 4.14-D and 4.14-DS voting systems April 21-23, 2015 for functional testing and April 28-29, 2015 for road testing. A four-person team conducted these testing campaigns.

As required by Wis. Admin. Code GAB 7.02(1), Board staff conducted three mock elections with each component of Democracy Suite 4.14 systems to ensure the voting systems conform

to all Wisconsin requirements. The test elections included a partisan primary, a general election with both a presidential and gubernatorial vote, and a nonpartisan election combined with a presidential preference vote.

Board staff designed a test deck of 1,001 ballots using various configurations of votes over the three mock elections to verify the accuracy and functional capabilities of the Democracy Suite 4.14 voting systems. Test ballots were provided by Dominion and marked by Board staff. Each mock election included three wards. Board staff fed these ballots through the ICE, ICC, and ICP. The ballot marking device on the ICE was tested by marking 29-40 ballots with the accessibility option and onboard printer. Two ballots were marked separately by the ICP COTS printer, which was conducted outside of the normal test deck campaigns. The votes captured by the onboard ICE printer and external COTS printer on the ICP were verified by Board staff before being scanned and counted by the ICE, ICC, and ICP. Board staff was able to reconcile each mock election on each piece of voting equipment submitted for testing.

On March 24, 2015, Board staff received an application for approval of the Unity 3410 and Unity 3411 voting systems. ES&S submitted complete specifications for hardware, firmware, and related components to the voting systems. In addition, ES&S submitted technical manuals, documentation, and instructional materials necessary for the operation of the voting systems. ES&S requested that the Board approve the federally certified Unity 3410 voting system and the modified Unity 3411 voting system. On June 30, 2015, ES&S retracted the request for approval of the Digital Scan 850 (DS850) with the Unity 3410 and Unity 3411. A revised application was received without the request for approval of the DS850.

The Voting System Test Laboratory (VSTL) responsible for testing the Unity 3410, National Technical Systems (NTS), recommended that the U.S. Election Assistance Commission (EAC) certify the Unity 3410 voting system. ES&S provided the NTS report to Board staff along with the Application for Approval. Voting systems submitted to the EAC for testing after December 13, 2007, are tested using the 2005 Voluntary Voting System Guidelines (VVSG 1.0). The EAC certified the ES&S Unity 3.4.1.0 voting system on April 4, 2014 and issued certification number: ESSUnity3410.

The Unity 3411 is a modification to the federally certified Unity 3410. The modification provides support for analog landline modeming of unofficial election results from a DS200 to the EMS through analog telecommunication networks. The modifications include an analog landline modem to the DS200 and the necessary software to interface with the EMS. Modifications to the Unity 3411 voting system were tested to the VVSG 1.0 by NTS. NTS notes provided ES&S with one Notice of Anomaly in the TDP, which ES&S corrected prior to NTS's final report on the Unity 3411.

Board staff scheduled voting system testing and demonstrations for the Unity 3410 and Unity 3411 voting systems on July 15-17, 2015 for functional testing and on July 22-24, 2015 for telecommunication testing. A four-person staff team conducted the testing campaigns.

ES&S did not submit a redacted technical data package (TDP) as required by the agency application; however, a full unredacted TDP was submitted. ES&S asserted that the materials are not a "record" under current Wisconsin public records laws. Wis. Stat. § 19.32(2). ES&S further requested, due to the time and expense of redacting the documentation, that the requirement be waived. Board staff proceeded with testing of the

Unity 3410 and Unity 3411 voting systems and provided a letter to ES&S indicating that their application was incomplete and placing ES&S on notice concerning the implications for failing to supply a redacted TDP. A redacted TDP is requested from the vendor as part of the application for approval in the event that a public records request is made by an individual to the G.A.B. or a Wisconsin jurisdiction for the specifications of the voting system. Board staff requests a redacted TDP to assist in the timely completion of public record requests, and to prevent copyrighted and trademarked materials from mistakenly being disclosed. Staff has advised ES&S of potential issues which may arise if a redacted TDP is not submitted, but the omission does not affect the performance, testing, or evaluation of the voting systems.

As required by Wis. Admin. Code GAB 7.02(1), Board staff conducted three mock elections with each component of the Unity 3410 and Unity 3411 voting systems to ensure the voting systems conform to all Wisconsin requirements. The test elections included a partisan primary, a general election with both a presidential and gubernatorial vote, and a nonpartisan election combined with a presidential preference vote. Each mock election included three wards. A partisan special election was placed on the nonpartisan election ballot and a nonpartisan special election was placed on the partisan primary ballot to test whether the voting equipment could account for two separate elections on the same ballot.

Board staff designed a test deck of 914 ballots using various configurations of votes over the three mock elections to verify the accuracy and functional capabilities of the Unity 3410 and Unity 3411 voting systems. 897 test ballots were provided by ES&S and marked by Board staff. 17 test ballots were provided by ES&S and marked by ES&S according to the specifications provided to ES&S by Board staff. Board staff fed the ballots from each of the three elections through a different DS200. The nonpartisan election combined with a presidential preference vote and the general election with both a presidential and gubernatorial vote were fed into the 1.3 version of the DS200. The partisan primary was fed into the 1.2 version of the DS200. Board staff was able to reconcile the three mock elections on each DS200 submitted for testing.

An application for approval of Engineering Change Order (ECO) 918 for the ES&S EVS 5300 voting system was received on March 26, 2015. This ECO was a de minimis change to the end of life modem of the DS200. This ECO was approved by the Director and General Counsel and presented to the Board on April 29, 2015.

Wis. Stat. § 7.08(6) is the state embodiment of § 301(a)(5) of the Help America Vote Act (HAVA). Wis. Stat. § 7.08(6), requires the Government Accountability Board (G.A.B.) to audit each voting system that is used in this state following each General Election. The Government Accountability Board randomly selects a pre-determined number of reporting units across Wisconsin to target for municipal audits, including a minimum of five (5) reporting units for each voting system used in Wisconsin. The audits are conducted in accordance with the procedures set forth below. Both the municipal and county clerk of reporting units selected for audit are notified of the selection. If fewer than five (5) reporting units for any voting system are selected through the random selection process, then additional reporting units are randomly selected for the voting system until five reporting units per voting system have been selected. Any reporting unit selected for audit that is subject to a recount is replaced by another reporting unit selected at random by the G.A.B. For good cause, the G.A.B. may identify other reporting units to be audited.

After the 2014 General Election, G.A.B. staff selected a total of 104 reporting units across Wisconsin to conduct the 2014 post-election voting equipment audit. The municipalities

selected to conduct a post-election audit include five reporting units for each piece of touch screen and optical scan voting equipment approved for use in Wisconsin. If fewer than five reporting units for any voting system were selected through the random selection process additional reporting units were selected by voting system until five reporting units per voting system were selected.

The 103 reporting units represent 79 municipalities throughout the state. Ten municipalities did not inform G.A.B. staff of the date and time of their scheduled audit prior to their occurrence as requested by audit procedures. No municipality completed a voting equipment audit during a municipal canvassing period. Twenty-five municipalities completed their initial audits prior to the certification of the election by the Board on December 1, 2014, as permitted by the Board's motion on October 28, 2014. One municipality did not complete their initial audit by the December 15, 2014 deadline. All municipalities submitted their initial audit materials before the end of 2014.

Both the touch screen voting equipment and optical scan voting equipment used and audited for the 2014 general election tabulated as expected and according to vendor specifications.

The audits revealed matters for future consideration by the Legislature, the Board, the County and Municipal Clerks, as well as concerned citizens. As noted in the Board's previous audits, the voting equipment used within the state, while accurate, is aging and beginning to show signs of wear that many municipalities will need to address. The audit also underscored the necessity of educating voters on the voting process as well as the continued need to have technology in place that makes the voting experience easily understandable and accessible by all voters.

No later than June 15 following each general election, Wisconsin Statute § 6.50(1) directs the Government Accountability Board to examine voter registration records for each municipality and identify each qualified elector who has not voted within the previous four years, and then mail a Notice of Suspension of Registration to the elector. This process of updating the registration list is commonly referred to as "four-year maintenance," and state statute requires that the audit and mailing be completed every two years.

Prior to the enactment of 2013 Wisconsin Act 149, municipal clerks were required to perform the four-year maintenance and send the required mailings. However, in response to recommendations made by the Legislative Audit Bureau (LAB) in the audits conducted in 2005 and 2007, the G.A.B. performed the four-year maintenance on behalf of the municipal clerks following the 2008, 2010 and 2012 general elections. The G.A.B. has assumed the responsibility for mailing the notices on behalf of clerks since 2008 to ensure that the process was completed uniformly and cost effectively across the state. 2013 Wisconsin Act 149 formally transferred the responsibility for reviewing the voter registration list and mailing notices from municipal clerks and boards of election commissioners to the Board.

To promote continued compliance with Title III requirements and improve data quality, Board staff drafted an election administration event calendar and Statewide Voter Registration System (SVRS) checklists covering all regularly scheduled elections and shared these materials with local election officials in order to improve consistency amongst the 1,924 local elections officials. Board staff monitors local elections and progression of election administration milestones in SVRS. As part of its post-election activities, the G.A.B. performed cross-system data analysis, comparing election statistics reported in WEDCS, canvass results, and voter participation in SVRS. Staff worked with local clerks in reviewing

and reconciling these data sources. Board staff provides technical assistance on a daily basis via phone and email to local election officials to maintain Title III compliance and improve the administration of elections in Wisconsin. The below table is a summary of the contact volume during the reporting period:

	Phone Calls Received	Emails Received
October 2014	3,953	1,964
November 2014	3,286	1,207
December 2014	1,114	831
January 2015	1,926	1,222
February 2015	1,470	851
March 2015	1,664	1,042
April 2015	1,822	916
May 2015	547	570
June 2015	610	503
July 2015	1,173	574
August 2015	556	485
September 2015	595	477
Grand Total	18,716	10,642

For every statewide election, G.A.B. staff maintains special extended office hours to provide assistance to local election officials, candidates, and the public. Office hours are typically extended beginning the Wednesday before the election and continuing through the Friday following the election to address election-related concerns.

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

2. Improve the administration of elections for Federal office – § 251(b)(2).

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

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

revised ballot design based upon their own assessments of the ballot's readability as well as the operation of their specific voting equipment.

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

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

Board staff has been reviewing and, when necessary, revising G.A.B. manuals, forms, and guidance to clerks which was previously created when the photo ID requirement was in effect in 2012 and then again briefly before the 2014 General Election. Board staff conducted a training webinar in April 2015 for municipal and county clerks involved in the May and June special elections.

Finally, several staff members met with representatives of the agency which developed and produced the Bring It to the Ballot website, public service announcements, brochures, posters and other voter outreach materials when the photo ID requirement was previously in effect. The Bring It to the Ballot website was reactivated immediately after the April Spring Election. The agency updated those materials and resources, and is also developing recommendations for the most efficient and effective public information campaign should funds become available for such an effort during the 2016 election cycle.

In addition to preparing local election officials and voters for the 2015 special elections, the staff's efforts will help to evaluate best practices for the implementation of the photo ID requirement on a statewide basis starting with the 2016 Spring Primary.

In July 2013 Director Kevin Kennedy assembled a team to research and prepare for the potential use of electronic poll books in Wisconsin. The team was also charged with recommending standards for approval of electronic poll books pursuant to Wis. Stat. § 6.79(1m). The initial research report was presented to the Board at its December 2013 meeting. Board staff presented the final report at the March 2014 meeting with two recommendations. First, that the Board direct staff to continue to research and develop standards for approval of electronic poll books pursuant to Wis. Stat. § 6.79(1m); and second that the staff should conduct an analysis of the costs and benefits of developing in-house a

custom electronic poll book system for use in Wisconsin. Both motions failed and Director Kennedy noted that based on the decision of the Board, staff would not devote any significant resources to further electronic poll book research.

At the April 2015 meeting, Manitowoc County Clerk Jamie Aulik appeared to request that the Board revisit the development of standards for electronic poll books and presented a letter signed by 107 municipal and county clerks requesting the same. At the June 2015 meeting, both voter advocates and election officials spoke in support of developing standards for the approval of electronic poll books for use in Wisconsin. During the Elections Division report the Board discussed the growing clerk interest in having the Board develop standards for certification and approval of electronic poll books. A motion to direct staff to develop standards for consideration at the September meeting failed, but the Board directed staff to survey the clerks to determine their level of support for development of standards and the actual use of electronic poll books, if approved.

IT staff recently implemented several improvements to the BADGER Voters data request system to improve security and enhance the user experience by making a few technical fixes. Initial planning has also begun to develop new standard report options that would allow users to request lists of voters who registered within a specified date range, or voters who returned an absentee ballot within a given date range. Staff is also looking into allowing users to choose whether they want a list of voters who participated in any of the selected elections or all elections selected (e.g., voters from any spring election versus voters who participated in all of the last three spring elections).

Confidential information in the Statewide Voter Registration System (SVRS) remains protected under state law. Private data that cannot be purchased include a voter's date of birth, driver license number, Social Security number, special accommodation needs for voters with disabilities, financial information, or any information about "confidential voters" who are victims of domestic abuse, stalking or sexual assault.

Users must create an account through the State of Wisconsin's external account system, and online payments are managed by the Department of Administration through U.S. Bank. This site leverages available security features to protect confidential information and ensure that the available data cannot be accessed free of charge. The database is read-only and the site only allows access to specific non-confidential information and is only available after successful processing of the payment. The details of these security measures are not enumerated here to help safeguard the process and confidential voter information. Revenue from the BADGER Voters site will continue to support SVRS maintenance, as well as SVRS training and support for county and municipal clerks.

Finally, HAVA § 251 funds were used towards administrative expenses, such as equipment leases, office space, and telephone costs for the HAVA-funded staff.

3. Meet the requirements under the Uniformed and Overseas Citizens Absentee Voting Act imposed as a result of the provisions of and amendments made by the Military and Overseas Voter Empowerment Act – HAVA § 251(b)(3).

Since the enactment of the Military and Overseas Voter Empowerment (MOVE) Act, Wisconsin has made significant legislative and administrative improvements to the election process to enhance voting opportunities for UOCAVA electors, in addition to implementing the federal requirements. At the urging of the Government Accountability Board (G.A.B),

the Wisconsin Legislature moved the date of the fall Partisan Primary from the second Tuesday in September to the second Tuesday in August, and moved the date of the Presidential Preference Primary from the third Tuesday in February to the first Tuesday in April. These statutory changes removed a structural barrier to complying with the MOVE Act and were made to allow ballots to be delivered to UOCAVA voters in a timely manner.

In the fall of 2012, the G.A.B. launched the MyVote Wisconsin website (<https://MyVote.WI.gov>) to allow military and overseas voters to request and access their ballots online, and provides extensive information about the voting process. This online absentee ballot delivery system for UOCAVA voters was created with funds received from a \$1.9 million grant from the Federal Voting Assistance Program through the Electronic Absentee Systems for Elections (EASE) project. The MyVote Wisconsin website continued to be a popular tool at elections during the reporting period and continued to reduce the transit time necessary for absentee ballots of UOCAVA voters.

This reporting period, MyVote Wisconsin received several updates (See Section 1 above) to reflect changes in state law, better support the online ballot delivery system for military and overseas voters, and provide a better usability.

On September 10, 2014 Elections Division staff met by teleconference with an attorney from the U.S Department of Justice to provide a status report on the distribution of absentee ballots to UOCAVA voters for the November 4, 2014 General Election. During the reporting period Board staff continued to follow-up with local election officials to ensure that all UOCAVA ballots were transmitted in a timely fashion and counted as required by federal and state law.

FEDERAL FINANCIAL REPORT

(Follow form instructions)

1. Federal Agency and Organizational Element to Which Report is Submitted United States Election Assistance Commission	2. Federal Grant or Other Identifying Number Assigned by Federal Agency (To report multiple grants, use FFR Attachment) 39.011 - Help America Vote Act (HAVA) Title II, § 251	Page	of
		1	
		1	pages

3. Recipient Organization (Name and complete address including Zip code)
 Wisconsin Government Accountability Board, 212 E. Washington Ave., 3rd Floor, Madison WI 53707-7984

4a. DUNS Number 879324119	4b. EIN 06-1819765	5. Recipient Account Number or Identifying Number (To report multiple grants, use FFR Attachment) CDFA# 90-401	6. Report Type <input type="checkbox"/> Quarterly <input type="checkbox"/> Semi- <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final	7. Basis of Accounting <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual
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8. Project/Grant Period (Month, Day, Year) From: 6/18/2004 To: Until Disbursed	9. Reporting Period End Date (Month, Day, Year) 9/30/2015
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10. Transactions Cumulative

(Use lines a-c for single or multiple grant reporting)

Federal Cash (To report multiple grants, also use FFR Attachment):

a. Cash Receipts	
b. Cash Disbursements	
c. Cash on Hand (line a minus b)	

(Use lines d-o for single grant reporting)

Federal Expenditures and Unobligated Balance:

d. Total Federal funds authorized	\$ 48,296,088.00
e. Federal share of expenditures	\$ 48,296,088.00
f. Federal share of unliquidated obligations	\$ -
g. Total Federal share (sum of lines e and f)	\$ 48,296,088.00
h. Unobligated balance of Federal funds (line d minus g)	\$ -

Recipient Share:

i. Total recipient share required	\$ 7,685,274.99
j. Recipient share of expenditures	\$ 2,768,156.23
k. Remaining recipient share to be provided (line i minus j)	\$ 4,917,118.76

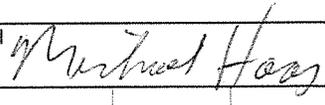
Program Income:

l. Total Federal program income earned	\$ 3,526,369.80
m. Program income expended in accordance with the deduction alternative	\$ 1,570,359.81
n. Program income expended in accordance with the addition alternative	\$ -
o. Unexpended program income (line l minus line m or line n)	\$ 1,956,009.99

11. Indirect Expense	a. Type	b. Rate	c. Period From	Period To	d. Base	e. Amount Charged	f. Federal Share
g. Totals:						0	0

12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation: Line 10.i includes recipient program income and state match, while line 10.l consists entirely of interest earnings.

13. Certification: By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and intent set forth in the award documents. I am aware that any false, fictitious, or fraudulent information may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 18, Section 1001)

a. Typed or Printed Name and Title of Authorized Certifying Official Michael R. Haas, Elections Division Administrator, Wisconsin Government Accountability Board	c. Telephone (Area code, number, and extension) (608) 266-0136
	d. Email Address Michael.Haas@wi.gov
b. Signature of Authorized Certifying Official 	e. Date Report Submitted (Month, Day, Year) January 29, 2016
14. Agency use only:	

Standard Form 425 - Revised 6/28/2010
 OMB Approval Number: 0348-0061
 Expiration Date: 10/31/2011

Paperwork Burden Statement
 According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is 0348-0061. Public reporting burden for this collection of information is estimated to average 1.5 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0061), Washington, DC 20503.

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JUDGE VICTOR MANIAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the March 1, 2016 Board Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel

Prepared and Presented by:
Jonathan Becker, Ethics Division Administrator
Michael Haas, Elections Division Administrator

SUBJECT: 2015 Lists of Accomplishments

After each calendar year, staff of the Ethics Division and the Elections Division compiles summary lists of significant accomplishments. Staff is finalizing the documents related to 2015 and they will be included in the Board meeting folders. The lists of accomplishments reflect the tremendous amount of work completed by our very talented and dedicated staff, which has focused on the G.A.B.'s mission and responsibilities even while the agency has been subject to a continuous stream of criticism and outside distractions.

These reports are provided for the Board's information, and no action is required of the Board.

State of Wisconsin \ Government Accountability Board

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JUDGE VICTOR MANIAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the March 1, 2016 Board Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy, Director and General Counsel

Prepared and Presented by:
Ross Hein, Elections Supervisor

SUBJECT: Requests for Approval of IT Related Contracts

Pursuant to the delegation of authority approved by the Board at its meeting of January 12, 2016, the following purchasing request is submitted for the Board's consideration and approval:

Approval to Enter into Contract

G.A.B. staff is requesting Board approval to enter into one three-year contract for an IT position that is subject to expire on March 31, 2016. The annual cost of the contract will not exceed \$156,000 and the Board's delegation of contract authority requires pre-approval from the Board for purchases from a statewide contract over \$100,000.

For the past three years, the contracted position has been filled by a member of the G.A.B.'s contractor IT Team dedicated to Ethics & Accountability Division IT applications. This contractor has made significant contributions to numerous IT applications including: maintenance and modernization of the Eye on Lobbying Website, Legislative Liaison Application, and Campaign Finance Information System.

Funding has been budgeted and secured for this contracted positions for the current biennium, from General Purpose Revenue funds and program revenue generated through the Division's Lobbying program. Contracted IT positions can be terminated by the agency at any point throughout the contract as needed, although at minimum this position will likely be necessary throughout FY16-17 to maintain and enhance Division IT applications.

Staff requests approval to enter into the three year contract at the same rate as provided in the contract that expires on March 31, 2016. The IT contracted position is classified as a Database Architect-3. Funding rates and IT classifications are established through the State of Wisconsin purchasing and procurement processes.

Recommended Motion:

MOTION: Approve the execution of one IT contract for the Database Architect-3 position.

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JUDGE VICTOR MANIAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the March 1, 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 continues to develop materials to assist in the transition of the agency into two separate entities. The agency transition team of Kevin Kennedy, Sharrie Hauge and Reid Magney met for a third time with DOA Deputy Secretary Cate Zeuske and a team of individuals she assembled on Wednesday, January 20, 2016. We discussed a list of transition issues developed by the agency Management Team as well as follow up issues from our previous meetings. Attached is a list of actions taken by agency staff to facilitate the transition.

In addition to our meetings with Deputy Secretary Zeuske, I have had some contact with legislative staff on transition issues. We have learned of one appointment to the Ethics Commissioner. We expect additional appointments before the March 1, 2016 G.A.B. meeting. Any commissioners appointed become non-voting members of the G.A.B. and are entitled to participate in future agency meetings.

The next meeting of the G.A.B. transition team and DOA representatives has not been scheduled.

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: April 26, 2016 and June 10, 2016.

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

Transition Activities of G.A.B. Staff

1. Developed Staff Assignment Recommendations for Allocating Staff Between Commissions
2. Developed Position Funding String Allocations for Department of Administration (DOA) Input into STAR
3. Developed Draft Position Descriptions for Commission Administrators
4. Developed Proposed Plan for Assigning Commissioners to Staggered Terms
5. Assigned Public Information Officer to Review Website Division and Development for New Commissions
6. Assigned Staff to Develop Inventory of Physical Assets
7. Assigned Staff to Develop Inventory of IT Assets
8. Staff Counsel Has Begun Work with Legislative Reference Bureau (LRB) on Creation of Administrative Code Chapters for New Commissions
9. Assigned Staff to Review Electronic Document Files (H: Drive) for Division of Electronic Records
10. Division Administrators Assigned to Develop Subject Matter Transition Plan for New Commissions – Division Overview of Duties and Responsibilities with Calendar Year 2016 Deadlines, Summary of Pending Matters, Status of Ongoing Projects
11. Prepared Statutory Duty Charts for New Commissions Subject to Update Following Completion of Legislative Session and Executive Action

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JUDGE VICTOR MANIAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the March 1, 2016 Board Meeting

TO: Members, Government Accountability Board

FROM: Kevin J. Kennedy – Director and General Counsel

SUBJECT: Legislative Status Report

NEW LEGISLATION

1. *Assembly Bill 654: relating to: decreases in the number of Milwaukee County board supervisory districts.*

Sponsors: Majority. This bill allows the Milwaukee County board to decrease the number of supervisors and change the boundaries of the supervisory districts not more than once prior to November 15, 2017.

2. *Assembly Bill 673 and Senate Bill 488: relating to: creating a program to protect the confidentiality of addresses for victims of domestic abuse, sexual assault, or stalking; providing an exemption from emergency rule procedures; and requiring the exercise of rule-making authority.*

Sponsors: Bipartisan. This bill creates a program, administered by the Department of Justice (DOJ) that keeps the addresses of victims of certain crimes confidential. This bill would expand confidential voter status to participants in this program.

Senate Amendment 1 allows a municipal clerk to require a program participant to provide his or her actual address for voter registration and voter verification purposes. A clerk must also require a participant to disclose his or her actual address to enroll a participant in the confidential voter program. If a voter is enrolled in the confidential voter program, the clerk must keep the program participant's actual address confidential as provided under the confidential voter program.

Senators Fitzgerald and Shilling offered Senate Amendment 1 on January 21, 2016. On January 27, 2016, the Senate Committee on Judiciary and Public Safety voted to recommend adoption of the amendment and passage of the bill, as amended, on votes of Ayes, 5; Noes, 0.

Passed the Senate and concurred with by the Assembly on February 9, 2016. Bill enrolled on February 17, 2016.

3. *Assembly Bill 723 and Senate Bill 533: relating to: regulating the production and use of photo identification cards by local units of government.*

Sponsors: Majority. This bill prohibits towns and counties from issuing, or expending funds for the issuance of a photo identification card for any resident of the town or county, other than an employment-related identification card for employees of the town or county. The bill also provides that an ID card issued by a city or village may not be used for voting, registration for voting, or to obtain public benefits, such as Wisconsin Works, including Wisconsin Shares; the food stamp program; the Medical Assistance program; and the programs that provide state supplemental payments to persons receiving federal supplemental security income. Under the bill, if a city or village issues an ID card, the card must state clearly on its face that the card is not authorized for voting purposes.

Senate Amendment 1 permits towns and counties to issue photo ID for additional purposes. In addition to issuing photo ID for employees, the amendment allows a town or county to issue, or expend funds for issuance of, a photo ID for the following additional purposes:

1. An employee of a vendor or contractor that contracts with the town or county, or an employee of a subcontractor that contracts with the vendor or contractor, if the photo ID relates to the employee's job duties for the town or county.
2. To use a transit system owned or operated by the town or county.
3. To use or access services or facilities owned by the town or county.
4. An employee or student of an institution of higher education that contracts with the town or county, if the photo ID relates to the employee's or student's job duties for the town or county.

Senate Amendment 1 was offered by Senator Wanggaard on January 25, 2016. The Senate Committee on Elections and Local Government recommended adoption of the amendment on February 3, 2016, on a vote of Ayes, 3; Noes, 2. The committee then recommended passage of the bill, as amended, on a vote of Ayes, 3; Noes, 2.

Passed the Senate on February 16, 2016 with a vote of Ayes 19, Noes 13. Passed by the Assembly on February 16, 2016 with a vote of Ayes 62, Noes 35, Paired 2.

4. *Assembly Bill 805 and Senate Bill 620: relating to: electronic voter registration, verification of certain registrations, and proof of residence for voting in an election and granting rule-making authority.*

Sponsors: Minority. This bill permits a qualified elector who has a current and valid driver's license or identification card issued by the Department of Transportation (DOT) to register to vote at an election electronically on a secure Internet site maintained by the Government Accountability Board (GAB). The bill requires an electronic registration to be completed no later than the 20th day before an election in order to be valid for that election.

5. *Assembly Bill 806 and Senate Bill 672: relating to: authorizing Wisconsin to enter into a membership agreement to share information related to the registration and voting of electors.*

Sponsors: Minority. This bill permits the chief election officer to enter into the Electronic Registration Information Center, an agreement with a group of states to share data and information related to the registration and voting of electors in this state and the other participating states for the purpose of maintaining this state's statewide voter registration list.

6. *Assembly Bill 860 and Senate Bill 630: Relating to: reporting of contributions received by political parties, legislative campaign committees, independent expenditure committees, and referendum committees from corporations, cooperatives, and American Indian tribes.*

Sponsors: Minority. This bill clarifies the reporting requirements made applicable to political parties and certain committees authorized to receive contributions from corporations, cooperatives, and American Indian tribes by 2015 Wisconsin Act 117.

This bill requires political parties and legislative campaign committees to separately itemize contributions made to a segregated fund by corporations, cooperatives, and American Indian tribes. The bill also requires independent expenditure committees and referendum committees to separately itemize contributions received by corporations, cooperatives, and American Indian tribes. Finally, the bill requires political parties and legislative campaign committees to separately itemize on their campaign finance reports disbursements made from their segregated funds.

7. *Assembly Bill 868 and Senate Bill 707: relating to: prohibiting a legislator from concurrently holding office as a county executive.*

Sponsors: Majority. This bill prohibits a legislator from holding office as a legislator from concurrently holding office as a county executive.

Senate Amendment 1 modifies the prohibition created under the bill to allow a person to serve as a legislator and county executive concurrently for a limited time immediately following an election. Specifically, under the substitute amendment, no member of the legislature may hold office as a legislator concurrent with holding office as a county executive for more than 60 days following certification of the election for either office.

Senator Fitzgerald offered Senate Amendment 1 on February 16, 2016. On the same day, the Senate adopted the amendment on a vote of Ayes 21, Noes 11.

Passed by the Senate on February 16, 2016 on a vote of Ayes 19; Noes 13 and messaged to the Assembly. Assembly concurred on February 18, 2016 on a vote of Ayes 53, Noes, 40, Paired 2.

8. *Assembly Bill 890: relating to: disclosing information about executive branch appointments.*

Sponsors: Minority. This bill requires each executive officer to submit information to the Ethics Commission regarding each appointment made by that officer. The bill requires that the officer disclose whether the appointee is related to the officer, any head of a state agency, any member

of the officer's staff, any political party officer, or any elected official. The bill also requires that the officer disclose whether the appointee has a social relationship with the officer, whether the appointee has made contributions to the governor, whether the appointee has entered into any contracts with the state, and whether the officer has previously appointed the appointee to other offices.

9. *Assembly Bill 891: Relating to: prohibiting partisan elective state officials from accepting contributions during budget deliberations.*

Sponsors: Minority. This bill prohibits any partisan elective state official from accepting any contribution during the period beginning with the introduction of the executive budget bill and ending with the enactment of the biennial budget act.

10. *Assembly Bill 907 and Senate Bill 678: Relating to: restoring the right to vote to certain persons barred from voting as a result of a felony conviction, changing the information required on voter registration forms, and changing voting procedure for certain persons who are convicted of felonies.*

Sponsors: Minority. This bill permits a person under extended supervision or parole for a felony to vote. This bill also deletes the requirement that applicants affirm on the voter registration form that they are not convicted of a felony, but retains the requirement that an applicant affirm that he or she is not disqualified from on any ground from voting. This bill also deletes the requirement for the Department of Corrections to provide a list of convicted felons and the requirement for election officials to review that list. This bill also requires the DOC, the GAB, and the Director of State Courts to include in their ongoing training programs a discussion of the changes in law made by this bill and to offer training to judges, attorneys, election officials, employees of the DOC, and the public.

11. *Senate Bill 625: relating to: alternate sites for absentee voting in person.*

Sponsors: Minority. This bill permits the governing body of a municipality to designate more than one alternate site for absentee voting in person by electors of the municipality. Currently, the governing body of a municipality may designate only a single alternate site for absentee voting in person by electors of the municipality. If designated, this site serves in lieu of the office of the municipal clerk or board of election commissioners as the site where absentee voting is conducted for the election at which the designation is made.

12. *Senate Bill 647: relating to: judicial disqualification based on campaign financial support.*

Sponsors: Minority. This bill requires a judge to disqualify himself or herself from an action if, as a candidate for judicial office and within the past four years, the judge received campaign financial support of \$1,000 or more from a party to the action.

13. *Senate Bill 711 relating to: extending voting rights to certain 17-year-old individuals and requiring a referendum.*

Sponsors: Minority. This bill allows an individual who is 17 years of age to vote at a partisan

primary if the individual will be 18 years of age on the date on which the general election following the primary is held.

14. *Senate Bill 753: relating to: eligibility of a candidate for elective office.*

Sponsors: Minority. This bill prohibits an individual from being a candidate on the same ballot for two or more offices simultaneously.

PREVIOUS LEGISLATION – CHANGE IN STATUS

15. *Assembly Bill 68 and Senate Bill 43: John Doe proceedings and providing a penalty.*

Sponsors: Majority. This bill imposes a six-month time limit on a John Doe proceeding. This limit may be extended for additional six-month periods if a majority of judicial administrative district chief judges find good cause for each extension. This bill also provides that the same finding is required to add specified crimes to the original complaint. The vote of each judge must be available to the public. Finally, under this bill, records reflecting the costs of John Doe investigations and proceedings are a matter of public record, temporary or permanent reserve judges are excluded from presiding over John Doe proceedings, and special prosecutors may be appointed to assist the district attorney in a John Doe proceeding only under certain conditions.

Assembly: A public hearing was held on May 14 and an executive session held on August 19 by the Assembly Committee on Judiciary. The committee recommended passage by a vote of 5-3. Assembly floor session October 20, 2015, adopted amendments 8-10. Assembly tabled amendments 11-18. Assembly passed 60-36 with amendments.

Senate: A public hearing was held on March 11 and an executive session held on March 12 by the Senate Committee on Judiciary and Public Safety. The committee recommended passage by the committee by a vote of 3-2. Senate floor session October 20, 2015, adopted amendments 5-7. Senate tabled amendments 8-28. Senate Passed 18-14 with amendments. **2015 WISCONSIN ACT 64.**

16. *Assembly Bill 175 and Senate Bill 151: communications by members of the Legislature.*

Sponsors: Bipartisan. Currently, with certain exceptions, no person who is elected to state or local office and who becomes a candidate for national, state, or local office may use public funds for the cost of materials or distribution of 50 or more pieces of substantially identical material distributed during the period beginning on the first day for circulation of nomination papers as a candidate (or certain other dates for candidates who do not file nomination papers) and ending on the date of the election at which the person's name appears on the ballot, or on the date of the primary election at which the person's name so appears if the person is not nominated at the primary.

This bill provides that this prohibition does not apply to the cost of materials or distribution of a communication made by a member of the legislature to an address located within the legislative

district represented by that member during the 45-day period following declaration of a state of emergency by the governor affecting any county in which the district is located if the communication relates solely to the subject of the emergency.

Assembly: Passed assembly with substitute amendment 1:

17. *Assembly Bill 199 and Senate Bill 137: publication of certain legal notices on an Internet site maintained by a municipality.*

Sponsors: Majority. Under this bill, a municipality that opts to post a legal notice in lieu of publication may, instead of posting the notice in three public places, post the notice in one public place and publish the notice on the municipality's Internet site.

Senate: Public hearing held on May 28, 2015. Executive Session held on June 3, 2015. The Senate Committee on Elections and Local Government recommended passage by a vote of 3-2. The Senate passed Senate Bill 137 by a voice vote on June 9, 2015. **2015 WISCONSIN ACT 79.**

18. *Assembly Bill 382 and Senate Bill 368: creating a legislative office of inspector general and making appropriations.*

Sponsors: Majority. This bill creates a nonpartisan, legislative service agency known as the "Legislative Office of Inspector General," consisting of 13 inspectors general and their staff who are assigned to and housed at the headquarters of certain state agencies including the Government Accountability Board. The Joint Committee on Legislative Organization appoints each inspector general for a six-year term expiring March 1 of the odd-numbered year. The bill outlines the proposed responsibilities of the inspectors general. **Public Hearing 12/16/15.**

19. *Assembly Bill 387 and Senate Bill 292: campaign finance.*

Sponsors: Majority. This bill restructures chapter 11 of the Wisconsin statutes, the campaign finance law. The bill follows the recommendation of the Board to strike the existing statutes and provide a complete redraft of the chapter. Assembly Amendment 1 (AA1) to the bill was approved in Executive Session. AA1 adds several of the recommendations made by Board staff, including redefining the major purpose test for PAC's and Independent Expenditure committees. Alternatively, AA1 leaves out filing of continuing reports for committees that don't make contributions, allows for the creation of separate segregated funds by party and legislative committees, and redefines what disbursements are reportable.

Assembly: The Assembly Committee on Campaigns and Elections and the Senate Committee on Elections and Local Government held a joint public hearing on October 13, 2015. Executive Session held on October 14, 2015. The committee approved Assembly Amendment 1 (AA1) on a 6-3 vote. The committee also considered several other amendments, which failed. The committee recommended passage of the bill with AA1 by a vote of 6-3. AA1 offered and passed. Passed by Assembly 61 – 0 with amendments. 36 no-votes and 2 paired. 11/9/2015: Received from Senate amended and concurred in as amended (Senate amendment 1 adopted). **2015 WISCONSIN ACT 117.**

20. *Assembly Bill 388 and Senate Bill 294: reorganizing the Government Accountability Board, requiring the exercise of rule-making authority, and making appropriations.*

Sponsors: Majority. This bill eliminates the GAB and replaces it with an Elections Commission, which administers and supervises elections, and an Ethics Commission, which administers and supervises ethics, campaign financing, and lobbying regulation. The bill eliminates the position of General Counsel, and creates Commissioners and Deputy Commissioners to manage each new commission. The bill also provides for a process of the appointment of the membership of each commission. Assembly Amendment 1 to the bill was approved in Executive Session. AA1 makes several changes to the bill, including, allowing appointees to serve on the commission before confirmation, ensuring the commission consists of six (6) members, and requiring meetings to be conducted in accordance with parliamentary procedures.

Assembly: The Assembly Committee on Campaigns and Elections and the Senate Committee on Elections and Local Government held a joint public hearing on October 13, 2015. Executive Session held on October 14, 2015. The committee approved Assembly Amendment 1 (AA1) on a 6-3 vote. The committee also considered several other amendments, which failed. The committee recommended passage of the bill with AA1 by a vote of 6-3. Passed by Assembly 58-39 with amendments. 11/9/2015: Received from Senate amended and concurred in as amended (Senate amendments 1 and 2 adopted). **2015 WISCONSIN ACT 118.**

21. *Assembly Bill 389 and Senate Bill 295: voter registration, verification of certain registrations, proof of residence for voting in an election, authorizing Wisconsin to enter into agreements to share information related to the registration and voting of electors.*

Sponsors: Majority. This bill permits a qualified elector to register to vote electronically, eliminates the position and responsibilities of special registration deputies, and requires the Government Accountability Board (GAB) to enter into agreements with other state election administrators to share information related to the registration and voting of qualified electors. The bill also makes several other minor changes to Wisconsin's election laws.

Assembly: Assembly Amendment 2 adopted.

Assembly Amendment 2 imposes limits on the amounts "other persons" may contribute to a candidate committee. Under the amendment, the same contribution limit amounts that apply to PAC contributions to candidate committees also apply to contributions made by "any person" (other than individuals, candidate committees, PACs, corporations, associations, tribes, or labor organizations, which are already subject to limits or prohibitions).

Senate: Passed Senate with Substitute Amendment 1; 19 yes – 13 no.

This substitute amendment permits a qualified elector to register to vote electronically, eliminates the position and responsibilities of special registration deputies, and requires the Government Accountability Board (GAB) to enter into agreements with other state election administrators to share information related to the registration and voting of qualified electors.

22. *Assembly Bill 532 and Senate Bill 391: Relating to: training period for election officials and terms for members of a board of canvassers.*

Sponsors: Majority: This bill requires elections officials to attend at least one training session every two years during the period beginning on January 1 of each even-numbered year and ending on December 31 of the following year. Current law requires such training at least once every two years, but indicates neither the beginning nor the end of that period. **Executive Session 1/14/16.**

23. *Assembly Bill 572 and Senate Bill 423: Relating to: employment by a former member of the legislature as a lobbyist.*

Sponsors: Bipartisan: This bill prohibits any individual who serves as a member of the legislature, for 12 months following the date on which the individual ceases to hold office, from being employed as a lobbyist. "Lobbyist" is defined as an individual who is compensated by a principal and whose duties include attempting to influence state legislative action or state administrative rule-making action on behalf of the principal. **Public Hearing 12/17/2015.**

24. *Senate Bill 380: Relating to: adding a circuit court branch in Calumet, Wood, Marathon, Dunn, Polk, Jackson, and Vilas counties and making an appropriation.*

Sponsors: Majority: This bill adds one additional circuit court branch for Calumet, Wood, Marathon, Dunn, and Polk counties, effective August 1, 2016, and one additional circuit court branch for Jackson and Vilas counties, effective August 1, 2017. **Public Hearing 1/13/16.**

PREVIOUS LEGISLATION – NO STATUS CHANGE

25. *Assembly Joint Resolution 1 and Senate Joint Resolution 2: Election of chief justice (second consideration).*

Sponsors: Majority. This constitutional amendment, to be given second consideration by the 2015 Legislature for submittal to the voters in a statewide constitutional referendum in April 2015, was first considered by the 2013 legislature in 2013 Senate Joint Resolution 57, which became 2013 Enrolled Joint Resolution 16. The amendment directs the Supreme Court to elect a chief justice for a term of two years.

Senate Joint Resolution 2: Passed by the Senate by a vote of 17-14; passed by the Assembly by a vote of 62-34-2-1 (Aye – Nay – Paired – Not voting). Enrolled as 2015 Senate Joint Resolution 2. This referendum question was approved on the 2015 Spring Election ballot statewide.

26. *Assembly Joint Resolution 8 and Senate Joint Resolution 12: An advisory referendum on an amendment to the U.S. Constitution.*

Sponsors: Minority. This resolution places a question on the November 2016 ballot to ask the people if Congress should propose an amendment to overturn *Citizens United v. FEC*.

27. *Assembly Resolution 18: prohibiting certain contributions to legislative campaign committees and personal campaign committees.*

Sponsors: Minority: This resolution amends the assembly rules to provide that no legislative campaign committee and no personal campaign committee of a member may accept a contribution from a corporation incorporated outside of the United States.

28. *Assembly Joint Resolution 38 and Senate Joint Resolution 32: the right to vote (first consideration).*

Sponsors: Minority. This constitutional amendment, proposed to the 2015 legislature on first consideration, provides that every qualified elector of this state shall have the fundamental right to vote in any public election held in the election district in which the elector resides.

29. *Assembly Joint Resolution 48: establishing competitive election criteria for redistricting the legislature (first consideration).*

Sponsors: Minority. This proposed constitutional amendment, proposed to the 2015 legislature on first consideration, defines demographic and political standards for the drawing of legislative districts and establishes criteria for the drawing of legislative districts. Following the canvass of the general election in each year that is divisible by ten, the amendment requires the superintendent of public instruction to determine the mean percentage of the vote received by candidates of the two major political parties for certain statewide offices in the prior decade and to certify those mean percentages to the legislature.

30. *Assembly Joint Resolution 55 and Senate Joint Resolution 47: providing for an advisory referendum on the question of adopting a nonpartisan system for redistricting.*

Sponsors: Minority. These joint resolutions call for an advisory referendum on the question of whether the legislature should adopt a nonpartisan system for redistricting of legislative and congressional districts in this state. The referendum would be held at the 2016 general election.

31. *Assembly Joint Resolution 67 & Senate Joint Resolution 56: Wisconsin Legislative Resolution to Restore Free and Fair Elections in the United States.*

Sponsors: Minority. This resolution supports a national constitutional convention to address campaign finance issues related to *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010)

32. *AJR84: Assembly Joint Resolution 84: Relating to: appointment of the state superintendent of public instruction by the governor with the advice and consent of the senate (first consideration).*

Sponsors: Majority: This proposed constitutional amendment, proposed to the 2015 legislature on first consideration, provides that the state superintendent of public instruction shall be nominated by the governor and, with the advice and consent of the senate, appointed to serve at

the pleasure of the governor. Currently, the state superintendent is elected in a state-wide election, to serve a four-year term.

33. *AJR85: Assembly Joint Resolution 85: Relating to: option for each county to combine the offices of county clerk, register of deeds, and treasurer (first consideration).*

Sponsors: Majority: This proposed constitutional amendment, proposed to the 2015 legislature on first consideration, gives counties the option to combine the offices of county clerk, register of deeds, and treasurer.

34. *AJR86: Assembly Joint Resolution 86: Relating to: prohibiting official action on proposals that financially benefit a legislator's campaign organization (first consideration).*

Sponsors: Minority: This constitutional amendment, proposed to the 2015 legislature on first consideration, prohibits a legislator from taking any official action with respect to any proposal to modify a state law or rule that would result in a substantial financial benefit to a political campaign organization of the legislator during the biennial session in which the legislature considers the proposal.

35. *AJR87 and SJR75: Assembly Joint Resolution 87 and Senate Joint Resolution 75: Relating to: limiting the number of terms permitted for members of the state legislature and the governor and lieutenant governor (first consideration).*

Sponsors: Majority: This proposed constitutional amendment, proposed to the 2015 legislature on first consideration, limits members of the legislature to 12 years of service in the same office and limits the governor and lieutenant governor to eight years of service in the same office. Time served in an initial partial term in the same office, and time served in a different office, is not counted as part of the 12-year and eight-year limits. Additionally, the term limits do not apply to a senator or representative to the assembly, or the governor or lieutenant governor, holding office on the date of ratification of the proposed constitutional amendment, with respect to that office.

36. *Assembly Bill 9 and Senate Bill 6: Legislative Audit Bureau access to documents maintained by state agencies and authorizing the Government Accountability Board to provide investigatory records to the Legislative Audit Bureau.*

Sponsors: Bipartisan. These bills clarify LAB authority to have access to all state agency documents by providing that LAB also has specific access to state agency documents that relate to agency expenditures, revenues, operations, and structure that are confidential by law. In addition, the bill requires GAB to provide investigatory records to LAB to the extent necessary for LAB to carry out its duties.

Joint Legislative Audit Committee: Public hearing held on January 21, 2015. Executive session held on January 22, 2015. The committee recommended passage of both bills unanimously.

Senate Bill 6: Passed by the Senate by voice vote; passed by the Assembly by voice vote. The Governor signed Senate Bill 6 into law as 2015 Wisconsin Act 2.

37. *Assembly Bill 21 and Senate Bill 21: state finances and appropriations constituting the executive budget act of the 2015 legislature.*

Sponsors: Majority. This bill is the "executive budget bill" under section 16.47 (1) of the statutes. It contains the governor's recommendations for appropriations for the 2015-2017 fiscal biennium. The bill was passed by the Legislature and signed into law by the Governor as 2015 Act 55 on July 13, 2015.

38. *Assembly Bill 55 and Senate Bill 27: shareholder objections to corporate political expenditures.*

Sponsors: Minority. Current law defines "disbursement," for purposes relating to campaign financing, to include a purchase, payment, loan, or gift made for political purposes; an authorized expenditure from a campaign depository account; and a payment for a broadcast or print communication to the general public for a political purpose.

This bill requires corporations to give written notice to their shareholders before making disbursements, as defined under current campaign finance law. The corporation is required to give only one notice for each corporate fiscal year. The notice must include a form that the shareholder may complete and return to the corporation to object to any disbursement during the applicable fiscal year.

The bill requires a corporation, within three months after the end of its fiscal year, to calculate the total value of its expenditures for disbursements made during the fiscal year. If an objecting shareholder returns the objection form to the corporation (opts out) within 30 days after the date stated on the corporation's notice, the corporation must, within four months after the end of its fiscal year, do all of the following: 1) pay the objecting shareholder an amount determined by multiplying the total value of corporate expenditures for disbursements by the objecting shareholder's percentage of ownership in the corporation; and 2) provide the objecting shareholder with the corporation's calculation of the total value of its expenditures for disbursements made during the fiscal year, along with information related to the calculation.

39. *Assembly Bill 58 and Senate Bill 47: responding to a request for an absentee ballot.*

Sponsors: Bipartisan. Under this bill, a municipal clerk who receives a request for an absentee ballot by mail, electronic mail, or facsimile transmission must respond to the request no later than one business day after receiving the request.

Assembly: Assembly Substitute Amendment 1 to AB 58 offered by Representative Horlacher. The amendment addresses the relationship between Wis. Stats. §§6.86 and 7.15. Executive session held on May 19, 2015. The Assembly Committee on Campaigns and Elections adopted Assembly Substitute Amendment 1 by a vote of 7-0. The committee recommended passage as amended by a vote of 8-0. The Committee held a public hearing and executive session regarding on August 19, 2015.

Senate: Senate Substitute Amendment 1 to Senate Bill 47 offered by Senator Harsdorf. The amendment addresses the relationship between Wis. Stats. §§6.86 and 7.15. The Senate Committee on Elections and Local Government held a public hearing on April 9, 2015. The committee held an executive session on April 16, 2015. The committee approved Senate Substitute Amendment 1 by a vote of 5-0. The committee recommended passage as amended by a vote of 5-0. The Senate adopted Senate Substitute Amendment 1 and passed the bill as amended by a voice vote.

40. *Senate Bill 63: the presidential preference date.*

Sponsors: Minority. This bill would move the date of the Presidential Preference Election from the Spring Election to coincide with the Spring Primary.

41. *Assembly Bill 79 and Senate Bill 71: allowing municipal clerks to register voters on Election Day.*

Sponsors: Bipartisan. Under current law, election inspectors may register electors to vote at a polling place on Election Day. In addition, a municipality may provide, by adopting a resolution, that an inspector's registration duties may be performed by special registration deputies appointed by the municipal clerk or board of election commissioners.

Under this bill, an inspector's registration duties may be performed by the municipal clerk, if the clerk is not a candidate listed on the ballot, or by special registration deputies appointed by the municipal clerk or board of election commissioners, without the municipality first adopting a resolution to allow the procedure.

Assembly: Senate Bill 71 passed by a voice vote by the Assembly on June 9, 2015.

Senate: Public hearing held on April 9, 2015 by the Committee on Elections and Local Government. Senate Amendment 1 offered by Senator Gudex. Adoption of Senate Amendment 1 and passage as amended recommended by the Committee. Passed by a voice vote on June 9, 2015. Enacted as 2015 Wisconsin Act 39.

42. *Assembly Bill 80: review by state agencies of administrative rules and enactments and an expedited process for repealing rules an agency no longer has the authority to promulgate.*

Sponsors: Majority. This bill would require state agencies to file a report by March 31 of each odd-numbered year to the Joint Committee for Review of Administrative Rules identifying the following:

- Rules for which the authority to promulgate has been eliminated or restricted.
- Rules that are obsolete or that have been rendered unnecessary.
- Rules that are duplicative of superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a court ruling.

The report must also include 1) a description of the agency's actions, if any, to address each rule listed in the report and, if the agency has not taken any action to address a rule listed in the report, an explanation for not taking action; 2) a description of the status of each rule listed in the

previous year's report not otherwise listed; and 3) if the agency determines that there are no such rules to list, a statement of that determination.

Assembly: Report passage recommended by the Committee on State Affairs and Government Operations by a vote of 8-5. Report passage recommended by the Committee on Judiciary by a vote of 5-3.

Senate: Public hearing held on June 2, 2015.

43. *Assembly Bill 124 and Senate Bill 96: fees for election recounts.*

Sponsors: Bipartisan. This bill provides that, if the difference between the votes cast for the leading candidate and those cast for the petitioner, or the difference between the affirmative and negative votes cast on the referendum question, is less than 10 if 4,000 or fewer votes are cast or not more than 0.25 percent of the total votes cast for the office or on the question if more than 4,000 votes are cast, the petitioner does not pay for the recount.

Under any other circumstance, the petitioner pays the actual cost of performing the recount. However, if the recount overturns the result of the election or referendum, the petitioner receives a refund of the recount fees. No recount in Wisconsin history has changed the outcome of a contest when the original margin was more than 0.125 percent. Therefore, the 0.25 percent threshold for a free recount is double the largest original margin in Wisconsin history of a successful recount.

Assembly: Executive session held on May 19, 2015. The committee recommended passage by a vote of 5-3. The Assembly passed Senate Bill 96 by a voice vote on June 9, 2015.

Senate: the Senate Committee on Elections and Local Government held a public hearing on April 9, 2015. The committee held an executive session on April 16, 2015. The committee recommended passage by a vote of 3-2. Senate Substitute Amendment 1 offered by Senator Miller. Senate Amendment 1 introduced by Senator Miller. Senate Substitute Amendment tabled by a vote of 19-14. Senate Amendment 1 tabled by voice vote. The Senate passed Senate Bill 96 as amended by a voice vote on May 6, 2015. Enacted as 2015 Wisconsin Act 36.

44. *Assembly Bill 130: tribal identification cards.*

Sponsors: Bipartisan. This bill provides that identification cards issued by an American Indian tribe or band must be accepted as sufficient proof of identity for the purpose of any law that requires a person to present identification. This bill was prepared for the Joint Legislative Council's Special Committee on State-Tribal Relations.

Assembly: Public hearing held on May 27, 2015.

45. *Assembly Bill 164 and Senate Bill 121: various election law changes.*

Sponsors: Bipartisan. This bill makes several changes to election laws and addresses several concerns identified by the Wisconsin County Clerks Association in their 2015-2016 Legislative Objectives:

- The bill requires that a write-in candidate must file a registration statement no later than noon on the Friday before the election to be a registered write-in candidate.
- The bill provides that the governing body of a town or village may hold a caucus between January 2 and January 21.
- The bill provides that the board of canvassers need not reconvene if the municipal clerk certifies that he or she has received no provisional or absentee ballots from the time that the board of canvassers completed the initial canvass and 4 p.m. on the Friday after the election.
- The bill would require electors to submit a petition to pass an ordinance or resolution (direct legislation) at least 70 days from the date on which the council or board must act.
- The bill removes language related to an elector affixing a sticker to a ballot.
- Under current law, if a school board election is held in conjunction with a state, county, municipal, or judicial election, the school board election must take place at the same polling place, and the municipal election hours apply. This bill provides that a school board referendum held in conjunction with a state, county, municipal, or judicial election is subject to the same procedures.

Assembly: Assembly Amendment 1 offered by Representative Bernier. Executive session held on May 19, 2015. Assembly Amendment 1 offered by Representative Bernier. The committee recommended adoption of Assembly Amendment 1 by a vote of 8-0. The committee recommended passage as amended by a vote of 7-0. Senate Bill 121 passed by the Assembly by a voice vote on June 9, 2015.

Senate: Senate Amendment 1 offered by Senator LeMahieu. Executive Session held on June 3, 2015. Senate Amendment 1 was approved by a vote of 5-0. The Senate Committee on Elections and Local Government recommended passage as amended by a vote of 5-0. Senate Amendment 1 adopted and passed as amended by a voice vote on June 9, 2015. Enacted as 2015 Wisconsin Act 37.

46. *Assembly Bill 176: reporting of the principal place of employment of certain individuals who make political contributions.*

Sponsors: Majority. Currently, with limited exceptions, each registrant under the campaign finance law must file periodic reports with the appropriate filing officer or agency specified by law. The reports must contain specified information, including the occupation and the name and address of the principal place of employment of each individual contributor whose cumulative contributions for the calendar year exceed \$100 in amount or value. Under this bill, the report must indicate the occupation of each individual contributor whose cumulative contributions for the biennium are in excess of \$500.

47. *Assembly Bill 189: authorizing Wisconsin to enter into agreements to share information related to the registration and voting of electors.*

Sponsors: Majority. This bill requires the chief election officer to enter into the Interstate Voter Registration Data Crosscheck Program, an agreement with a group of states to share data and information related to the registration and voting of electors in this state and the other participating states for the purpose of maintaining this state's statewide voter registration list.

Assembly: Public hearing held on May 19, 2015.

48. *Assembly Bill 230: requiring a municipal judge to be a licensed Wisconsin attorney.*

Sponsors: Bipartisan. Beginning on January 1, 2016, this bill requires a person seeking to be elected or appointed as a municipal judge to be an attorney licensed to practice in this state and a member in good standing of the State Bar of Wisconsin.

49. *Assembly Bill 240 and Senate Bill 161: electioneering at a retirement home or residential care facility.*

Sponsors: Majority. Under current law, no person may engage in electioneering in or near a retirement home or residential care facility while special voting deputies are present at the home or facility. Under this bill, no candidate or candidate's agent may engage in electioneering within 100 feet of a retirement home or residential care facility during any day on which a municipality schedules special voting deputies to be present at the home or facility.

Assembly: Public hearing for AB 240 held on August 19, 2015.

Senate: Public hearing for SB 161 held on May 28, 2015. Public hearing held on AB 240 on August 25, 2015.

50. *Assembly Bill 251 and Senate Bill 168: various changes regarding administrative rules and rule-making procedures; time limits for emergency rules; and making an appropriation.*

Sponsors: Majority. The bill makes various changes regarding the rule-making procedures established under current law. Executive Session October 28, 2015.

Assembly: Read a third time and passed, Ayes 60, Noes 33, Paired 2

51. *Assembly Bill 265: public financing of campaigns for the office of justice of the supreme court, making appropriations, and providing penalties.*

Sponsors: Minority. This bill creates a democracy trust fund under which eligible candidates for the office of justice of the Supreme Court may receive public grants derived from general-purpose revenues to finance their campaigns. Candidates who meet the requirements outlined in the bill are eligible to receive "seed money" funded through a tax refund check-off. Public financing benefits for eligible candidates are \$100,000 in the spring primary and \$300,000 in the

spring election. The benefits are subject to a biennial cost of living adjustment. The bill also imposes several limitations and penalties for various violations.

52. *Assembly Bill 288: authorizing electors to vote in the primary of more than one political party.*

Sponsors: Minority. This bill permits a voter in a partisan primary to "split tickets," designating the candidate of his or her choice for each office, including the offices of governor and lieutenant governor, regardless of party affiliation. The bill also allows a voter to vote for independent candidates for one or more state offices in a partisan primary, in addition to party candidates for one or more state or county offices. Under the bill, a voter may still vote for only one candidate for each office. The voting procedure at the general election and other partisan elections is unaffected by the bill. The bill initially applies to voting at the 2016 partisan primary election.

53. *Assembly Bill 293: political disbursements and obligations by corporations, cooperative associations, and labor organizations and the scope of regulated activity and reporting of certain activity under the campaign finance law.*

Sponsors: Minority. With certain exceptions, this bill imposes additional registration and reporting requirements on any person who, within 60 days of an election, makes any mass communication, including an electronic communication, a mass distribution, or a mass telephoning, that includes a reference to a clearly identified candidate at that election. In addition, the bill requires a person who becomes subject to a registration requirement by making such a communication to report, upon registration, the information that would have been required to be reported if the person had been registered with respect to any obligation incurred or disbursement made for the purpose of making such a communication prior to registration. The bill, however, does not require registration and reporting if the communication is made by a corporation, cooperative, or nonpolitical voluntary association and is limited to the corporation's, cooperative's, or association's members, shareholders, or subscribers.

The change in the scope of reportable activity under the bill also applies to contribution and disbursement (spending) limitations and restrictions by causing reportable "contributions," "obligations," and "disbursements" to include the cost of all reportable communications. The bill also requires a special report by any campaign finance registrant who makes or incurs an obligation to make a mass communication that becomes reportable under the bill within 60 days of a primary or other election in an amount greater than \$500 cumulatively since the date of the registrant's last report. The special report must be made within 24 hours after the date that disbursements or obligations that exceed \$500 cumulatively are made or incurred and must include the information that would otherwise be reported on the registrant's next regular report in the form prescribed by Government Accountability Board.

Under current law, violators of registration and reporting requirements are subject to a forfeiture (civil penalty) of not more than \$500 for each violation. In addition, any person who is delinquent in filing a report is subject to a forfeiture of not more than \$50 or 1 percent of the annual salary of the office for which a candidate is being supported or opposed, whichever is greater, for each day of delinquency. Intentional violators of the registration requirements and persons who intentionally file false reports or statements may be fined not more than \$1,000 or imprisoned for not more than six months, or both, if the violation involves less than \$100 in

amount or value, and may be fined not more than \$10,000 or imprisoned for not more than three years and six months, or both, if the violation involves more than \$100 in amount or value.

54. *Assembly Bill 316 and Senate Bill 220: allowing 16- and 17-year olds to preregister to vote.*

Sponsors: Minority. This bill allows a person age 16 or 17 to preregister to vote. Under this bill, a person who is age 16 or 17 but is otherwise a qualified elector may reregister to vote. A person who preregistered to vote may not vote in any election unless they are age 18 or older on election day. A person who preregistered may vote by absentee ballot if they will be age 18 or older on election day.

Under current law, the Government Accountability Board must maintain electronically the official registration list. Each registration list prepared for use as a poll list at a polling place must contain the full name and address of each registered elector. Under this bill, for purposes of the official registration list, "elector" means any U.S. citizen age 16 or older who has registered or preregistered and will be eligible to vote on or before the date of the next election. However, a registration list prepared for use as a poll list may not contain the name of any person who preregistered to vote unless the person will be age 18 or older on election day.

55. *Assembly Bill 328 and Senate Bill 58: legislative and congressional redistricting.*

Sponsors: Minority. This bill creates a new procedure for the preparation of legislative and congressional redistricting plans. The bill directs the Legislative Reference Bureau (LRB) to draw redistricting plans based upon standards specified in the bill and establishes a Redistricting Advisory Commission to perform certain tasks in the redistricting process. The bill also makes various other changes to the laws governing redistricting.

56. *Assembly Bill 342: reporting travel expenses for elected state officials seeking national office and providing a penalty.*

Sponsors: Minority. This bill requires an elected state official who is considering running for, or pursuing the nomination or election to, a national office to submit monthly statements to the Government Accountability Board identifying the official's travel expenses from the previous month. The bill also requires the official to reimburse the state for any state funds that the official used to pay for travel expenses used to consider or pursue the nomination or election to a national office.

57. *Assembly Bill 343 and Senate Bill 258: issuance of motor vehicle operator's licenses and identification cards by the Department of Transportation.*

Sponsors: Minority. This bill makes various changes to the laws relating to the issues of REAL ID non-compliant products issued by the Department of Transportation, for using the product as photo identification for voting purposes.

58. *Assembly Bill 379: voter registration; proving residence for registration and voting purposes; reviewing certain expenditures of the Government Accountability Board by the Joint Committee on Finance; and granting rule-making authority.*

Sponsors: Minority. This bill makes it the responsibility of the Government Accountability Board (GAB) to use all feasible means to facilitate the registration of all eligible electors of this state who are subject to a registration requirement and to maintain the registration of all eligible electors for so long as they remain eligible, except as the law specifically requires electors to take some action to continue their registrations.

In addition, the bill permits a qualified elector who has a current and valid driver's license or identification card issued by DOT to register to vote at an election electronically on a secure Internet site maintained by GAB. The bill requires an electronic registration to be completed no later than the 20th day before an election in order to be valid for that election.

59. *Assembly Bill 464: attempts to influence action upon model or similar proposed legislation, reporting by certain persons providing or state public officials receiving certain things of value, and providing a criminal penalty.*

Sponsors: Minority. Currently, with certain exceptions, a person who employs a lobbyist (principal) must register and file semiannual itemized expense statements with the Government Accountability Board (GAB). This bill requires registration and the filing of expense statements, in addition, by a principal who attempts to influence the development, drafting, consideration, modification, adoption, rejection, or defeat of uniform, model, suggested, or recommended legislation for consideration by the legislatures of this state and other states.

60. *Assembly Bill 472: prohibiting individuals from doing campaign work while working for other registrants.*

Sponsors: Minority. This bill prohibits an individual from being employed by a candidate, the candidate's personal campaign committee, or a legislative campaign committee while also being employed by any other individual or committee who or which is required to register with the Government Accountability Board for campaign finance purposes.

61. *Assembly Bill 479: the requirement that a classified service employee take a leave of absence to run for office.*

Sponsors: Minority. This bill removes the requirement that a person employed in the classified service who runs for a partisan political office take a leave of absence during the campaign period for that office. The bill maintains the requirement under current law that the person separate from the classified service if elected.

62. *Assembly Bill 481 and Senate Bill 355: limitations on borrowing by school districts and the use by school districts of resolutions and referenda to authorize bonding for capital projects or increase revenue limits and scheduling of school district referendums to exceed revenue limits.*

Sponsors: Majority. This bill provides that, if a school board applies or adopts a resolution to borrow money or adopts a resolution to increase revenue through any of the mechanisms identified above and the application, resolution, or referendum is rejected by a majority of the electors of the school district, the school board may not use any of the mechanisms identified in the bill to borrow money or raise revenue for two consecutive 365-day periods.

63. *Assembly Bill 588: Relating to: judicial disqualification based on campaign financial support.*

Sponsors: Minority. This bill requires a judge to disqualify himself or herself from an action if, as a candidate for judicial office and within the past four years, the judge received campaign financial support of \$1,000 or more from a party to the action.

64. *Assembly Bill 590: Relating to: notice of certain political contributions made to a judge or justice.*

Sponsors: Minority: This bill provides that whenever an interested contributor makes a political contribution to a court of appeals, circuit, or municipal judge or supreme court justice in a pending civil or criminal action or proceeding over which the judge or justice is presiding, or to the personal campaign or authorized support committee of a judge or justice, the contributor must, within five days of the date that the contribution is made, notify the judge or justice and every party other than the interested contributor to the action or proceeding, in writing, of the fact that the contribution has been made and the date and amount of the contribution.

The bill defines an "interested contributor" as a party to a pending civil or criminal action or proceeding; an affiliate of such a party; a spouse, minor child, or minor stepchild of such a party; an attorney representing such a party; or the law firm, partner, or associate of such an attorney.

65. *Assembly Bill 605: Relating to: campaign finance reporting by social welfare organizations; individual contribution limits to political parties and committees; political disbursements and obligations by corporations, cooperative associations; and labor organizations and the scope of regulated activity and reporting of certain activity under the campaign finance law.*

Sponsors: Minority: The bill requires a nonprofit social welfare organization that is engaged in acts for political purposes to register with the Government Accountability Board (GAB).

66. *Senate Bill 201: political disbursements and obligations by corporations, cooperative associations, and labor organizations and the scope of regulated activity and reporting of certain activity under the campaign finance law.*

Sponsors: Minority. With certain exceptions, this bill imposes additional registration and reporting requirements on any person who, within 60 days of an election, makes any mass communication, including an electronic communication, a mass distribution, or a mass telephoning, that includes a reference to a clearly identified candidate at that election. In addition, the bill requires a person who becomes subject to a registration requirement by making such a communication to report, upon registration, the information that would have been required to be reported if the person had been registered with respect to any obligation incurred or disbursement made for the purpose of making such a communication prior to registration. The bill however, does not require registration and reporting if the communication is made by a corporation, cooperative, or nonpolitical voluntary association and is limited to the corporation's, cooperative's, or association's members, shareholders, or subscribers. The change in the scope of reportable activity under the bill also applies to contribution and disbursement (spending) limitations and restrictions by causing reportable "contributions," "obligations," and "disbursements" to include the cost of all reportable communications.

The bill also requires a special report by any campaign finance registrant who makes or incurs an obligation to make a mass communication that becomes reportable under the bill within 60 days of a primary or other election in an amount greater than \$500 cumulatively since the date of the registrant's last report. The special report must be made within 24 hours after the date that disbursements or obligations that exceed \$500 cumulatively are made or incurred and must include the information that would otherwise be reported on the registrant's next regular report in the form prescribed by Government Accountability Board.

The bill also increases several penalties for violations of registration and reporting requirements.

67. *Senate Bill 208: authorization for electors to vote in the primary of more than one political party.*

Sponsors: Minority. This bill permits a voter in a partisan primary to "split tickets," designating the candidate of his or her choice for each office, including the offices of governor and lieutenant governor, regardless of party affiliation. The bill also allows a voter to vote for independent candidates for one or more state offices in a partisan primary, in addition to party candidates for one or more state or county offices. Under the bill, a voter may still vote for only one candidate for each office. The voting procedure at the general election and other partisan elections is unaffected by the bill. The bill initially applies to voting at the 2016 partisan primary election.

68. *Senate Bill 244: allowing a school board president to fill certain vacancies on a school board of a common, union high, or unified school district; requiring a primary for the election of school board members to certain election districts, and requiring adoption of an apportionment plan after the decennial census.*

Sponsors: Majority. This bill allows the school board president of a common, union high, or unified school district to appoint a person to fill a vacancy on the school board if the remaining school board members fail to fill the vacancy within 60 days. This bill requires the Racine Unified School District to establish a representation plan for the election of school board members. This bill also requires school boards subject to apportionment plans to hold a primary when there are more than twice as many candidates as there are members to be elected.

Senate Substitute Amendment 1 was offered by Senator Wanggaard on September 11, 2015. On September 29, 2015, the Senate Committee on Education recommended adoption of Senate Substitute Amendment 1 on a vote of Ayes, 4; Noes, 3, and passage of Senate Bill 244, as amended, on a vote of Ayes, 4; Noes, 3.

69. *Senate Bill 245: the return of federal funds to the federal government.*

Sponsors: Minority. Current law permits the governor, as well as other executive branch agencies, to accept federal funds on behalf of the state and its political subdivisions. This bill provides that no moneys made available to, and accepted by, the state from the federal government, the expenditure of which may increase employment in this state, may be returned to the federal government without the approval of the legislature by law.

70. *Senate Bill 281: voter registration; proving residence for registration and voting purposes; reviewing certain expenditures of the Government Accountability Board by the Joint Committee on Finance; and granting rule-making authority.*

Sponsors: Minority. This bill makes various changes in laws relating to voter registration and proof of residence for voting. The bill makes it the responsibility of the Government Accountability Board to use all feasible means to facilitate the registration of all eligible electors of the state who are subject to a registration requirement and to maintain registration of all eligible electors for so long as they remain eligible. The bill also permits a qualified elector who has a current and valid driver's license or identification card issued by DOT to register to vote electronically on a secure Internet site maintained by GAB.

71. *Senate Bill 454: Relating to: the requirement that a classified service employee take a leave of absence to run for office.*

Sponsors: Minority. This bill removes the requirement that a person employed in the classified service who runs for a partisan political office take a leave of absence during the campaign period for that office. The bill maintains the requirement under current law that the person separate from the classified service if elected.

72. Senate Joint Resolution 74: Relating to: prohibiting official action on proposals that financially benefit a legislator's campaign organization (first consideration).

Sponsors: Minority: This constitutional amendment, proposed to the 2015 legislature on first consideration, prohibits a legislator from taking any official action with respect to any proposal to modify a state law or rule that would result in a substantial financial benefit to a political campaign organization of the legislator during the biennial session in which the legislature considers the proposal.

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JUDGE VICTOR MANIAN
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the March 1, 2016 Board Meeting

TO: Members, Wisconsin Government Accountability Board

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

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

SUBJECT: Ethics and Accountability Division Program Activity

Campaign Finance Update

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

2016 Campaign Finance Filing Fees

A \$100 filing fee is due from all non-candidate committees that had more than \$2,500 in expenses in the previous calendar year. As of February 17, 287 committees have paid the \$100 filing fee. Eleven committees remain outstanding. Sponsoring organizations were eliminated by the new statutes and did not have to pay the fee for 2015 or file any reports.

January Continuing 2016 Reports

All non-exempt registrants were required to file the January Continuing 2016 report. Because of new campaign finance legislation signed December 16, the due date was moved to January 15 from February 1, and the former requirement of notice by first class mail was replaced by email.

As of February 17, 1,144 reports have been filed, and 262 of those were filed after January 15. Late filers have received notices by email and phone. Only 38 committees remain outstanding. Staff will follow up by mail, and begin to assess penalties if reports are not filed by March 2, 2016.

The Spring Pre-Primary 2016 Reports

All candidate committees on the ballot this spring were required to file the Spring Pre-Primary 2016 report by February 8, 2016. All candidates have filed. One committee filed their report one day late, and staff is following up based on the campaign finance settlement schedule.

The Spring Pre-Election 2016 Reports

The next campaign finance report covers activity up to March 21, and is due on March 28.

Campaign Finance Audits

Staff is at work doing data entry and uploads in CFIS in preparation for this year's campaign finance audits. Staff plans to delay the 2016 audits until July 1, 2016, so new audits occur under the supervision of the new Ethics Commission.

A summary of all penalties paid in 2015 for campaign finance, lobbying, and ethics violations will be presented in a separate document.

Lobbying Update

Molly Nagappala and Kyle Kundert
Ethics and Accountability Specialists

New State Agency Legislative Liaison Reporting System

In June 2015, staff began a project to modernize state agency legislative liaison reporting. All agencies' data was transferred to the Eye on Lobbying website. Staff completed training materials and emailed all agency users in November to inform them of the new system, and ask them to log in and verify their current information. Most agencies filed using the new system by the deadline of February 1, and staff is following up on a handful of agencies that have not yet filed.

2015-2016 Legislative Session Registration and Licensing Continues

On December 1, 2014, the Eye on Lobbying website enabled the start of principal registration, lobbyist licensing, and lobbyist authorization for the upcoming 2015-2016 legislative session. Interestingly, at slightly after the session's halfway point, principal registrations have already exceeded totals from the 2013-2014 legislative session, which was a low point in lobbying registration over the last several sessions. While it is too early to draw any broad conclusions, it is encouraging to see a reverse in the downward trend of registrations.

The following tables provide a summary of license, registration, and authorization applications and revenue for the current session, as of February 17, 2016, and totals for the previous legislative session.

2015-2016 Legislative Session as of February 17, 2016

Fee Type	Fees Paid	Fee Amount	Total Paid
Limited Lobbying Principal Registration Fee	14	\$20.00	\$280.00
Limited Lobbying to Full Lobbying Principal Amendment	5	\$355.00	\$1,775.00
Principal Registration Fee	762	\$375.00	\$285,750.00
Lobbyist Authorization Fee	1,670	\$125.00	\$208,750.00
Lobbyist License (Single Principal)	541	\$250.00	\$135,250.00
Single to Multiple Principal Lobbying License Amendment	5	\$150.00	\$750.00
Lobbyist License (Multiple Principals)	110	\$400.00	\$44,000.00
Focus Subscription	84	\$100.00	\$8,400.00
		Total	\$684,955.00

2013-2014 Legislative Session

Fee Type	Fees Paid	Fee Amount	Total Paid
Limited Lobbying Principal Registration Fee	29	\$20.00	\$580.00
Limited Lobbying to Full Lobbying Principal Amendment	15	\$355.00	\$5,325.00
Principal Registration Fee	718	\$375.00	\$269,250.00
Lobbyist Authorization Fee	1,587	\$125.00	\$198,375.00
Lobbyist License (Single Principal)	571	\$350.00	\$199,850.00
Single to Multiple Principal Lobbying License Amendment	11	\$300.00	\$3,300.00
Lobbyist License (Multiple Principals)	105	\$650.00	\$68,250.00
		Total	\$744,930.00

Financial Disclosure Update

Adam Harvell
 Campaign Finance Auditor and Ethics Specialist

Statements of Economic Interests

Staff prepared the 2016 annual filing of statements of economic interests in December and mailed them to municipal judges, reserve judges, and other judges up for election. The statements for annual filers were mailed January 18. As of February 17, 2,419 SEIs have been requested for 2016. We have received 1,017, and entered 114 of those into our database. There are 1,288 SEIs still outstanding.

Staff will continue to request SEIs from newly appointed officials throughout the year. Candidates who wish to be on the November ballot must file a statement by June 6.

State of Wisconsin Investment Board Quarterly Transaction Reports

Staff sent out 58 quarterly financial disclosure reports to State Investment Board members and employees at the beginning of January. They were due by February 1. All were returned on time.

Gubernatorial Appointments

New appointments continue to be processed on an ongoing basis. Tasks include securing statements of economic interests from all appointees and referring copies of their statements to the Senate for future confirmation hearings.

Ethics, Complaints and Investigations Update

Jonathan Becker, Division Administrator

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

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JUDGE VICTOR MANIAN
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the March 1, 2016 Board Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Jonathan Becker, Administrator Ethics and Accountability Division
Wisconsin Government Accountability Board

Prepared by: Adam Harvell
Ethics and Accountability Division

SUBJECT: 2015 Campaign Finance and Lobbying Audit Overview

Campaign Finance Audits

In addition to auditing filers for late reports and payment of the yearly filing fee, staff conduct various audits on campaign finance data received through the many reports filed with our office. An audit is one tool used to ensure compliance with campaign finance laws enforced by the G.A.B. An update on the status of audits conducted in 2015 is provided below:

- Late reports: During the calendar year 2015, more than 3,300 reports were filed, not including 48-hour reports. Of those reports, 387 were filed late and civil penalties were assessed on 8 of those reports. A total of \$1,050.00 in civil penalties were collected.

Filing Period	Total # of Rpts	# Late Rpts	Penalties	Total \$ Penalties
2015 January Continuing	1517	156	4	\$600
2015 Spring Pre-Primary	171	12	1	\$150
2015 Spring Pre-Election	216	17	0	\$0
2015 July Continuing	1422	202	3	\$300
Total	3326	387	8	\$1050

- Late filing fees: Non-candidate committees with more than \$2,500 in activity in a calendar year are required to pay a \$100 filing fee. In 2015, staff collected fees for the 2014 calendar year. 519 committees paid timely. Five committees paid a \$200 penalty. Total penalties for late filing fees were \$1,000.
- Employer and occupation information provided for contributions from an individual exceeding \$100: Thirty-six committees with substantial compliance issues for the 2014 calendar year were initially contacted. All thirty-six of these committees amended their reports to include this information and have been closed. No financial penalties were assessed.

- Corporate Contributions: Thirteen committees were contacted regarding possible corporate contributions. Thirteen committees corrected their reports and were cleared of corporate contributions. Three committees paid forfeitures totaling \$1,015.00. Two committees are still pending.
- Registered lobbyist contributions outside the allowable window: Thirty lobbyists were originally identified as contributing to state-level partisan candidates outside of the allowable window. Twenty lobbyists were cleared based on a variety of factors and no violation occurred. Ten lobbyists admitted to contributing outside the allowable window and paid a total of \$2,088.00 in civil penalties.
- Campaign period limit for individuals and committees: Audits were performed on activity for the 2014 fall elections and the 2015 spring election cycle. Fifty-two committees were initially contacted about individual contributions in excess of individual contribution limits. Thirty-four committees were initially contacted about contributions in excess of the committee contribution limits. Fifty-seven committees were cleared of any violations. Twenty-nine committees admitted to accepting contributions in excess of the limits and paid a total of \$49,475.25 in penalties.
- Cash Balance Audit 2013: In summer 2014, G.A.B. staff began an audit of all committees' cash balances from the calendar year 2013, and contacted 81 committees with a cash balance discrepancy of \$100 or more. Seventy-four committees amended reports and corrected the issue. Seven committees paid \$1,634.04 in civil penalties. The penalties were all received in 2015, so they are included here.
- Cash Balance Audit 2014: In summer 2015, G.A.B. staff began an audit of all committees' cash balances from the calendar year 2014, and contacted 117 committees with a cash balance discrepancy of \$100 or more. Ninety-nine committees amended reports and corrected the issue, and 3 terminated so any penalty was waived. Twelve committees paid \$3,210.45 in civil penalties. Three committees are still pending.
- A separate list of penalties collected in 2015, including penalties from the lobbying and financial interests programs, is attached. Also attached is a list of committees that would have normally been assessed a penalty under the board's settlement offer schedule, but instead received a warning. The reason for the reduced penalty is noted.

Lobbying Audits

In May 2015 G.A.B. staff developed, and the Board approved, updated forfeiture schedules for violations of 15-day reporting and late filing of Statements of Lobbying Activities and Expenditures (SLAEs). Upon the conclusion of the January 2015 – June 2015 reporting period, staff became aware of a large number of late 15-day reports as well as several instances of “stealth lobbying”, or late registration. The majority of those instances were self-reported, which was taken into account when calculating appropriate forfeitures. It is unclear why this particular reporting period experienced such a sharp increase in violations; however, most offending principals had no problem complying with their penalty.

Year	In the matter of	Settlement:	Audit Area	Audit Category	Reporting Period	Penalty Reduced -
2015	Friends of Scott Walker	\$ 237.50	Campaign Finance	Corporate Contributions (CF)	2014 Calendar Year (CF)	
2015	Republican Party of Pierce County	\$ 377.50	Campaign Finance	Corporate Contributions (CF)	2014 Calendar Year (CF)	
2015	Republican Party of Trempealeau County	\$ 400.00	Campaign Finance	Corporate Contributions (CF)	2014 Calendar Year (CF)	
2015	Friends of Jorgenson	\$ 1,000.00	Campaign Finance	Exceeding Contribution Limit (CF)	2014 Calendar Year (CF)	
2015	Citizens for George Ferriter	\$ 105.00	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	
2015	Friends of Robb Kahl	\$ 1,400.00	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	
2015	Riemer for Assembly	\$ 150.00	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	
2015	Friends of Leah Vukmir	\$ 1,150.00	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	
2015	Citizens for August	\$ 250.00	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	
2015	Hintz for Assembly	\$ 750.00	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	
2015	Taxpayers for Nygren	\$ 2,400.00	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	
2015	Van Wanggaard	\$ 250.00	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	
2015	Scott Fitzgerald for Senate	\$ 5,990.00	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	
2015	Amanda for Assembly	\$ 75.00	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	
2015	Roth for Wisconsin	\$ 1,050.00	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	
2015	Friends of Steve Nass	\$ 250.00	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	
2015	Knodl for Assembly	\$ 100.00	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	
2015	Sanfelippo for Assembly	\$ 1,125.00	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	
2015	Friends of Kathy Bernier	\$ 800.00	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	
2015	Friends of David Heaton	\$ 100.00	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	
2015	Novak for Assembly	\$ 100.00	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	
2015	Mandy Wright for Assembly	\$ 100.00	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	
2015	Friends of Andy Mitchell	\$ 80.25	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	
2015	Jim Ott for Assembly	\$ 250.00	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	
2015	People for Rebecca	\$ 1,000.00	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	
2015	Friends of Leah Vukmir	\$ 250.00	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	
2015	Krug for Assembly	\$ 1,000.00	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	
2015	Jon Erpenbach Senate Committee	\$ 600.00	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	
2015	Tranel for Assembly	\$ 250.00	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	
2015	Friends of Jessie	\$ 500.00	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	
2015	Steineke for Assembly	\$ 250.00	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	

Year	In the matter of	Settlement:	Audit Area	Audit Category	Reporting Period	Penalty Reduced -
2015	Friends of Scott Walker	\$ 28,150.00	Campaign Finance	Exceeding Contribution Limit (CF)	Election Cycle Ending Dec 2014 (CF)	
2015	Friends of Sheila Harsdorf	\$ 130.00	Campaign Finance	Incomplete Report /Cash Balance (CF)	2013 Calendar Year (CF)	
2015	Steineke for Assembly	\$ 121.00	Campaign Finance	Incomplete Report /Cash Balance (CF)	2013 Calendar Year (CF)	
	La Crosse County Republican Party					
2015	Party	\$ 151.00	Campaign Finance	Incomplete Report /Cash Balance (CF)	2013 Calendar Year (CF)	
2015	Friends of Julie Lassa	\$ 50.00	Campaign Finance	Incomplete Report /Cash Balance (CF)	2013 Calendar Year (CF)	
	Mary Williams for 87th District Assembly					
2015	Assembly	\$ 803.00	Campaign Finance	Incomplete Report /Cash Balance (CF)	2013 Calendar Year (CF)	
2015	Friends of Andy Jorgensen	\$ 250.00	Campaign Finance	Incomplete Report /Cash Balance (CF)	2013 Calendar Year (CF)	Committee Terminated
2015	Friends of Haqqi	\$ 129.04	Campaign Finance	Incomplete Report /Cash Balance (CF)	2013 Calendar Year (CF)	
2015	Petrulis for Assembly	\$ 161.00	Campaign Finance	Incomplete Report /Cash Balance (CF)	2014 Calendar Year (CF)	
2015	Bies for Secretary of State	\$ 123.00	Campaign Finance	Incomplete Report /Cash Balance (CF)	2014 Calendar Year (CF)	
2015	Kulp for Assembly	\$ 655.00	Campaign Finance	Incomplete Report /Cash Balance (CF)	2014 Calendar Year (CF)	
2015	John Lehman for Lt. Gov	\$ 538.00	Campaign Finance	Incomplete Report /Cash Balance (CF)	2014 Calendar Year (CF)	
2015	Burke for Wisconsin	\$ 334.00	Campaign Finance	Incomplete Report /Cash Balance (CF)	2014 Calendar Year (CF)	
2015	Westphal for Assembly	\$ 210.00	Campaign Finance	Incomplete Report /Cash Balance (CF)	2014 Calendar Year (CF)	
	La Crosse County Democratic Party					
2015	Party	\$ 160.00	Campaign Finance	Incomplete Report /Cash Balance (CF)	2014 Calendar Year (CF)	
2015	IBEW WI State Conference	\$ 185.00	Campaign Finance	Incomplete Report /Cash Balance (CF)	2014 Calendar Year (CF)	
2015	Friends of Andy Mitchell	\$ 145.00	Campaign Finance	Incomplete Report /Cash Balance (CF)	2014 Calendar Year (CF)	
2015	People for Pat (Bomhack)	\$ 345.45	Campaign Finance	Incomplete Report /Cash Balance (CF)	2014 Calendar Year (CF)	Committee Terminated
2015	Columbia County Republicans	\$ 117.00	Campaign Finance	Incomplete Report /Cash Balance (CF)	2014 Calendar Year (CF)	
2015	Francis for Assembly	\$ 237.00	Campaign Finance	Incomplete Report /Cash Balance (CF)	2014 Calendar Year (CF)	
2016	Citizens for Richards	\$ 140.00	Campaign Finance	Incomplete Report /Cash Balance (CF)	2015 Calendar Year (CF)	
2015	Republican Party of Rock Co	\$ 150.00	Campaign Finance	Late CF report (CF)	2015 January Continuing (CF)	
2015	WI Nurses PAC (WIN PAC)	\$ 150.00	Campaign Finance	Late CF report (CF)	2015 January Continuing (CF)	
2015	Fund for Wisconsin's Future	\$ 150.00	Campaign Finance	Late CF report (CF)	2015 January Continuing (CF)	
2015	WI Nurse Midwives	\$ 150.00	Campaign Finance	Late CF report (CF)	2015 January Continuing (CF)	
2015	4th Cong Dist Republican Club	\$ 200.00	Campaign Finance	Late CF report (CF)	2015 July Continuing	

Year	In the matter of	Settlement:	Audit Area	Audit Category	Reporting Period	Penalty Reduced -
2015	Winnebago County Democratic Party	\$ 100.00	Campaign Finance	Late CF report (CF)	2015 July Continuing	
2015	Friends of Brian Barton	\$ 150.00	Campaign Finance	Late CF Report (CF)	2015 Spring Pre-Primary	
2015	United Association Local 118	\$ 200.00	Campaign Finance	Late Filing Fee (CF)	2015 January Continuing (CF)	
2015	PAC	\$ 200.00	Campaign Finance	Late Filing Fee (CF)	2015 January Continuing (CF)	
2015	SEIU PEA	\$ 200.00	Campaign Finance	Late Filing Fee (CF)	2015 January Continuing (CF)	
2015	UAW Southeastern WI Area	\$ 200.00	Campaign Finance	Late Filing Fee (CF)	2015 January Continuing (CF)	
2015	PAC Council	\$ 200.00	Campaign Finance	Late Filing Fee (CF)	2015 January Continuing (CF)	
2015	DLCC Wisconsin PAC	\$ 200.00	Campaign Finance	Late Filing Fee (CF)	2015 January Continuing (CF)	
2015	Sawyer County - Lac Courte Oreilles Democratic Party	\$ 200.00	Campaign Finance	Late Filing Fee (CF)	2015 January Continuing (CF)	
2015	American Coalition for Clean Coal Electricity	\$ 25.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	Anheuser-Busch Companies	\$ 25.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	Apartment Association of Southeastern Wisconsin, Inc.	\$ 325.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	AstraZeneca Pharmaceuticals	\$ 25.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	Bank of America Corporation	\$ 125.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	Bicycle Federation of Wisconsin Center for Organizational	\$ 225.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	Research and Education	\$ 25.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	Dean Health System Inc	\$ 25.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	Friends of Wisconsin Public Television	\$ 25.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	HealthPort	\$ 25.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	Institute for Justice	\$ 25.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	Milwaukee Teachers Education Association	\$ 25.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	River Alliance of Wisconsin	\$ 125.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	

Year	In the matter of	Settlement:	Audit Area	Audit Category	Reporting Period	Penalty Reduced -
2015	Sierra Club - John Muir Chapter	\$ 25.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	SSM Health Care of Wisconsin Inc	\$ 25.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	TAPCO (Traffic & Parking Control Co., Inc.)	\$ 25.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	The Alliance	\$ 100.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	The Pew Charitable Trusts	\$ 125.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	Thrivent Financial for Lutherans	\$ 25.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	Transportation Development Association of Wisconsin (TDA)	\$ 25.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	US Biologic	\$ 25.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	Wisconsin Car Rental Alliance	\$ 25.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	Wisconsin Chapter of the American Academy of Pediatrics (WIAAP)	\$ 125.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	Wisconsin Coroner & Medical Examiner Association	\$ 125.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	Wisconsin Institute for Healthy Aging	\$ 25.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	Wisconsin Literacy Inc	\$ 25.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	Wisconsin Paper Council	\$ 25.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	Wisconsin Psychological Association	\$ 25.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	Wisconsin Public Radio Association	\$ 25.00	Lobbying	Late 15-Day Report (L)	2015-2016 Session Period 1 (L)	
2015	Wisconsin Education Association Council	\$ 600.00	Lobbying	Late Registration (L)	2015-2016 Session Period 1 (L)	
2015	Wisconsin Community Services, Inc.	\$ 2,600.00	Lobbying	Late Registration (L)	2015-2016 Session Period 1 (L)	

Year	In the matter of	Settlement:	Audit Area	Audit Category	Reporting Period	Penalty Reduced -
2015	Wisconsin Chapter, NECA Inc.	\$ 1,050.00	Lobbying	Late Registration (L)	2015-2016 Session Period 1 (L)	
2015	Milwaukee Chapter, NECA Inc. ACEA (Allied Construction Employers Association)	\$ 1,050.00	Lobbying	Late Registration (L)	2015-2016 Session Period 1 (L)	
2015	Milwaukee Charter School Advocates	\$ 480.00	Lobbying	Late Registration (L)	2015-2016 Session Period 1 (L)	
2015	Voces de la Frontera Action, Inc Wisconsin Rural Schools	\$ 100.00	Lobbying	Late SLAE (L)	2015-2016 Session Period 1 (L)	
2015	Alliance	\$ 100.00	Lobbying	Late SLAE (L)	2015-2016 Session Period 1 (L)	
2015	MTM, Inc	\$ 50.00	Lobbying	Late SLAE (L)	2015-2016 Session Period 1 (L)	
2015	St. Croix Chippewa Indians of Wisconsin	\$ 50.00	Lobbying	Late SLAE (L)	2015-2016 Session Period 1 (L)	
2015	John Alberts - Gudex for senate	\$ 300.00	Lobbying	Lobbyist Contributions (L/CF)	2014 Calendar Year (CF)	
2015	Margaret Lewis - FOSW George Whitaker - FO Van	\$ 100.00	Lobbying	Lobbyist Contributions (L/CF)	2014 Calendar Year (CF)	
2015	Wanggard	\$ 100.00	Lobbying	Lobbyist Contributions (L/CF)	2014 Calendar Year (CF)	
2015	Robert Proctor - FO J. Lassa	\$ 565.00	Lobbying	Lobbyist Contributions (L/CF)	2014 Calendar Year (CF)	
2015	Larry Lueck - Gudex for Senate Robert Kraig - Friends of M.	\$ 500.00	Lobbying	Lobbyist Contributions (L/CF)	2014 Calendar Year (CF)	
2015	Barnes	\$ 28.00	Lobbying	Lobbyist Contributions (L/CF)	2014 Calendar Year (CF)	
2015	Denny Caneff - D. Cates for Assembly	\$ 50.00	Lobbying	Lobbyist Contributions (L/CF)	2014 Calendar Year (CF)	
2015	Tim Bartholow - Taxpayers for Marklein	\$ 100.00	Lobbying	Lobbyist Contributions (L/CF)	2014 Calendar Year (CF)	
2015	Scott Foval - FO M. Sargent Lynn Morgan - Friends of Mark Miller	\$ 95.00	Lobbying	Lobbyist Contributions (L/CF)	2014 Calendar Year (CF)	
2015	Gableman, Michael - Supreme Court Justice	\$ 250.00	Lobbying	Lobbyist Contributions (L/CF)	2014 Calendar Year (CF)	
2015		\$ 50.00	Statement of Economic Interests	Late SEI filing (E)	2015 SEI Filing (E)	

Year	In the matter of	Settlement:	Audit Area	Audit Category	Reporting Period	Penalty
	Total	\$ 68,592.74				Reduced -

Year	In the matter of	Audit Area	Audit Category	Reporting Period	Status Reason	Settlement	Reduced Penalty - Reason
2015	La Crosse County Republican Party	Campaign Finance	Late CF Report (CF)	2015 January Continuing (CF)	Warning		New Treasurer, had entered data into CFIS, but not filed report
2015	Alvarez & Marsal Holdings, LLC PAC	Campaign Finance	Late CF Report (CF)	2015 January Continuing (CF)	Warning		No Activity
2015	Elect Uttke Judge	Campaign Finance	Late CF Report (CF)	2015 Spring Pre-Primary	Warning		Not on Ballot
2015	Seidl For Court Of Appeals	Campaign Finance	Late CF Report (CF)	2015 Spring Pre-Primary	Warning		Not on Ballot
2015	Citizens for Ron Sonderhouse	Campaign Finance	Late CF Report (CF)	2015 Spring Pre-Primary	Warning		Not on Ballot
2015	Friends of Michelle Greendeer-Rave	Campaign Finance	Late CF Report (CF)	2015 Spring Pre-Primary	Warning		Write-in candidate only
2015	Friends of Austin	Campaign Finance	Late CF report (CF)	2015 January Continuing (CF)	Warning		No Activity
2015	SEH Employees - WI PAC	Campaign Finance	Late CF report (CF)	2015 January Continuing (CF)	Warning		filed report w/\$370 activity - requesting termination
2015	SEH, Inc	Campaign Finance	Late CF report (CF)	2015 January Continuing (CF)	Warning		filed no activity & requested termination
2015	Coalition for American Values Action	Campaign Finance	Late CF report (CF)	2015 January Continuing (CF)	Warning		Not required to be registered
2015	1st District Republican Party of Wisconsin Conduit	Campaign Finance	Late CF report (CF)	2015 January Continuing (CF)	Warning		Filed No Activity
2015	Kris Thelen For Judge	Campaign Finance	Late CF report (CF)	2015 Spring Pre-Primary	Warning		Committee Terminated
	Candice Tlustosch for Circuit Court Judge	Campaign Finance	Late CF report (CF)	2015 Spring Pre-Election	Warning		Not on Ballot
	Committee To Elect Matthew P Mooney Judge	Campaign Finance	Late CF report (CF)	2015 Spring Pre-Election	Warning		Not on Ballot
2015	Richard Barta, Municipal Judge for Dover/Yorkville	Statement of Economic Interests	Late SEI filing (E)	2015 SEI Filing (E)	Warning		Within Grace Period
2015	Buroker, Susan - Asst Deputy Secretary, DATCAP	Statement of Economic Interests	Late SEI filing (E)	2015 SEI Filing (E)	Warning		Terminated Service with State (SEIs)
2015	Kramer, Bill - Assembly	Statement of Economic Interests	Late SEI filing (E)	2015 SEI Filing (E)	Warning		Terminated Service with State (SEIs)
2015	Severson, Erik - Assembly	Statement of Economic Interests	Late SEI filing (E)	2015 SEI Filing (E)	Warning		Terminated Service with State (SEIs)
2015	Zito, Mollie - Legal Counsel, Office of the Commissioner of Insurance	Statement of Economic Interests	Late SEI filing (E)	2015 SEI Filing (E)	Warning		Terminated Service with State (SEIs)
2015	Polivka for Assembly	Campaign Finance	Termination (CF)		Warning		Committee Terminated
2015	Chris Klein for Assembly	Campaign Finance	Incomplete Report /Cash Balance (CF)	2014 Calendar Year (CF)	Warning		Committee Terminated
2015	Schachtner for Office	Campaign Finance	Incomplete Report /Cash Balance (CF)	2014 Calendar Year (CF)	Warning		Committee Terminated
2015	Elect Alan Kupsik	Campaign Finance	Late CF report (CF)	2015 July Continuing	Warning		No Activity
2015	Laumann for Office	Campaign Finance	Late CF report (CF)	2015 July Continuing	Warning		Committee Terminated

Year	In the matter of	Audit Area	Audit Category	Reporting Period	Status Reason	Settlement
2015	Hariprasad Trivedi Committee to Elect for Governor	Campaign Finance	Late CF report (CF)	2015 July Continuing	Warning	Committee Terminated
2015	Forward Wisconsin Waukesha County Taxpayers Association	Campaign Finance	Late CF report (CF)	2015 July Continuing	Warning	Not required to be registered
2015	Thompkins for Senate	Campaign Finance	Late CF report (CF)	2015 July Continuing	Warning	Filed No Activity
2015	Friends of Shari Hanneman	Campaign Finance	Incomplete Report /Cash Balance (CF)	2014 Calendar Year (CF)	Warning	Filed No Activity
2015	Friends of Shari Hanneman	Campaign Finance	Campaign Finance	2014 Calendar Year (CF)	Warning	Committee Terminated

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JUDGE VICTOR MANIAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the March 1, 2016 Board Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared by Elections Division Staff and Presented by:

Michael Haas
Elections Division Administrator

SUBJECT: Elections Division Update

Since its last Update (December 15, 2015), the Elections Division staff has focused on the following tasks:

1. **General Activities of Election Administration Staff**

A. Spring Judicial Election

Sixty five candidates judicial candidates qualified for the ballot for the spring election. Five contests required primaries:

Justice of the Supreme Court
Iowa County Circuit Court
Kewaunee County Circuit Court Judge
Portage County Circuit Court Judge, Branch 2
Walworth County Circuit Court Judge, Branch 2

The Spring Primary was conducted on February 16, 2016. For a typically quiet, low-turnout election, Board staff received a significant number of inquiries to resolve. For example, staff fielded calls from voters stating that they presented acceptable photo identification which was refused by election inspectors, or that they arrived at their usual polling place but were told they needed to vote in a different municipality. Election inspectors improperly judged the acceptability of a photo ID by comparing the signatures on the ID with the signature on the poll list. Callers also indicated that inspectors made copies of photo ID at the polling place rather than simply requiring voters to show the photo ID.

Several Waukesha County municipalities ran out of ballots and needed to obtain more from the County Clerk. Municipal clerks and inspectors continue to look for ways to streamline polling places and make them more efficient especially with the addition of the photo ID requirement into the mix of complicated and tedious tasks they must already complete.

B. Presidential Preference Selection Committee and Attempt to Petition for Ballot Placement

On January 5, 2016, the Presidential Preference Committee met to choose candidates for President of the United States to appear on the April 5, 2016 Presidential Preference Ballot. The Committee has sole discretion to decide if a person meets the standard of being generally advocated or recognized as a presidential candidate in the national news media throughout the United States. The Committee chose 15 candidates in all; 12 Republicans and three Democrats.

As provided in Wis. Stat. §8.12(1)(c), Roque “Rocky” De Le Fuente, a Democratic candidate who was not chosen at the Selection Committee Meeting, filed a petition for ballot placement on the Wisconsin Presidential Preference ballot on February 26, 2016. The petition must contain at least 1,000 valid signatures from each of Wisconsin eight Congressional Districts for a total of 8,000 signatures. Staff review showed that the petition was insufficient. The details of staff findings were presented at the February 8, 2016 meeting, and the Board determined that the petition did not contain a sufficient number of valid signatures.

On February 11, Mr. De La Fuente, filed suit in Dane County Circuit Court challenging both the decision of the Presidential Preference Selection Committee to decline to put his name on the ballot in January and the Board’s decision to deny him ballot access. An emergency hearing was held the next day at 1:00 p.m. in front of Judge Markson in Dane County. After hearing arguments, the Court issued an oral ruling on Monday morning, February 15, affirming both the decision of the Presidential Preference Selection Committee and the G.A.B.

On Tuesday, February 16, Mr. De La Fuente filed an appeal with the Wisconsin Court of Appeals. The Court of Appeals summarily ruled in favor of the Selection Committee and the G.A.B., affirming the reasoning and decision of the circuit court denying Mr. De La Fuente ballot access. Mr. De La Fuente filed an emergency appeal to the Wisconsin Supreme Court, which declined to accept the case on February 22, 2016.

In the meantime clerks prepared Absentee Presidential-Only Ballots for distribution to military and permanent overseas voters no later than February 18, to meet the federal deadline for ballots to be delivered to those voters. Once the Primary results are certified, clerks will begin printing the official ballots for the Presidential Preference Primary and Judicial, County and Local Offices.

2. Voter Data Requests

The following statistics summarize voter data requests as of February 19, 2016:

Fiscal Year	Total Number of Requests	Requested Files Purchased	Percentage of Requests Purchased	Total Revenue
FY2016 to date	370	201	54.32%	\$85,290.00
FY2015	679	418	61.56%	\$242,801.25
FY2014	371	249	67.12%	\$125,921.25
FY2013	356	259	72.75%	\$254,840.00
FY2012	428	354	78.04%	\$127,835.00

3. WEDCS

A. WEDCS Reporting

Board staff is continuing efforts to seek municipal and county clerk compliance with completing the GAB-192 Annual Elections Cost Report. Staff made numerous and repeated contacts with clerks, their providers (if municipalities) and county clerks to attempt to get all reports completed. The GAB-192 was due to be entered into WEDCS on February 1, 2016. There are currently 1604 out of 1925 reports completed at this time.

4. Electronic Voting Systems and Equipment

A. Dominion Voting Systems Engineering Change Order

Dominion Voting Systems (Dominion) submitted an Engineering Change Order (ECO) for a *de minimis* modification to the ImageCast Evolution electronic voting system on February 11, 2016. Staff reviewed the application materials and agreed with the Voting System Testing Laboratory that this change was *de minimis* and recommended approval of the changes in a memorandum to Director Kennedy dated February 19th. Per the policy adopted by the Board during its April 29, 2015 meeting, the Director and General Counsel consulted with the Board Chair regarding the applications and staff recommendation.

Both Director Kennedy and Judge Manian agreed with the staff recommendations that the change outlined in the application was *de minimis* and should be approved. The approval letter was sent to Dominion and the memorandum recommending approval can be found in the Board folder for the March 1st meeting.

B. ExpressVote Programming Issue

An issue with the programming for the ExpressVote electronic voting system ballot was identified during the preparation for the Presidential Preference and Spring Election. Election Systems & Software (ESS&S) contacted Board staff on Friday, February 19 to inform staff of the problem. Staff followed up with ES&S on Monday, February 22

to finalize a solution that would not violate the certification of the voting system and would allow for the correct programming for the four counties that use this accessible voting equipment.

The problem was caused by the inability of the programming software to accommodate the presence of both a partisan contest and a full slate of non-partisan contests on the ExpressVote ballot. A solution was identified by ES&S that would allow for the correct programming of the accessible voting equipment and ensure that all election results are accurately tabulated. The vendor is working with the impacted counties to ensure that all of their voting equipment is programmed correctly and the problem does not impact voters on Election Day. ES&S also indicated that they have added this election configuration to their quality assurance testing to ensure that this problem will not occur in the future.

C. New Voting Equipment Purchases and Deployment

Many counties in Wisconsin have recently purchased new voting equipment and the Spring Primary was the first election where this equipment was deployed. The ExpressVote accessible voting system was used in several counties for the first time and local election officials reported a high level of voter satisfaction and no problems with the system. Several municipalities reported issues with transmitting unofficial election night results via modem to the county office.

In addition, St. Croix County reported the purchase of the ExpressVote electronic voting system and the DS200 precinct tabulator from Election Systems and Software for all of their municipalities and this equipment was acquired in time for use in the Spring Primary. Marathon County also reported the purchase of the DS200 precinct tabular for all of their municipalities and worked with the vendor to retrofit their existing accessible voting equipment to be compatible with the new tabulators.

5. **The Access Elections Accessibility Compliance Program**

A. Polling Place Audits for the Spring Primary Election

For the 2016 Spring Primary, 70 polling places were audited. Eight temporary workers were hired and trained to conduct onsite accessibility compliance audits in 70 municipalities in Columbia, Dodge, Grant, Green Lake, Jefferson, Richland and Sauk counties. Reports will be created for each conducted audit and provided to each municipality once the data has been verified.

Due to concerns over the potential for inclement weather, only locations in the southern portion of the state were audited and no auditors were assigned routes the required overnight travel. This strategy decreased the potential impact of weather-related travel issues and kept all auditors within a two hour drive time from Madison. Auditors reported snow and winter driving conditions in five of the targeted counties, which impacted the amount of audits conducted on Election Day.

All temporary staff auditors were recruited from the state-approved staffing agency and went through an interview process. They were also required to attend a two-day training event.

Training consists of a review of the polling place accessibility survey and Americans with Disabilities Act standards, training on the tablet computers used to gather the survey data and a mock polling place exercise at a City of Madison polling place. The auditors were also provided with a tutorial on accessible voting equipment and given training on all of the tools they need to conduct the site visits.

The accessibility coordinator leads the audit program and is assisted by 5-7 other staff. Before each election an audit plan is submitted to management for approval. Various staff provide help with recruiting temporary staff, scheduling and conducting interviews, identifying audit locations, creating maps and routes for auditors, training temporary staff on the survey instrument and touchscreen tablet, and coordinating with the staffing agencies concerning billing, scheduling and human resource issues.

B. Ongoing Accessibility Compliance Efforts

Staff continues to coordinate with municipal clerks to ensure that accessibility problems uncovered during previous audits are resolved as quickly and cost-effectively as possible. Deadlines for submitting plans of action are set at 60 days from receipt of the report, and staff works with local election officials to ensure that problems are addressed in a timely manner. Staff also works with local election officials to ensure that all new polling locations are ADA-compliant before the change is finalized. Polling place accessibility surveys are required to be submitted for review as part of the process to change polling places. This work continues to take place on an ongoing basis.

In addition, staff arranged for the shipment of 164 grant-funded accessibility supplies to 30 municipalities in response to documented needs. Several accessibility-related items, such as page magnifiers and signature guides, have been restocked due to continued demand, while the polling place signage inventory will continue to be liquidated.

C. Photo ID Law Public Outreach Meetings

Staff has presented information and trained individuals about the photo ID law at four events aimed at the aging and disability communities since late 2015. Staff has presented to both the Governor's Committee for People with Disabilities and the Council on Physical Disabilities, and also has met with the Milwaukee County Department on Aging and the case managers for the Agency on Aging of Dane County. The public outreach program consisted of two main segments: an overview of the Photo ID Law and a question and answer session. G.A.B. resources concerning the photo ID law were provided to all attendees who also were informed of additional multimedia resources available on the agency's photo ID information site (<http://bringit.wisconsin.gov/>).

6. Education/Training/Outreach/Technical Assistance

Following this memorandum as Attachment 1 is a summary of information on core and special election administration training recently conducted by G.A.B. staff. Following the February Primary, the training team and elections specialists are currently focusing on providing information related to the implementation of the photo identification requirement and other legislative changes for elections which will occur during the remainder of 2016.

7. GIS (Geographic Information Systems) Update

Board staff continued to process changes to ward, school, supervisory, sanitary, or municipal boundaries that take place throughout the State of Wisconsin. Board staff is working more closely with other state agencies in acquiring these data sets as new legislation requires counties to submit ward, municipal, and supervisory district changes to the Legislative Technology Services Bureau (LTSB) twice a year. Acquiring data directly from LTSB greatly improves the efficiency and minimizes the burden on board staff to coordinate with the 72 different county land information offices.

Board staff continues to work with the State Agency Geospatial Information Committee (SAGIC) as well as with the Wisconsin Land Information Association (WLIA) to assist in state agency acquisition of local land information data. Board staff recently attended the annual WLIA conference to in an effort to stay apprised of the most recent changes among the land information community throughout Wisconsin as well as to improve relationship coordination in the acquisition of GIS data. Continued involvement with SAGIC as well as other land information groups throughout Wisconsin helps to facilitate and develop partnerships and more efficient data acquisition of spatial information. Accurate GIS data is essential to ensuring accurate ballot assignment within SVRS.

8. IT Projects – SVRS Modernization

While several IT projects are in progress for the Elections Division, the main priority since the last Board meeting has been the launch of WisVote, the modernized Statewide Voter Registration System. WisVote went live on January 11, 2016 and was successfully used for the first time to administer the February Spring Primary. Board staff is happy to report that the multi-year, multimillion dollar project was completed on time and under budget projections. Staff plans to provide a more detailed summary to the Board at the April meeting.

Staff has been keeping clerks throughout the state informed of the progress of deploying the WisVote system through bi-weekly WisVote communications regarding numerous fixes that were identified and corrected, as issues were reported to staff. Both IT and project staff have been dealing with a very high call and email volume as clerks become familiarized with the new system and issues are identified. Staff has created reporting tools in WisVote to inform clerks of frequently asked questions and known issues.

Although there have been challenges with the deployment of WisVote, many clerks are reporting positive feedback regarding the system's functionality and ease of use. Staff anticipates that the system will continue to stabilize and clerks will be more comfortable with administering the April Presidential Preference and Spring Election, leading up to the fall election cycle.

To help with the transition, Board staff has been updating the training website, called the WisVote Learning Center. Through this site, existing WisVote users who previously used SVRS can access training materials such as interactive tutorials, demonstration overviews, and manual sections. Additionally, new users to WisVote (who never used SVRS) can complete online training directly in the WisVote Learning Center. This provides enhanced flexibility and reduced G.A.B. cost to become certified to work in WisVote compared to the traditional two or three day

in-person training that used to be offered with SVRS. Sixty-two WisVote users have taken advantage of the new online certification program. Staff also conducted two in-person WisVote training sessions in Madison in mid-January for new WisVote users who had never used SVRS.

9. Voter Felon Audit

Staff is providing its bi-yearly comprehensive update on the status of the Voter Felon Audit and District Attorney response information, as directed by a motion of the Board at its meeting of March 4, 2015. Attachment 2 contains statistics regarding the number of initial matches between records of voters and records of felons, as well as the disposition of cases referred to district attorneys. Additional details regarding specific cases are included in the Board’s meeting folder.

10. G.A.B. Customer Service Center

The Help Desk staff is supporting over 1,900 active WisVote users, the public, and election officials. The Help Desk is maintaining the two training environments utilized in the field to facilitate remote WisVote training and accessibility tablets utilized in polling place surveys. Staff is monitoring state enterprise network and data center changes and status, assisting with processing data requests, and processing voter verification postcards. Help Desk staff has been serving on various project teams such as the STAR project, MyVote Wisconsin and WisVote development and deployment teams and continue to maintain and update G.A.B. clerk contact and Listserve lists. Staff is processing lists of voters that registered in other states and notifying clerks of the cancelation. Staff is assisting with testing WisVote, coordinating and assisting with upgrade projects initiated by the Department of Administration (DOA) Data Center, and administering G.A.B. Exchange email system. Staff is assisting DOA with security updates in the G.A.B. environment at the datacenter.

Help Desk staff assisted clerks with configuring and installing WisVote, CRM and WEDCS (GAB-190) on municipal computers. The Help Desk assisted clerks with setting up the Spring Primary, running absentee labels and other WisVote tasks. The Help Desk continued to field a variety of calls from voters and the public, candidates and political committees, lobbyists, and public officials.

	<u>G.A.B. SVRS Help Desk Call Volume</u> (608-261-2028)	<u>Front Desk Call</u> <u>Volume</u> (608-266-8005)
December 2015	596	443
January 2016	2,817	1,158
To February 18, 2016	3,051	n/a
Total Calls for Reporting Period	6,464	1,601

11. Voter Outreach Services

As part of the G.A.B.’s photo ID outreach efforts to voters, staff continues to make presentations to voter groups in Wisconsin. The approach is to talk primarily with audiences comprised of representatives from community organizations that work with voters. G.A.B. staff has found that it is most effective to focus outreach efforts on training representatives of voter organizations. The representatives then bring the information back to their organizations where they can train organization staff and volunteers who will be conducting outreach to voters. G.A.B. staff will be

communicating directly with voter groups across the state later this year to inform them of our voter outreach efforts and our training opportunities. For a list of presentations that have been held in the last month, please see section 6(c) of this report.

Staff has also been working with vendors to update the Bring It to the Ballot public education and outreach campaign. As of late August, all the videos, TV and radio ads, and printed materials had been updated with new information about how to get a free state ID card for voting. Additionally, the mobile version of the BringIt.wi.gov website for mobile devices was in final testing.

The Spring Primary was the first election since February 2012 in which the photo ID requirement was in effect, and Board staff fielded numerous calls related to implementation of the requirement from both voters and election officials. Some voters were unclear about the use of a driver's license as proof of residence as opposed to photo ID, and the address requirement for each. Some election inspectors viewed the photo ID as a substitute for requiring the elector to state their name and address. Board staff will evaluate the most common issues and incorporate additional emphasis on them in future training of election officials and public information efforts.

12. EAC Standards Board Appointment

The process for appointing a Wisconsin local election official representative to the U.S. Elections Assistance Commission's Standards Board was completed on January 7, 2016. The Appointment Committee consisted of representatives designated by the Wisconsin Municipal Clerks Association, Wisconsin County Clerks Association, Wisconsin Towns Association, and League of Wisconsin Municipalities. The Committee met by teleconference to discuss applications it received from seven interested municipal and county clerks. The Committee selected Village of Germantown Clerk Barbara Goeckner as Wisconsin's local election official representative to the U.S. Elections Assistance Commission's Standards Board for a four-year term. Clerk Goeckner succeeds City of Franklin Clerk Sandra Wesolowski. Clerk Wesolowski served as the Vice Chair of the Standards Board. The Standards Board and G.A.B. staff appreciate Clerk Wesolowski's service, and also look forward to working with Clerk Goeckner.

13. Complaint Processing and Tracking

Elections Division staff has continued to process and resolve complaints related to the actions of local election. A status report regarding pending and resolved complaints will be included in the Board Members' meeting folders.

ATTACHMENT #1

GAB Election Division's Training Initiatives
12/15/2015 – 2/29/2016

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
WisVote Training	Instruction in core WisVote functions – how to navigate the system, how to add voters, how to set up elections and print poll books.	16 hours	New users of the WisVote application software.	2	36
Municipal Clerk	2005 Wisconsin Act 451 requires that all municipal clerks attend a state-sponsored training program at least once every 2 years.	3 hours	All Municipal clerks are required to take the training; other staff may attend.	1	86
Chief Inspector	Instruction for new Chief Inspectors before they can serve as an election official for a municipality during an election.	3 hours	Election workers for a municipality.	17	715
Election Administration Training Webinar Series	Series of 8 - 12 programs designed to keep local government officers up to date on the administration of elections in Wisconsin.	45 – 120 minute webinar conference hosted and conducted by Elections Division staff.	County and municipal clerks, chief inspectors, poll workers, special registration deputies and school district clerks.	1/6/16: 2016 Photo ID Law Implementation; 1/13/16: Special Voting Deputies; 1/20/16: Absentee Voting; 2/3/16: Provisional Voting	50 – 400 per webinar; posted to website for clerks to use on-demand.

ATTACHMENT #1

GAB Election Division's Training Initiatives
12/15/2015 – 2/29/2016

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
Other	<ul style="list-style-type: none"> • Board staff presented Voter ID Law, election administration and SVRS/WisVote status information to municipal clerks attending the following conferences: <ul style="list-style-type: none"> ○ Wisconsin Municipal Clerks Association District 7 meeting on January 15, 2016 in the Town of Black Creek; ○ Metro Municipal Clerks Association roundtable on February 24, 2016 in the Village of Hales Corners • Board staff updated the Election Administration Manual to reflect legislative changes in fall 2015. 				

Attachment #2

ELECTION	Number of voters matched with felons per Election	Number of matches referred to district attorneys	Number of referrals closed by DA without charges	Number of referrals resulting in a conviction	Number of remaining referrals with current charges filed status	Number of matches or cases referred remaining open or under investigation	Number of matches closed	All matches have reached final disposition	Total number of voters	Referrals as a percentage of total number of voters
09/29/15 Special Election Assembly 99	0	0	0	0	0	0	0	Yes	1,591	0%
09/01/2015 Special Primary Assembly 99	0	0	0	0	0	0	0	Yes	3,422	0%
07/21/15 Special Election State Senate 33	0	0	0	0	0	0	0	Yes	10,012	0%
06/23/15 Special Primary State Senate 33	0	0	0	0	0	0	0	Yes	11,449	0%
11/4/2014 General Election	229	43	2	0	3	31	195		2,420,811	0.001776%
8/12/2014 Fall Partisan Primary	10	1	0	1	0	0	10	Yes	638,677	0.000157%
4/1/2014 Spring Election	8	5	2	1	1	1	6		506,566	0.000987%
2/18/2014 Spring Primary	0	0	0	0	0	0	0	Yes	4,310	0.000000%
4/2/2013 Spring Election	8	3	2	1	0	0	8	Yes	889,008	0.000337%
2/19/2013 Spring Primary	1	0	0	0	0	0	1	Yes	374,631	0.000000%
11/6/2012 Presidential and General Election	89	33	14	8	2	8	79		3,085,450	0.001070%
8/14/2012 Fall Partisan Primary	3	2	1	0	0	1	2		851,572	0.000235%
6/5/2012 Recall Election	53	22	4	4	1	9	43		2,516,371	0.000874%
5/8/2012 Recall Primary Election	13	3	1	2	0	0	13	Yes	1,360,750	0.000220%
4/3/2012 Presidential Preference Spring Election	13	7	4	0	1	1	11		1,144,351	0.000612%
2/21/2012 Spring Primary	3	2	1	0	0	0	3	Yes	139,343	0.001435%
4/5/2011 Spring Election	16	7	3	1	0	3	13		1,524,528	0.000459%
2/15/2011 Spring Primary	5	2	1	0	0	1	4		444,766	0.000450%
11/2/2010 General Election	60	21	9	4	1	7	52		2,185,017	0.000961%
9/14/2010 Fall Partisan Primary	8	3	2	0	0	1	7		930,511	0.000322%
4/6/2010 Spring Election	5	2	1	0	1	0	4		574,130	0.000348%
2/16/2010 Spring Primary	1	0	0	0	0	0	1	Yes	152,532	0%
Total for all 19 elections	525	156	47	22	10	63	452	10		

Average of referrals for each election type -

General - 25.33

Partisan Primary - 2.25

Spring Election - 4.8

Spring Primary - 0.8

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JUDGE VICTOR MANION
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the March 1, 2016 Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared by: Kevin J. Kennedy, Director and General Counsel
Sharrie Hauge, Chief Administrative Officer
Reid Magney, Public Information Officer

SUBJECT: Administrative Activities

Agency Operations

Introduction

The primary administrative focus for this reporting period has been STAR Project implementation, financial services activity, procuring goods and services, contract sunshine administration, recruiting staff, communicating with agency customers and developing legislative and media presentations.

Noteworthy Activities

1. STAR Project

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

Release 1 of the STAR project which includes financial and procurement went live on October 1, 2015. As with all new computer systems, there have been some difficulties in transitioning to the new accounting structures and format, but we continue to work through those issues with the State Controller's Office, the State Budget Office and the STAR experts.

In addition to learning the new accounting system, Release 2, the Human Resources (HR) component of the system went live in December. The new HR system includes a new payroll system, new paychecks and paystubs, new timesheets, new terminology, employee

self-service, and a single source for all HR functions for all of state government. There have been significant challenges with Release 2, but we continue to work through those issues with the Human Resources staff at DOA and the STAR experts.

2. Financial Services Activity

- Staff logged federal grant time worked by program, along with state project hours, in anticipation of calculating and booking the fourth quarter payroll adjusting entries, to properly allocate salaries and fringe benefits between federal and state programs. Several payroll funding changes were affected in the payroll system to account for staffing transfers between programs.
- Budget-to-actual operating results for the second fiscal quarter ended December 31 were summarized and communicated to management. Federal grant programs in aggregate remain within budgeted projections for this fiscal year to date. The G.A.B. is on track to fully expend the final 2011 HAVA 261 grant allotment of \$98,998 before September 30 fiscal year-end. Agencies are required to expend each allotment year's funds within five years of receipt, or return unspent program monies to the federal government. No further allotments are expected for this federal program. The federal HAVA 101 and 251 remaining cash balances were \$2.3 million and \$4.2 million, respectively, as of December 31. All Federal Cash Management system reports for the Section 261 accessibility program expenditures and revenues were reviewed and reconciled each month. The Federal Voting Assistance Program grant is on budget. All state GPR and PR program appropriations are currently under budget at this time. However, the state lobbying program supplies and services line item is projected to be over budget by fiscal year end. In addition, our agency will still be required to lapse \$40,200 cash from one of these state appropriations before fiscal year-end.
- Staff claimed federal reimbursements of \$6,139 for December and January Federal Voting Assistance Program (FVAP) grant expenditures, then prepared journal entries to record revenues receivable and coordinated the accounting for incoming wire transfers with Department of Administration Treasury staff.
- Monthly DOA General Service Billing charges were audited prior to payments being processed, while rent and utility cost allocations were updated for recent payroll funding changes in compliance with federal Office of Management and Budget (OMB) regulations.
- Staff updated the SVRS Maintenance and Modernization IT project costs schedule for projecting FY2016 IT project costs in excess of \$1 million and reporting to the Department of Enterprise Technology (DET), which is due the end of March. During the fiscal year-to-date ended December 31, the G.A.B. has incurred \$707,290 of both employee labor and IT contractor costs for SVRS Maintenance and Modernization projects.

3. Procurements

As part of the February 16 primary election, eight temporary services staff were hired to assist in conducting accessibility audits of polling places throughout the state. Procurement staff purchased SSL Certificates for the CRM Modernization/SVRS project at a cost of \$517,284.42.

4. Contract Sunshine

Since the December Board meeting, the certification process for the October to December 2015 period was completed. During this time period a new automated import system was implemented, eliminating the need for agencies to manually enter data pertaining to purchases entered in the STAR system. All of the 31 agencies required to report qualified purchases returned the certification in a timely manner or made arrangements with the Contract Sunshine administrator for additional time to review uploads through the new automated system.

5. Staffing

Currently, we are recruiting for two financial staff vacancies, two office operations associate positions, one attorney position and two vacant Elections Specialist positions. Additionally, we are trying to hire an LTE Attorney. There have been significant challenges in the recruitment efforts, but we continue to work on filling the vacant positions.

6. Communications Report

Since the December 15, 2015, Board meeting, the Public Information Officer (PIO) has engaged in the following communications activities in furtherance of the G.A.B.'s mission:

Voter ID Public Information Campaign: The PIO has worked with agency management to relaunch the Bring It to the Ballot public information campaign. On February 1, the agency held a news conference to announce the relaunch of the campaign, which coincided with a communication to Wisconsin Broadcasters Association member stations asking them to begin using the campaign's audio and video public service announcements. The agency does not currently have a budget to purchase airtime for PSAs, either at market rates or through the Broadcasters Association's state contract. Director Kennedy and Elections Voter Services Specialist Meagan Wolfe spoke at the news conference, which generated dozens of news stories around the state. The PIO is also working with cable television companies to distribute the video PSAs. Since the news conference, the Bring It website has had more than 18,600 visits and nearly 17,000 unique visitors. The day before the primary there were 3,924 visits and on Election Day there were 5,124 visits. We are planning additional events in advance of the April 5 Spring Election and Presidential Preference Primary to generate additional earned media coverage of the voter photo ID requirement and the Bring It campaign.

WisVote Learning Center Website: After creating a new Elections Division training website (www.electiontraining.gab.wi.gov) in late 2015 for local election officials to prepare for deployment of the WisVote system in January 2016, the PIO has passed day-to-day management of the website to program staff. Since January 1, there have been 2,312 unique users who have made 7,276 visits.

Online: The PIO managed regular updates to the agency website and has begun planning for transition to websites for the new Elections and Ethics commissions.

Media: Media inquiries and interview requests have increased as the Spring Primary approached on February 16. The PIO has arranged numerous interviews for Director Kennedy and given several interviews when he was unavailable. There has also been media interest in the recently-settled Waukesha County litigation, the agency transition, new campaign finance laws and reports, lobbying reports and local ballot access issues. Between December 1, 2015 and February 19, 2016 the PIO logged 158 media and general public phone calls and 368 media email contacts.

Public Records: The PIO continues to lead the agency's response to numerous public records requests received in recent months.

Other: The PIO has also worked on orientation for new Board Members and has served on the agency's Transition Team, participating in three meetings with representatives of the Department of Administration.

7. Meetings and Presentations

During the time since the December 15, 2015, Board Meeting, Director Kennedy has been participating in a series of agency related meetings and working with agency staff on several projects. The primary focus of the staff meetings has been on agency transition, litigation and legislative activities.

Considerable attention will continue to be devoted to preparation for events related to the presidential election. The meeting of the Presidential Preference Selection Committee was held on January 5, 2016 in the State Capitol. This has engendered some litigation by Roque "Rocky" De La Fuente, who was not chosen by the Committee and whose petitions were deemed insufficient by the Board. The decisions of the Committee and the Board have been summarily upheld by the Dane County Circuit Court, the 4th District Court of Appeals and the State Supreme Court. The Presidential Preference Vote will be held on April 5, 2016.

The non-partisan primary was held on February 16, 2016. The nonpartisan election for judicial, county, municipal and school district offices will be held on April 5, 2016 in conjunction with the Presidential Preference Vote.

There have been numerous telephone and email communications with our Department of Justice attorneys as well as outside counsel on agency-related litigation. This includes several court hearings which will be discussed in closed session. There were also numerous briefings on the status of the WisVote implementation.

On December 16, 2015 the agency transition team of Kevin Kennedy, Sharrie Hauge and Reid Magney met with Deputy DOA Secretary Cate Zeuske and staff from the Department of Administration to begin discussion on the transition from the Government Accountability Board to the Elections and Ethics Commissions. A second meeting was held on January 20,

2016. A more detailed report is found at agenda item L. for the March 1, 2016 G.A.B. meeting.

On January 14, 2016 Director Kennedy was deposed by plaintiffs' counsel in One Wisconsin Institute et al. v. Nichol et al. He was deposed again as the agency representative on January 28, 2016. Elections Division Administrator Mike Haas and lead elections specialist Diane Lowe were also deposed in the litigation. The case is scheduled for trial the last two weeks in May of this year.

On January 20, 2016, key agency staff presented a new member orientation for Judge Edward Leineweber. Judge Leineweber was appointed to the Government Accountability Board earlier this year.

On January 21, 2016, Director Kennedy made a presentation to the Marathon County Democratic Party in Wausau. The subject of the presentation was The Government Accountability Board – Past, Present and Future.

Director Kennedy was interviewed by news media several times during the period since the last Board meeting. This included a radio interview with John Colbert of WIBA that ran in several segments before the February primary. He also appeared on Madison television, WISC-TV – Live at 4, to discuss implementation of the photo ID law. On February 1, 2016 Director Kennedy, along with our voter services specialist Meagan Wolfe, held a media availability to discuss implementation plans for the voter identification law which went into statewide effect for in-person absentee voting and the February primary. Director Kennedy was also interviewed by the Milwaukee Journal Sentinel about disclosure under the new campaign finance law in anticipation of Sunshine Week.

Director Kennedy and Elections Division Administrator Mike Haas attended the winter meeting of the National Association of State Election Directors (NASSED). Mike Haas participated on a panel with election directors from Arkansas and Connecticut on the topic, Contingency Planning/Crisis Management and How to Address the Media. Director Kennedy made presentation to NASSED Members in closed session on 2016 Election Litigation Trends.

Delegated Authority

Director and General Counsel Kennedy issued a series of opinions and orders related to ballot access decisions of local filing officers. The agency upheld local filing officer decisions in two cases and reversed decisions in three other cases. Copies of the opinions and orders were distributed to Board Members at the time they were issued.

8. Looking Ahead

The next Board meeting is scheduled for Tuesday, April 26, 2016. The meeting will be held at the State Capitol beginning at 9:00 a.m.