

Meeting of the Board  
Tuesday, March 20, 2012

Agenda  
Open Session

9:00 A.M.

G.A.B. Conference Room  
212 East Washington Avenue, Third Floor  
Madison, Wisconsin

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**Tuesday, March 20, 2012**

**9:00 A.M.**

**Page**

- A. Call to Order**
- B. Director’s Report of Appropriate Meeting Notice**
- C. Minutes of Previous Meetings**
  - 1. December 13, 2011 Meeting** **3**
  - 2. January 12, 2012 Meeting** **10**
  - 3. February 7, 2012 Meeting** **14**
- D. Personal Appearances**
- E. Report on Recall Petition Review**
- F. Report on Military and Overseas Voter Initiative** **17**
- G. Legislative Status Report** **19**
- H. Director’s Report**
  - 1. Ethics and Accountability Division Report—campaign finance, ethics, and lobbying administration.**
  - 2. Elections Division Report – election administration.** **30**
  - 3. Office of General Counsel Report – general administration** **45**
- I. Closed Session**

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

March 20, 2012 Agenda

- 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 Friday, March 30, 2012 to review the sufficiency of recall petitions in Room 412 East at the State Capitol building beginning at 9:00 a.m. The next regularly scheduled Board meeting is Tuesday, May 15 2012 at the Government Accountability Board offices, 212 East Washington Avenue, Third Floor in Madison, Wisconsin beginning at 9:00 a.m.

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

# State of Wisconsin\Government Accountability Board

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JUDGE THOMAS H. BARLAND  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

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## Wisconsin Government Accountability Board

212 East Washington Avenue  
Madison, Wisconsin  
December 13, 2011  
9:00 a.m.

### Open Session Minutes

<u>Summary of Significant Actions Taken</u>	<u>Page</u>
A. Approved Minutes of Previous Meetings	1
B. Approved Recall Petition Processing Procedures	2
C. Approved Procedures for Waukesha County Clerk	3
D. Approved Guidance on Central Count Absentee Locations	3
E. Approved Permanent Rule GAB 1.28 relating to the Scope of Regulation	4

Present: Judge Thomas H. Barland, Judge Gerald Nichol, Judge Michael Brennan, Judge Thomas Cane, Judge David Deininger, and Judge Timothy Vocke

Staff present: Kevin Kennedy, Nathaniel E. Robinson, Jonathan Becker, Shane Falk, Michael Haas, Sharrie Hauge, Ross Hein, Katie Mueller, David Buerger and Reid Magney

### **A. Call to Order**

Chairperson Barland called the meeting to order at 9:00 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. Approval of Minutes of Previous Meetings**

**November 9, 2011 Meeting – Open Session**

**MOTION:** Approve the Open Session minutes of the meeting of November 9, 2011. Moved by Judge Deininger, seconded by Judge Cane. Motion carried unanimously.

#### **D. Public Comment**

**Orville Seymer of Milwaukee** appeared on behalf of CRG Network to ask about the status of public records requests he has made of the G.A.B.

Discussion.

**Fred Zaug of New London** appeared on his own behalf to ask questions about the Board's plans to review recall petition signatures and how it will eliminate duplicate signatures.

Discussion.

**Ron Reynolds** of Waupaca appeared on his own behalf to ask questions about the Board's plans to review recall petition signatures. He said he saw a "kid" signing a recall petition.

Discussion.

**Ardis Cerny of Pewaukee** appeared on her own behalf to ask questions about the Board's approach to promoting voting. She suggested the Board have two partisan co-counsels instead of nonpartisan counsels.

Discussion.

**Mary Ann Hanson of Brookfield** appeared on her own behalf to comment on Agenda Item H regarding Central Count Absentee Guidance. She said absentee voting is a privilege for those who are unwilling or unable to vote in person, and that the proposed guidance will undermine confidence in the system.

#### **E. Report on Recall Administrative Preparations**

Elections Division Administrator Nathaniel E. Robinson introduced Elections Specialists Katie Mueller and David Buerger, who provided an oral and written report about preparations for the Board's review of recall petitions for State Senators, the Governor and Lt. Governor.

Discussion.

**MOTION:** Approve the proposed administrative processes as outlined in Section II of the staff's memorandum for the review and processing of recall petitions offered for

filing in 2012. Moved by Judge Vocke, seconded by Judge Nichol. Motion carried unanimously.

Judge Barland called a recess from 10:45 a.m. to 11 a.m.

## **F. Report on Voter Identification Public Information Campaign**

Chief Administrative Office Sharrie Hauge and Public Information Office Reid Magney presented an oral and written report regarding the public information and public outreach campaigns developed by the staff in response to 2011 Wisconsin Act 23, the Voter Photo ID Law.

Discussion.

## **G. Review of Waukesha County Election Night and Canvass Reporting Practices**

Elections Supervisor Ross Hein presented an oral and written report regarding the G.A.B. review of Waukesha County Clerk Kathy Nickolaus' compliance with the Board's September 12, 2011, order to conform her conduct to law and to take steps to ensure that documented procedures for the collection, posting, compiling and canvassing of election results are in place for future elections. Clerk Nickolaus has cooperated with staff to develop comprehensive procedures that ensure transparency and provide security, documentations, checks and balances.

Clerk Nickolaus displayed and demonstrated new ballot bags.

Discussion.

**MOTION:** Accept and approve the proposed procedures for posting election night returns; receiving and securing election materials from municipalities; and preparing for and conducting the county canvass. Moved by Judge Deininger, seconded by Judge Cane. Motion carried unanimously.

## **H. Proposed Guidance on Central Count Absentee Vote Locations**

Staff Counsel Shane Falk presented an oral and written report. He said the guidance was developed based on requests from Milwaukee city and county officials after issues arose related to prosecution of a Milwaukee couple for double voting. The law specifically permits a voter to appear at the polling place on Election Day and have his or her absentee ballot voided; however, the law also imposes upon municipal clerks the duty to conduct a reconciliation of absentee and in-person poll lists. Staff developed the guidance and gave local election officials the opportunity to comment.

Discussion.

**MOTION:** Approve the draft revised guideline for central count absentee and direct staff to incorporate more specific information on central count absentee processes in the Election Day Manual and G.A.B. training. Moved by Judge Vocke, seconded by Judge Cane.

Discussion. Judge Barland said he has concerns, and believes the Board needs to rethink the whole process of central count absentee voting.

Motion carried.

**MOTION:** Direct staff to notify all clerks, but specifically the clerks for municipalities with an existing central count absentee process or which are considering it, of the revised guidance and inform them that they must conform their conduct to the law. Moved by Judge Vocke, seconded by Judge Cane. Motion carried unanimously.

**MOTION:** Direct staff to investigate and recommend statutory changes to Central Count procedures. Moved by Judge Deininger, seconded by Judge Cane. Motion carried unanimously.

## **I. Legislative Status Report**

Michael Haas provided a written report.

## **J. Administrative Rules**

### **Approve Permanent Rule GAB 1.28 relating to the Scope of Regulation**

Staff Counsel Shane Falk provided an oral and written report.

**MOTION:** Approve the Notice of Proposed Order Adopting Rule Amending ch. GAB §1.28(3)(b) contained in the meeting materials starting on page 69. Moved by Judge Deininger, seconded by Judge Cane. Motion carried unanimously.

**MOTION:** Adopt a reasonable practice of soliciting information and advice from those that may be affected by a proposed rule-making - solicitations via an email notice directing the recipient to the G.A.B. website for detailed information, with a 14/30/60 calendar day deadline to respond to G.A.B. as applicable, and of only the following for the provided subjects:

1. All clerks for proposed election and campaign finance rules.
2. All campaign finance registrants for proposed campaign finance, ethics and lobbying rules.
3. Top state public officials who have filed a Statement of Economic Interests with the G.A.B. for proposed ethics rules.
4. Registered lobbyists and lobbying principals for proposed lobbying rules;

5. Wisconsin Manufacturers and Commerce for all campaign finance, ethics, and lobbying rules with a recommendation that it circulates the solicitation to all its members for comment directly to the G.A.B.
6. Wisconsin Democracy Campaign, League of Women Voters, Common Cause of Wisconsin, Disability Rights of Wisconsin, and the Wisconsin Board for Persons with Developmental Disabilities for proposed elections, campaign finance, ethics, and lobbying rules.
7. Any individual who has requested to receive information and other persons identified by the agency as potentially interested parties as to requested or identified subjects.

Pursuant to §5.05(1)(e), Wis. Stats., the Board delegates authority to the Director and General Counsel to make a finding under Executive Order #50, Sec. IV(8), that a proposed rule does not have an economic impact.

Moved by Judge Cane, seconded by Judge Nichol. Motion carried unanimously.

## **K. Director's Report**

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

Written report from Division Administrator Jonathan Becker was included in the Board packet.

### **Elections Division Report – election administration**

Written report from Division Administrator Nathaniel E. Robinson was included in the Board packet.

### **Office of General Counsel Report – general administration**

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

Director Kennedy asked the Board whether it wanted to waive its per diem for the teleconference meeting December 5, 2011.

**MOTION:** Waive the Board's per diem for the teleconference meeting December 5, 2011, except for Judge Vocke, who attended the meeting in person. Moved by Judge Brennan, seconded by Judge Cane. Motion carried unanimously.

Judge Barland asked about an item on page 94 of the Board materials. Ross Hein explained it relates to redistricting, and that staff is working first with local election officials who have primary elections on February 21.

## **L. Closed Session**

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

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

Roll call vote: Barland:	Aye	Brennan:	Aye
Cane:	Aye	Deininger:	Aye
Nichol:	Aye	Vocke:	Aye

Motion carried. The Board convened in closed session at 1:40 p.m.

## **L. Adjourn**

The Board adjourned in closed session at 2:50 p.m.

####

The next regular meeting of the Government Accountability Board is scheduled for Thursday, January 12, 2012, at the G.A.B. office, 212 E. Washington Ave., in Madison, Wisconsin beginning at 9 a.m.

December 13, 2011 Government Accountability Board meeting minutes prepared by:

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Reid Magney, Public Information Officer

March 7, 2012

December 13, 2011 Government Accountability Board meeting minutes certified by:

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Judge Gerald Nichol, Acting Board Secretary

March 20, 2012

DRAFT

# State of Wisconsin\Government Accountability Board

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JUDGE DAVID G. DEININGER  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

## Wisconsin Government Accountability Board

212 East Washington Avenue  
Madison, Wisconsin  
January 12, 2012  
9:00 a.m.

### Open Session Minutes

<u>Summary of Significant Actions Taken</u>	<u>Page</u>
A. Selection of Board Officers	1
B. Delegated Certain Authority to the Director and General Counsel	2
C. Approved Ballot Access Report	2
D. Approve Scope Statement for Proposed Rule Permitting Use of Technical College Student Identification Cards for Voting	3

Present: Judge David Deininger (in person) Judge Thomas H. Barland, Judge Gerald Nichol, Judge Michael Brennan, and Judge Thomas Cane (by telephone)

Staff present: Kevin Kennedy, Nathaniel E. Robinson, Jonathan Becker, Shane Falk, Michael Haas, Ross Hein, and Reid Magney

### **A. Call to Order**

Judge Deininger called the meeting to order at 9:15 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 Deininger drew his own name to be G.A.B. Chair for 2012, and then drew the names of Judge Brennan to be G.A.B. Vice Chair and Judge Nichol to be G.A.B. Secretary for 2012.

**D. Delegation of Certain Authority to the Director and General Counsel**

**MOTION:** Delegate certain provisions of the Board’s authority to the Director and General Counsel as set out on page 4 of the G.A.B. meeting materials of January 9, 2012. Moved by Judge Nichol, seconded by Judge Cane.

Roll call vote: Barland: Aye Brennan: Aye  
Cane: Aye Deininger: Aye  
Nichol: Aye

**E. Personal Appearances on Ballot Access**

Director Kennedy reported that one candidate, Michael Koran, was not recommended for ballot access. He said Mr. Koran had not responded to staff’s attempts to contact him.

**F. Ballot Access Report**

Staff Counsel Michael Haas presented an oral and written report regarding ballot status issues. He said Michael Koran did not qualify for the judicial race in the Menominee-Shawano district court because he has not been a practicing attorney for at least five years. There is no record that he has ever been a practicing attorney.

Judge Barland joined the meeting telephonically at 9:33 a.m.

**MOTION:** Affirm ballot status for all the candidates recommended to the Board in the memo “Ballot Access for the 2012 Spring Election.” Sustain the challenge filed by Jeremy Weso related to the candidacy of Michael Koran for the office of Circuit Court Judge for the Menominee-Shawano Circuit court, Branch 2, and determine that Mr. Koran is not an eligible candidate for that office. Moved by Judge Cane, seconded by Judge Brennan.

Roll call vote: Barland: Aye Brennan: Aye  
Cane: Aye Deininger: Aye  
Nichol: Aye

**MOTION:** Direct staff to refer Mr. Koran to the Menominee-Shawano District Attorney for further investigation related to falsification of his declaration of candidacy and nomination papers. Moved by Judge Brennan, seconded by Judge Nichol.

Roll call vote: Barland: Aye Brennan: Aye  
Cane: Aye Deininger: Aye  
Nichol: Aye

## **G. Administrative Rules**

### **Approve Scope Statement for Proposed Rule Permitting Use of Technical College Student Identification Cards for Voting**

Director Kennedy provided an oral and written report. Michael Haas reported that this is the first of three rules that the Joint Committee on Review of Administrative Rules directed the Board to promulgate.

**MOTION:** Approve the proposed statement of scope for an emergency and permanent rule permitting the use of Technical College student identification cards for voting and direct staff to prepare a proposed rule for the Board’s consideration at a later meeting. Moved by Judge Nichol, seconded by Judge Barland.

Roll call vote: Barland:	Aye	Brennan:	Aye
Cane:	Aye	Deininger:	Aye
Nichol:	Aye		

## **H. Report on Recall Petition Review Preparations**

Elections Division Administrator Nat Robinson provided an oral report. He updated the Board on preparations for the offer for filing of recall petitions on January 17 of the Governor, Lt. Governor and four State Senators. The staff has found appropriate office space, assembled a team and secured necessary equipment. The Department of Administration and the Capitol Police have provided invaluable assistance. Ross Hein is the project director, Katie Mueller is the project manager and Richard Rydecki is the project assistant.

## **I. Director’s Report**

Kevin Kennedy provided an oral report. He said a special meeting will need to be held in the first week of February to deal with administrative rules. By consensus, the Board set a tentative meeting date of February 7, 2012 at 9:00 a.m. in Madison.

Director Kennedy also updated the Board on the nomination process to fill the Board seat vacated by Judge Vocke’s resignation following the December 2012 meeting, as well as the anticipated vacancy in May at the end of Judge Nichol’s term. He reported that he is working with the Governor’s office on the appointment process.

**MOTION:** For Board members to waive their per diems for the January 2012 meeting. Moved by Judge Cane, seconded by Judge Barland.

Roll call vote: Barland:	Aye	Brennan:	Aye
Cane:	Aye	Deininger:	Aye
Nichol:	Aye		

## J. Closed Session

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

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

Roll call vote: Barland:	Aye	Brennan:	Aye
Cane:	Aye	Deininger:	Aye
Nichol:	Aye		

Motion carried. The Board convened in closed session at 10:24 a.m.

## L. Adjourn

The Board adjourned in closed session at 12:17 p.m.

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The next regular meeting of the Government Accountability Board is scheduled for Tuesday, February 7, 2012, at the G.A.B. office, 212 E. Washington Ave., in Madison, Wisconsin beginning at 9:00 a.m.

January 12, 2012 Government Accountability Board meeting minutes prepared by:

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Reid Magney, Public Information Officer

March 7, 2012

January 12, 2012 Government Accountability Board meeting minutes certified by:

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Judge Gerald Nichol, Board Secretary

March 20, 2012

# State of Wisconsin\Government Accountability Board

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JUDGE DAVID G. DEININGER  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

## Wisconsin Government Accountability Board

212 East Washington Avenue  
Madison, Wisconsin  
February 7, 2012  
9:00 a.m.

### Open Session Minutes

<u>Summary of Significant Actions Taken</u>	<u>Page</u>
A. Approve Proposed Rule Permitting Use of Technical College Student Identification Cards for Voting	2

Present: Judge David Deininger and Judge Thomas H. Barland (in person), Judge Gerald Nichol, Judge Michael Brennan, and Judge Thomas Cane (by telephone)

Staff present: Kevin Kennedy, Nathaniel E. Robinson, Jonathan Becker, Shane Falk, Katie Mueller and Reid Magney

### **A. Call to Order**

Judge Deininger called the meeting to order at 9:01 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. Personal Appearances**

**Larry Gamble of Franklin** appeared on behalf of the Wisconsin Grandsons of Liberty and Verify the Recall to discuss his group's plans to use 13,000 volunteers to data enter information from recall petitions so they can be verified.

**Ross Brown of Verona** appeared on behalf of We the People of the Republic and Verify the Recall. He asked the Board to recognize Verify the Recall as a real entity and accept challenges to petitions based on the group's work.

**Amy Moran of Madison** appeared on her own behalf to express concern about the Board’s decision to publish copies of the recall petitions on the Internet. She said open publication of the petitions is a disincentive to future participation in recall efforts. She distributed a letter delineating her position.

**D. Administrative Rules**

**Approve Proposed Rule Permitting Use of Technical College Student Identification Cards for Voting**

Director Kevin Kennedy provided an oral and written report. He also referred to a letter from the Wisconsin Technical College System supporting the rule. Governor Walker has approved publication of the scope statement, and staff has developed the proposed emergency and permanent rule.

**MOTION:** Approve the proposed statement of scope for an emergency and permanent rule permitting the use of Wisconsin Technical College System student identification cards for voting and direct staff to submit the proposed rule for approval by the Governor. The Board further directs staff to set a time for a public hearing on the proposed emergency rule once approval is received from the Governor. Moved by Judge Barland, seconded by Judge Cane.

Roll call vote: Barland:	Aye	Brennan:	Aye
Cane:	Aye	Deininger:	Aye
Nichol:	Aye		

**E. Report on Recall Petition Review Preparations**

Director Kennedy provided an oral and written report regarding issues dealt with by the staff regarding recall petitions and their review, including the decision to post copies of the petitions on the website; decisions regarding accepting challenges and other information from third parties; and searching for and eliminating fictitious and duplicate signatures.

Discussion.

**F. Director’s Report**

Director Kennedy provided an oral report on efforts to implement the Voter Photo ID Law; notice received from the Department of Administration that 26 project positions funded through HAVA have been extended for three years; efforts to implement new voting districts; and efforts to secure funding for the recall review process from the Joint Committee on Finance.

Discussion.

## J. Closed Session

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

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

Roll call vote: Barland:	Aye	Brennan:	Aye
Cane:	Aye	Deininger:	Aye
Nichol:	Aye		

Motion carried. The Board recessed at 10:06 a.m. and convened in closed session at 10:19 a.m.

## L. Adjourn

The Board adjourned in closed session at 1:00 p.m.

#####

The next regular meeting of the Government Accountability Board is scheduled for Tuesday, March 20, 2012, at the G.A.B. office, 212 E. Washington Ave., in Madison, Wisconsin beginning at 9:00 a.m.

February 7, 2012 Government Accountability Board meeting minutes prepared by:

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Reid Magney, Public Information Officer

March 14, 2012

February 7, 2012 Government Accountability Board meeting minutes certified by:

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Judge Gerald Nichol, Board Secretary

March 20, 2012

# State of Wisconsin \ Government Accountability Board

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JUDGE DAVID G. DEININGER  
Chairperson

KEVIN J. KENNEDY  
Director and General Counsel

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## MEMORANDUM

**DATE:** For the March 20, 2012 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:  
Nathaniel E. Robinson  
Elections Division Administrator

**SUBJECT:** Notification of Receipt of \$1.9 Million Federal Grant Award  
U. S. Department of Defense/Federal Voting Assistance Program  
Development of a Comprehensive Online Request and Delivery Ballot Delivery System

On Monday, March 5, 2012, the Wisconsin Government Accountability Board (G.A.B.), was awarded a competitive \$1.9 million Federal Grant by the U. S. Department of Defense, Federal Voting System Program (FVAP) to create an Online Ballot Delivery System for Military and Overseas Electors. The Grant Period is March 5, 2012 until November 30, 2016.

This award is similar to the \$2 million dollar nationally competitive grant received in mid-2008 from the U. S. Election Assistance Commission to improve our election data collection processes, in that it does not require any State matching funds.

The new procedures to be created, will be integrated with our existing Statewide Voter Registration System's (SVRS) voter look-up functionality available to the public (Voter Public Access – VPA), online registration, and ballot tracking tools to create a cost-effective process which offers a simple, straightforward voting experience for Wisconsin's Military and Overseas, or Uniform Overseas Citizens Absentee Voting Act (UOCAVA) Electors.

The intent is for Comprehensive Online Request and Delivery Ballot Delivery System to allow Military and Overseas electors/ UOCAVA Electors to access an online ballot immediately without having to wait for a reply from an election official.

The proposed System requires the creation of four new primary applications: A Ballot Preparation Tool; an Online Absentee Ballot Request feature; an Online Ballot Delivery Tool; and, a Data Collection and Evaluation Portal. The overall System will include the following high level components:

1. Ballot Preparation Tool: This tool will allow election officials to enter their ballot styles in a single template that can then be used by G.A.B. for the online ballot delivery tool, by voting equipment programmers, and by ballot printers.
2. Voter Look-up Tool: UOCAVA Electors can see if they are registered and if so, verify that their information is current.
3. Online Registration Tool: The registration tool will allow military electors to provide needed personal information online immediately, and overseas electors to complete a registration form, print off their pre-filled registration form, sign, and mail.
4. Online Absentee Ballot Request: UOCAVA electors will be able to request an absentee ballot in conjunction with their voter registration.
5. Online Ballot Delivery: Once online ballots are available, military voters as well as registered overseas voters will be immediately directed to their online ballot, where they can mark, print, and mail the ballot.
6. Notifications: The System will send notifications to election officials regarding UOCAVA electors' usage. UOCAVA Electors who have previously used the System will be notified when ballots are available online.
7. Online Ballot Tracking: The System will be connected to the current online ballot tracking system for UOCAVA electors and will automatically update when an UOCAVA Elector prints their ballot and when a local election official scans a returned ballot.
8. Data Collection and Evaluation: An application will be created to gather UOCAVA data from the SVRS, the Wisconsin Election Data Collection System, and the online ballot delivery tool, and make that data available to the public. This information will be used to evaluate system performance and so that continuous improved services will be provided to UOCAVA Electors.

Once this Comprehensive Online Request and Delivery Ballot Delivery System is proving to be reliable, efficient and effective for UOCAVA Electors, the intent is seek to provide these services to all voters who request to vote by absentee ballots.

# State of Wisconsin \ Government Accountability Board

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JUDGE DAVID G. DEININGER  
Chairperson

KEVIN J. KENNEDY  
Director and General Counsel

## MEMORANDUM

**DATE:** For the Meeting of March 20, 2012

**TO:** Members, Wisconsin Government Accountability Board

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

Prepared and Presented by:  
Michael Haas, Staff Counsel  
Nathan Judnic, Campaign Finance Auditor

**SUBJECT:** Legislative Status Report

The following is a summary of legislative proposals that Board staff is monitoring:

### **1. Assembly Bill 685: Judicial disqualification based on campaign financial support**

AB685 requires a judge to disqualify himself or herself from an action if, as a candidate for judicial office and within the past 4 years, the judge received campaign financial support of \$1,000 or more from a party to the action. Support includes direct contributions or independent disbursements supporting the judge or opposing the judge's opponent. Judge must disclose reason for disqualification. AB685 was referred to committee and has not been scheduled for a public hearing.

### **2. Assembly Bill 684: Notice of certain political contributions made to a judge or justice**

AB684 requires an "interested contributor" makes a political contribution to a judge, the person must within 5 days notify the judge and every party to the court action of the fact that the contribution was made, and the amount. "Interested contributor" is a party to a pending action, an affiliate of such a party, spouse, child, minor stepchild, an attorney representing a party, law firm or those in the law firm. Subject to penalties for failure to report. AB684 was referred to committee and has not been scheduled for a public hearing.

### **3. Assembly Bill 642: Regulation of campaign finance activity, public financing of elections for state offices, extending time limit for emergency rule procedures, providing exemption from emergency rule procedures**

AB642 imposes registration and reporting requirements for groups making expenditures 60 days prior to an election as well as obligations incurred prior to registration. Scope of activity reported

is expanded. AB642 also reinstates public financing of campaigns for state office. AB642 was referred to committee and has not been scheduled for a public hearing. Fiscal estimate received by Assembly.

**4. Assembly Bill 525: Return of absentee ballots, submittal of proof of ID with absentee ballot applications, voting in person by electors who have voted absentee**

AB525 provides that if an elector mails or delivers an absentee ballot personally to the clerk, the clerk shall not return the ballot to the elector. Also, an elector that mails or delivers an absentee ballot to a clerk may not vote at the same election in person on election day. AB525 deletes procedure under which a copy of an individual's proof of ID is provided with the voter's absentee ballot, rather it requires the ID with the ballot application. Public hearing held 2/6/12. Passed Assembly and referred to Senate Rules committee on 2/15/12.

**5. Assembly Bill 506: Requiring county clerk to organize first election of officers after incorporation of city or village**

Under current law, when a town is incorporated as a city or village, the clerk of the circuit court of the county where the incorporation petition was filed is required to organize the first election for the newly incorporated city or village officers. Under AB506, the responsibility for organizing the election is changed to the county clerk of the county in which the petition was filed. AB506 passed the Assembly on 2/16/12. The Senate concurred on 3/13/12.

**6. Senate Bill 553: Veteran's ID cards for proof of identification for voting**

SB553 permits the use of ID cards issued by the VA to be used as proof of identification for voting. SB553 was referred to committee and has not been scheduled for a public hearing.

**7. Senate Bill 528 and Assembly Bill 365: Electronic voter registration**

SB528 and AB365 are companion bills. These bills permit a qualified elector with a current and valid driver's license or DOT identification card to register to vote electronically on a secure internet site maintained by the Government Accountability Board. AB365 also permits an elector who is registered and has a current and valid driver's license or identification card to electronically enter a change of name or address using a similar procedure. Under AB365, electronic registrations would be treated the same as mail-in registrations. SB528 and AB365 were referred to committee and have not been scheduled for public hearing. Fiscal estimate received by Assembly.

**8. Senate Bill 481 and Assembly Bill 639: Proof of identification for voting by university, college or technical school students**

SB481 and AB639 are companion bills. The bills add technical college ID's to the statutory list of acceptable documents that can be used as proof of identification for voting purposes. SB481 and AB639 were referred to their respective committee and have not been scheduled for a public hearing.

**9. Assembly Bill 460: Use of university, or technical college ID cards as proof of ID for voting**

AB460 permits any photo ID card issued by a university or college or by technical college that is part of the state tech college system to be used as proof of ID for voting. AB460 was referred to committee and has not been scheduled for a public hearing.

**10. Senate Bill 446 and Assembly Bill 591: Political disbursements and reporting under campaign finance law for corporations, cooperative associations and labor unions**

SB446 and AB591 are companion bills. The bills provide that if a court finds that a prohibition against the making of political expenditures by corporations or similar entities is not enforceable for constitutional reasons, the GAB must publish a finding to that effect. If such a finding is in place, an entity must receive an express approval of the majority of the entity's board to make a disbursement, with a filed statement to the same effect with their campaign finance report. Various changes to the scope and timing of campaign finance reporting and penalties for failure to comply. SB446 and AB591 were both referred to their respective committees and have not been scheduled for a public hearing.

**11. Senate Bill 386 and Assembly Bill 481: Voter registration at high schools and certain tribal school**

SB386 and AB481 are companion bills. The bills remove the requirement and procedures for voter registration of students and staff at high schools and certain private and tribal schools. SB386 passed the Senate on 2/21/12 and was concurred in the Assembly on 3/13/12. AB481 was passed by Assembly committee on Election and Campaign Reform, but then laid on the table in the Assembly on 3/13/12.

**12. Senate Bill 381 and Assembly Bill 476: County and municipal canvassing procedures, provisional ballot information, deadline for recount petitions, terms of town officers, date of annual town meeting, technical revisions to certain election laws**

SB381 and AB476 are companion bills. The bills provide that municipal board of canvassers must meet no later than 9 a.m. on the Monday following each election and report returns to counties no later than 4 p.m. on the Monday following each election. Also county board of canvassers must meet no later than 9 a.m. the Tuesday after each election and must report returns for each primary other than the partisan primary no later than 9 days after the primary is held.

SB381 and AB476, in addition, direct municipal clerks to post provisional ballot information online. The bills also change: (i.) the date a recount petition can be filed, (ii.) the terms of town officers; (iii.) the date on which the annual town meeting is held.

Of these two companion bills, AB476 was laid on the table in the Assembly, while SB386 was **Published as Wisconsin Act 115 on 2/20/12.**

**13. Senate Bill 376: WEDC positions covered under the code of ethics for state public officials**

SB376 provides for the creation and coverage of certain positions of the Wisconsin Economic Development Corporation (WEDC) under the code of ethics for state public officials. Referred to committee. Public hearing held 1/25/12. Passed Senate on 3/7/12 and messaged to Assembly.

**14. Senate Bill 374 and Assembly Bill 472: Offering anything of value to induce someone to sign or not sign a recall petition**

SB374 and AB472 are companion bills. The bills provide that a person who offers anything of value to induce an elector to sign or refrain from signing a recall petition is guilty of a Class I felony. SB 374 was passed by the Senate committee on Transportation and Elections, and was made available for scheduling on 1/12/2012. AB 472 was passed in the Assembly on 3/13/12. It was then referred to the committee on Senate Organization and made available for scheduling on 3/13/12.

**15. Senate Bill 367 and Assembly Bill 545: Signing a recall petition for the same officer more than once**

SB367 and AB545 are companion bills. The bills prohibit any person from signing a recall petition for the same officer more than once during the same 60-day circulation period. Penalty: Misdemeanor and fine not more than \$1,000 or imprisonment of not more than 6 months. Referred to committee. Senate public hearing held 1/12/12. Executive action taken, report passed Senate committee with amendments and available for scheduling 1/12/12. AB545 still in committee and no public hearing has been scheduled.

**16. Senate Bill 340: Requirements for candidates to appear on the ballot of a recognized political party**

SB340 requires individuals seeking to appear on the ballot of a recognized political party to sign a statement indicating that he or she adheres to the principles of the party under which the signer's name will appear on the ballot. SB340 was referred to committee and has not been scheduled for a public hearing.

**17. Senate Bill 334: Verification of identity of nomination paper and petition circulators**

SB334 requires a circulator to submit a sworn affidavit affirming the circulator's identity. SB334 was referred to committee and has not been scheduled for a public hearing.

**18. Senate Bill 329 and Assembly Bill 444: Restoration of voting rights for felons, changing information on voter registration forms, voting procedures for felons**

SB329 and AB444 are companion bills. These bills restore the rights of a felon to vote while they are not incarcerated for the felony offense. Voter registration form is changed to reflect a voter's affirmation regarding a felony conviction. Deletes the requirement for DOC to provide a felon list to election officials. Requires DOC, GAB, the director of state courts to include in training

programs the requirements of this bill. SB329 and AB329 were referred to committee and have not been scheduled for a public hearing. Fiscal estimate received by the Senate and Assembly.

**19. Senate Bill 323: Birth certificates requested for the purpose of voting**

SB323 allows a person to obtain a free birth certificate for one year following the effective date of the bill if the person needs the birth certificate in order to obtain a driver's license or identification card for the purposes of voting. SB323 was referred to committee and has not been scheduled for a public hearing.

**20. Senate Bill 311 and Assembly Bill 393: Voter intimidation or suppression near polling places**

SB311 and AB393 are companion bills that create criminal penalties for any voter intimidation or suppression conducted within 500 feet of a polling place. Both bills were referred to committee and have not been scheduled for a public hearing.

**21. Senate Bill 298: Enclosure of absentee ballots in privacy envelopes**

SB298 directs election officials to provide a privacy envelope for each absentee ballot. It also directs election officials to enclose an absentee ballot received electronically or by fax in a privacy envelope before enclosing it in the certificate envelope. SB 298 was referred to committee and has not been scheduled for public hearing. Fiscal estimate received by committee.

**22. Senate Bill 281: Certain communications made for political purposes**

SB281 places additional requirements on political communications made through radio and television. Requirements for radio must be spoken at the beginning and end of the communication, and requirements for television must appear on the screen during the entire communication over the full width of the screen and must be readable to viewers. SB281 was referred to committee and has not been scheduled for public hearing.

**23. Senate Bill 271: Voting at the polls by electors who voted by absentee in the same election**

SB271 provides that if an elector casts an absentee ballot, either by mail or in person, the municipal clerk or board of election commissioners shall not return the ballot to the elector. SB271 also provides that an elector who casts an absentee ballot at an election is not permitted to vote in person at the same election on Election Day. Passed by Senate, messaged to Assembly. Special order of business scheduled for 3/13/12 in Assembly.

**24. Senate Bill 270: Notary requirement for recall petition circulators**

SB270 requires that when a circulator signs a petition for the recall of an elective officer, the statement must be in the form of an affidavit acknowledged by a notary who administers an oath affirming the circulator's identity and that the circulator appeared before the notary and executed the statement in the notary's presence. Bill withdrawn by Sen. Liebham (co-author).

**25. Assembly Bill 389: Authority of a state agency to promulgate rules interpreting statutory provisions**

AB389 eliminates all changes made to the administrative ruling making process by Wisconsin Act 21, thereby restoring prior law. AB389 was referred to committee and has not been scheduled for public hearing. Fiscal estimate received by Assembly.

**26. Assembly 366: Notice of the fee for DOT-issued identification cards**

AB366 requires the Department of Transportation (DOT) to post signs advising customers that identification cards may be available without charge for the purposes of voting. AB366 was referred to committee and has not been scheduled for public hearing. Fiscal estimate received by Assembly.

**27. Senate Bill 269 and Assembly Bill 169: Residency of election officials**

SB269 and AB169 are separate versions of bills that allow an individual who serves as an election official at a polling place on Election Day to be an elector of the county where he or she serves. AB169 was referred to committee and had a public hearing on June 9, 2011. Assembly substitute amendment offered by Rep. Pridemore on 10/31/11. No further action by Assembly. SB269 passed and messaged to Assembly on 2/14/12.

**28. Senate Bill 268: The applicability of Wisconsin Act 43 to special and recall elections**

SB268 provides that Wisconsin Act 43 first applies to special and recall elections for assembly representatives held concurrently with the 2012 general election and to special and recall elections for senators held on or after November 9, 2011. SB268 also provides that Act 43 first applies to petitions filed on or after November 9, 2011 for the recall of senators. SB268 was referred to committee and a public hearing was held on October 31, 2011. Senator Erpenbach has offered senate amendments 1, 2, and 3.

**29. Senate Bill 267 and Assembly Bill 370: Method for reporting election returns by municipalities**

SB267 allows a municipality that combines wards for voting purposes at a single location to also combine wards when reporting election returns, except when a separate ballot is required in a partisan or nonpartisan election, in which case the municipality must report separate results for the offices listed on each separate ballot. SB267 was referred to committee and a public hearing was held on October 31, 2011. It passed the Senate on November 2, 2011. It was received by the Assembly and has been referred to committee.

AB370 is the Assembly companion bill to SB267. AB370 was referred to committee and has not been scheduled for public hearing. LRB correction on 2/7/12.

**30. Senate Bill 256 and Assembly Bill 354: Fee exception for duplicate identification cards**

SB256 includes duplicate identification cards in the fee exception under Wisconsin Act 23, and requires that the Department of Transportation (DOT) charge no fee for duplicate identification cards. SB256 was referred to committee and has not been scheduled for public hearing. Fiscal estimates received by Senate.

AB354 is the Assembly companion bill to SB256. AB354 was also referred to committee and has not been scheduled for public hearing. Fiscal estimate received by Assembly.

**31. Senate Bill 245 and Assembly Bill 355: The GAB and administrative rule-making procedures requiring Governor Approval**

SB245 exempts the GAB from administrative rule-making requirements involving the approval of the governor. In particular, SB245 exempts the GAB from presenting for approval statements of the scope for proposed rules, the final draft form of the proposed rules, and the final draft form of all emergency rules. SB245 was referred to committee and has not been scheduled for public hearing.

AB355 is the Assembly companion bill to SB245. AB355 was also referred to committee and has not been scheduled for public hearing.

**32. Senate Bill 213 and Assembly Bill 317: Creation of a Wisconsin Election Campaign Fund**

SB213 and AB317 are companion bills that allow individuals to designate on their state income tax return \$1 to be transferred to an election campaign fund administered by the GAB and the state treasurer. Both bills were referred to committee and have not been scheduled for public hearing. Fiscal estimates have been received by both the Senate and Assembly on respective bill.

**33. Assembly Bill 296: Contributions used to finance recall petition drives**

AB296 makes contributions used to finance recall petition drives subject to the contribution limitations under campaign finance laws. AB296 was referred to committee and has not been scheduled for public hearing.

**34. Senate Bill 176 and Assembly Bill 268: Filling legislative vacancies**

SB176 and AB268 are companion bills that change statutes to specify that a special election must be ordered by the Governor within 60 days after a vacancy occurs in the senate or assembly, subject to the current exception. Both bills were referred to committee and have not been scheduled for public hearing.

**35. Assembly Bill 264: Political contributions by certain elective state officials**

AB264 prohibits any incumbent or elected partisan state official from accepting any political contribution for the purpose of promoting their nomination or reelection from January 1 of an

odd-numbered year up to the date the biennial budget act is enacted. AB264 also prohibits an incumbent governor or lieutenant governor, or an individual who has been elected to either of those offices from accepting any political contribution for the purpose of promoting their nomination or reelection from the day after the general election through the succeeding first Monday in January. Violators are subject to a civil penalty and intentional violators are guilty of a misdemeanor and may be fined not more than \$1,000 or imprisoned for not more than six months or both.

AB264 was referred to committee and has not been scheduled for public hearing.

### **36. Senate Bill 165: Birth certificates for Milwaukee County residents**

SB165 allows a resident of Milwaukee County to obtain a free birth certificate, for one year following its effective date, if the resident needs the birth certificate in order to obtain a driver license or identification card for the purpose of voting. SB165 was referred to committee and has not been scheduled for public hearing. Fiscal estimate received by Senate.

### **37. Senate Bill 162 and Assembly Bill 226: Notice of the fee for free ID cards**

SB162 and AB226 are companion bills that would require the Department of Transportation (DOT) to include on its application forms for identification cards a statement that there is no fee for the initial issuance, renewal, or reinstatement of an identification card for voting purposes. The bills also require DOT staff to inform any person inquiring about an identification card that identification cards are available without charge for purposes of voting. Both SB162 and AB226 were referred to committee and have not been scheduled for public hearing. Fiscal estimates have been received by the Senate and Assembly for respective bills.

### **38. Senate Bill 148 and Senate Bill 149 and Senate Bill 150: Redistricting**

SB148, SB149, and SB150 are companion bills related to the state redistricting plans based on the 2010 federal census. SB148 redistricts state legislative districts and SB149 redistricts congressional districts. SB150 requires that municipal ward plans, and the aldermanic and supervisory districts upon which they are based, reflect municipal boundaries on April 1 of the year of each federal decennial census.

SB148, SB149, and SB150 were all referred to committee and had public hearings on July 13, 2011. The bills passed in the Senate on July 19, 2011. SB148 was amended with one senate amendment, and SB150 was amended with two senate amendments. SB149 was not amended. All bills were then concurred in by the Assembly on July 20, 2011. The governor approved SB148, SB149, and SB150 on August 9, 2011 and they were published on August 23, 2011 as **Wisconsin Act 43, 44, and 39** respectively.

### **39. Senate Bill 157 and Assembly Bill 198: Redistricting Standards**

SB157 and AB198 are companion bills that require the Legislative Reference Bureau and the Government Accountability Board to jointly develop standards for legislative and congressional

districts based on population requirements under the Wisconsin Constitution and the U.S. Constitution and requirements under Section 2 of the Voting Rights Act. Both bills were referred to committee and have not been scheduled for public hearing. Fiscal estimates received by Senate and Assembly for respective bills.

AB198 was withdrawn from Homeland Security and State Affairs and referred to committee on Assembly Organization.

#### **40. Assembly Bill 196: Restrictions on campaign finance rule making authority**

AB196 prohibits the promulgation of certain rules concerning campaign financing by the Government Accountability Board. Under AB196, the Board is unable to promulgate a rule that affects the authority of a corporation or cooperative to make a disbursement independently of a candidate or any agent or authorized committee of such a candidate. In addition, apart from the requirements imposed under the campaign finance law, the board is unable to impose upon any person, including any organization, any registration, reporting, filing, accounting, treasury, or fee payment requirement, or any attribution requirement in making communications.

Public hearing was held 2/6/12.

#### **41. Senate Bill 116 and Assembly Bill 161: Changing the September Partisan Primary**

SB116 and AB161 are companion bills which would change the date of the September primary from the 2nd Tuesday in September to the 2nd Tuesday in August, and rename it the "Partisan Primary". SB116 and AB161 also change the dates of related election events to accommodate the change in the date of the primary. In addition, the bills make various changes in the laws pertaining to absentee voting by military and overseas electors.

SB116 and AB161 were referred to committee and had public hearings on June 02, 2011. While in committee, AB161 was amended. It was then made a special order of business on November 1, 2011, and laid on the table.

While in the Senate, SB116 was amended and passed on June 08, 2011. It was then amended and concurred in the Assembly. The Senate concurred SB116 as amended in the Assembly, and the Governor approved. SB116 was published into law as **Wisconsin Act 75** on December 1, 2011.

#### **42. Senate Bill 115 and Assembly Bill 162: Changing the Presidential Preference Primary**

SB115 and AB162 are companion bills which would change the date of the presidential preference primary from the 3rd Tuesday in February to the first Tuesday in April in those years in which the president and vice president are elected. The bills also change the dates of all related election events to accommodate the change in the date of the primary.

Both SB115 and AB162 were referred to committee and had public hearings on June 02, 2011. While in committee AB 162 was amended with one substitute amendment and then referred to the committee on rules. On September 13, 2011 AB162 was laid on the table in the Assembly.

Note: This summary is current through the introduction of AB697, AJ133, AR24, SB558, SJR73 and SR22.

In the Senate, SB115 was amended with one senate substitute amendment and passed on June 08, 2011. The Assembly concurred on September 14, 2011. SB115 was then approved by the Governor on September 30, 2011 and published as **Wisconsin Act 45** on October 14, 2011.

**43. Senate Bill 35: Reducing legislative districts**

SB35 reduces the number of State Senators from 33 to 25 and the number of Assembly Representatives from 99 to 75. It would apply to the next decennial legislative redistricting that occurs after its enactment. SB35 was referred to committee and has not been scheduled for public hearing.

**44. Senate Bill 25 and Assembly Bill 36: Dissolving regional transit authorities**

SB25 and AB36 are companion bills which would eliminate legislative authorization to create regional transit authorities, dissolve any existing regional transit authority and the Southeastern Regional Transit Authority, and eliminate the Southeast Wisconsin transit capital assistance program. RTAs may conduct referendum elections, and therefore this legislation would affect the Board's administration of SVRS. The companion bills have been referred to the respective oversight committees. Fiscal estimates have been received by Senate and Assembly for respective bills.

**45. Assembly Bill 32: Communications by legislators**

AB32 would modify the statute which prohibits legislators who are up for re-election from distributing more than 49 pieces of substantially identical material between June 1st of the election year and the date of the election. The bill would create an exception for communications to constituents during the 45 days following a declaration of emergency if the communication relates to the subject of the emergency.

AB32 was referred to committee and had a public hearing on June 2, 2011. The bill was then referred to the committee on Rules on August 2, 2011. It passed in the Assembly on September 13, 2011 and was referred to committee in the Senate on September 14, 2011.

**46. Senate Bill 17 and Assembly Bill 28: Reporting by nonresident committees**

SB17 and AB28 are companion bills which would expand the amount of campaign finance information which is required to be reported by nonresident political committees. Currently such committees are required to report only contributions received by Wisconsin residents and expenditures made which involve Wisconsin elections. SB17 was referred to committee, but has not been scheduled for a public hearing. AB28 was also referred to committee, which held a public hearing on June 9, 2011.

**47. Senate Bill 6 and Assembly Bill 7 and Assembly Bill 67: Photo ID**

SB6 and AB7 were introduced as identical companion bills which would require electors to show a valid form of photo identification prior to receiving a ballot. SB6 was amended, but laid on the

table in the Senate on June 8, 2011. AB7 was also amended through two substitute amendments, but was made a special order of business before the Assembly on May 11, 2011. The Assembly adopted both substitute amendments, and passed the bill. The Senate concurred on May 19, 2011. The bill was then approved by the Governor on May 25, 2011 as **Wisconsin Act 23**, which was published on June 9, 2011.

AB67 was introduced as a separate companion bill to SB6 which would require electors to show a valid form of photo identification prior to receiving a ballot. AB67 would in addition change the deadlines for late registration and in-person absentee voting, and require G.A.B. to provide an interactive electronic registration form. The bill was referred to committee, but was not taken up.

**48. Assembly Joint Resolution 78: Criteria for legislative redistricting**

AJR78, proposed on first consideration, requires the establishment of competitive election criteria for redistricting the legislature following the completion of each census. AJR78 was introduced on December 1, 2011 and referred to committee.

**49. Senate Joint Resolution 68: Independent redistricting commission**

SJR68 removes the responsibility to reapportion the legislature and redraw congressional districts from the legislature and assigns it to an independent redistricting commission created by law. Commission's plans must be submitted to the voters in a referendum. SJR68 referred to committee, and has not been scheduled for a public hearing.

**50. Assembly Joint Resolution 63: Recall of elective officers and a code of ethics for government officials**

AJR63, proposed on first consideration, limits the grounds for the recall of an incumbent congressional, judicial, or legislative elective officer or any county elective officer specified in the Wisconsin Constitution. Under AJR63, an elective officer may be recalled only if they were charged with a serious crime or if a finding of probable cause has been made that they violated the state code of ethics. AJR63 passed Assembly on 3/6/12 and referred to Senate committee.

**51. Assembly Joint Resolution 56: Granting the right to vote to persons convicted of a felony or a certain misdemeanor**

AJR56, proposed on first consideration, grants felons and persons convicted of certain misdemeanors the right to vote as well as hold and run for public office. AJR56 was referred to committee.

**52. Assembly Joint Resolution 51: Constitutional amendment to change certain elected offices**

AJR51, proposed on first consideration, makes elections for the office of district attorney, sheriff, register of deeds, county clerk, treasurer, surveyor, coroner, and clerk of circuit court nonpartisan and changes the term of office to begin on the first Monday in June. AJR51 was referred to committee.

# State of Wisconsin\Government Accountability Board

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JUDGE DAVID G. DEININGER  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

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## MEMORANDUM

**DATE:** For the March 20, 2012 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:  
Nathaniel E. Robinson  
Elections Division Administrator

**SUBJECT:** Elections Division Update

### Election Administration Update

#### Introduction

Since the Government Accountability Board's December 13, 2011, meeting the Elections Division has focused on the following tasks:

1. Spring Primary: February 21, 2012

The Spring Primary was conducted on Tuesday, February 21, 2012. There were six circuit court offices that required primaries:

- Dane County Circuit Court Judge, Branch 11
- Kenosha County Circuit Court Judge, Branch 2
- Menominee-Shawano County Circuit Court Judge, Branch 2
- Milwaukee County Circuit Court Judge, Branch 17
- Oneida County Circuit Court Judge, Branch 2
- Rock County Circuit Court Judge, Branch 7

No petitions for recount were filed, and the primary was certified on March 6, 2012, for all offices except Milwaukee County Circuit Court Judge, Branch 17. Due to a canvassing error, the certification for Milwaukee County was delayed until March 12, 2012.

2. Spring Election and Presidential Preference Vote: April 3, 2012

Count Clerks have prepared ballots for the Spring Election and Presidential Preference Vote and delivered them to the municipal clerks for absentee voting.

3. Preparation for 2012 Partisan Primary and General Election

The Type A Notice of Election for the August 14, 2012 Partisan Primary and the November 6, 2012 General Election was sent to clerks on March 14, 2012. The Type A Notice is required to be published by county clerks no later than April 10, 2012.

Circulation of nomination papers for the Fall Election begins on April 15, 2012. Nomination papers and other ballot access documents for federal, state and county offices are due in the office of the filing officer no later than 5:00 p.m. on Friday, June 1, 2012. Independent candidates for the office of President of the United States may circulate nomination papers beginning July 1, 2012, and must be submitted to the Government Accountability Board no later than 5:00 p.m. on Tuesday, August 7, 2012.

4. Possible Petition for Ballot Status

Citizens Elect is seeking ballot status in Wisconsin. They have successfully gained ballot status in several other states. An agent for this organization has indicated that a ballot access petition will be submitted within a few days. A petition for ballot status may be circulated beginning January 1, 2012 and must be submitted no later than 5:00 p.m. on April 1, 2012. The petition requires 10,000 signatures, including at least 1,000 signatures of electors residing in each of at least 3 different congressional districts. Wis. Stats. § 5.62(2). If the petition is sufficient, Citizens Elect will be entitled to a separate ballot at a partisan primary.

2. Extended Operating Hours to Support Clerk Partners and Voter Customers Before, During and After the February 21, 2012 Spring Primary

Of Wisconsin's 1,851 municipalities, 522 conducted a Primary on February 21, 2012. G.A.B. staff continued the policy of offering extended office hours to our local election partners and voter customers in order to provide more effective election support for the Primary. The extended office hours schedule included the following:

- Thursday, February 16: 4:30 - 6:00 p.m.
- Friday, February 17: 4:30 - 6:00 p.m.
- Saturday, February 18: 9:00 a.m.- Noon
  
- Monday, February 20: 4:30 - 8:00 p.m.
- **Tuesday, February 21 (Primary Day) 6:30 a.m. - 9:00 p.m.**
- Wednesday, February 22: (No Extended Hours)
- Thursday, February 23: (No Extended Hours)
- Friday, February 24: 4:30 - 6:00 p.m.
- Saturday, February 25: 9:00 a.m. – 12 Noon

For the second time, staff used a new web-portal format to record Election Day Contacts from our clerk partners and public customers (voters). There were a total of 494 phone calls over the five day period immediately leading up to, on the day of the Primary and the day after. Of the 494 calls, 21 were from the public on election day inquiring if the election affected the callers.

The remainder of the phone calls were from Thursday, Friday and Saturday before the election (February 16-18, 2012), Monday, Tuesday and Wednesday (February 20-22, 2012), and Friday and Saturday (February 24-25, 2012), and were from municipal or county clerks inquiring about election administration, Voter Photo ID, and SVRS processing issues, Redistricting and the upcoming Recall Elections.

The busiest day other than Election Day was Thursday, February 16 with 81 calls received. The quietest day was Saturday, February 25 with only one telephone call Primary Election

4. Implementation of 2011 Wisconsin Act 23 (Photo ID)

All provisions of the Voter Photo ID Law formally took effect with the commencement of the February 21, 2012 Spring Primary. Effective at the end of the day on Tuesday, March 6, 2012, in compliance with a Circuit Court ruling, all preparations and activities for implementing the Voter Photo ID Law, including the G.A.B. Speaker's Bureau, special website, all Public Service Announcements and related Photo ID initiatives were put on hold until further notice.

On Tuesday, March 6, Dane County Circuit Court Judge David Flanagan ordered the Government Accountability Board to "cease immediately any effort to enforce or implement the photo identification requirements of 2011 Wisconsin Act 23, pending trial of this case and further order of the court." The trial is set for April 16, 2012.

On March 12, 2012, another Dane County Circuit Judge, Judge Richard Niess declared "2011 Wisconsin Act 23's photo ID requirements unconstitutional to the extent they serve as a condition for voting at the polls." The judge also permanently enjoined the defendants "from any further implementation or enforcement of those provisions." The ruling said the Legislature and Governor exceeded their authority in enacting the Voter ID requirement.

5. 2012 Recall Petition Review Summary

G.A.B. IT staff developed software tools to manage 1,860,278 signatures reviewed by a Team of regular and temporary staff led and supervised G.A.B. Program staff. G.A.B. staff are working with the Data Shop in Janesville, WI to enter names for these signatures to be subjected to a new signature duplicate check process. Microsoft SharePoint and Dynamics CRM are new tools in the G.A.B. technology portfolio. Dynamics CRM provides staff a quick way to create a database driven application and SharePoint provides a quick way for staff to host a public website. Both of these tools allow staff to communicate to the public by posting all recall petitions, challenge documents, and communication between parties on the agency website. Dynamics CRM provided also provides staff a way to control the entry of over thousands of pages of signature petitions and record reason for recommending the striking individual signatures.

In addition to the software tools, G.A.B. rented 57 PCs from a private vendor through the Wisconsin Department of Administration in order to provide temporary staff access to the software systems at the Recall Center. 6 scanners were rented for a period of 3 weeks so that all petition documents could be scanned into a uniform database. Statistical sampling options and OCR technology were explored but not utilized. These tools may play a role in future G.A.B. projects.

Additional information will be provided via a verbal status report by G.A.B. Staff.

6. MOVE Act: Status of Wisconsin's Compliance with the Military and Overseas Voter Empowerment (MOVE) Act

Wisconsin Act 45 requires that the ballots for the Partisan Primary and General Election be delivered to municipal clerks at least 47 days before the election to comply with the Military and Overseas Voter Empowerment (MOVE) Act.

Wisconsin Act 75 moves the Partisan Primary from September to the second Tuesday in August. Act 75 also changed other election tasks related to the moving of the partisan primary and the 47 day ballot preparation. The nomination paper circulation period is now from April 15 through

June 1, 2012 and referenda must be filed no later than 70 days prior to the election. Changes were made to match other Federal requirements of MOVE including that all military and overseas voters' absentee ballots must be tracked and viewable online. This action requires clerks to email or fax military and overseas electors their absentee ballots if requested electronically.

There were other election administration changes made by Act 75 that are not directly MOVE Act related but are significant to the election process. For example, Absentee ballots can now be counted if postmarked by Election Day and received by the Friday following the election at 4:00 p.m. Municipal, county, school district, and state canvasses will all be affected by these adjustments that will need to be made to election results after Election Day due to this change. Election night results will not be accurate and the winners will not be determined until after 4:00 p.m. on the Friday following the election.

Another significant change to election administration is the limiting of emailed and faxed ballots to only military and overseas electors. Clerks may no longer email or fax absentee ballots to electors unless they are military or overseas electors.

Changes will need to be made to the Special Election calendar for Federal Elections in order to have ballots prepared at least 45-to-47 days before the special elections with Federal offices as required by the MOVE Act. A Federal Election is defined as the Office of President or Vice President, Senator or Representative in, or Delegate or Resident Commissioner to the U.S. Congress). Special elections for national office are not common and Board staff does not anticipate any Federal special elections in the near future. Wisconsin is prepared to fully comply with the MOVE Act for the 2012 election cycle.

Notice of a Federal MOVE Compliance Grant Awarded to the Wisconsin Government Accountability Board: A nationally competitive Federal MOVE Compliance Grant was awarded to the Wisconsin Government Accountability Board on Monday, March 5, 2012 in the amount of \$1.9 million by the U. S. Department of Defense, Federal Voting System Program (FVAP). The purpose of the grant is to create an Online Ballot Delivery System for Military and Overseas Electors. The Grant Period is March 5, 2012 until November 30, 2016.

7. The AccessElections! Wisconsin Accessibility Compliance Program  
(Elections and Voting Accessibility)

Due to the fact that Board staff were focused on the 2012 Recall Petition Initiative, twelve (12) temporary workers were hired and trained to conduct Onsite AccessElections! Accessibility Compliance Audits in Dane and Milwaukee Counties during the February 21, 2012 Primary Election. 103 Audits were completed.

Staff are continuing to coordinate with municipal clerks to ensure that Accessibility problems uncovered during previous Onsite AccessElections! Accessibility Compliance Audits are resolved as quickly and cost-effectively as possible. Additionally, staff are arranging the distribution of grant-funded Accessibility supplies to municipalities in response to documented needs. At the same time, staff are monitoring the use and effectiveness of previous Accessibility grant funding by municipalities. Staff are working with the agency IT section to streamline the AccessElections! Compliance Audit administrative process and prepare for the deployment of tablets computers during the Audit process. Finally, staff are preparing to conduct Onsite Accessibility Audits during the April 2012 election.

**Education/Training/Outreach/Technical Assistance**

1. Voter Photo ID Public Education, Training, Outreach and Technical Assistance  
(Voter Photo ID Speaker's Bureau Report)

As previously stated in Item #4, “Implementation of 2011 Wisconsin Act 23 (Photo ID)” section, all provisions of the Voter Photo ID Law formally took effect with the commencement of the February 21 Spring Primary. Effective at the end of the day on Tuesday, March 6, 2012, in compliance with a Circuit Court ruling, all preparations and activities for implementing the Voter Photo ID Law, including the G.A.B. Speaker’s Bureau, special website, all Public Service Announcements and related Photo ID initiatives were put on hold until further notice.

For a full listing of Voter Photo ID Education, Training, Outreach and Technical Assistance prior to the Tuesday, March 6, 2012 court action, please refer to Attachment #1

2. G.A.B. Regular/Basic/Core Election Administration Training

Please refer to the Attachment #2 titled, “Training Summary,” for a summary of our basic/core election administration training information conducted by staff.

**Other Noteworthy Initiatives**

1. Voter Data Interface

Clerks continue to use SVRS to run HAVA Checks to validate 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, as part of on-going HAVA compliance.

Clerks process HAVA Checks and confirm matches on a continuous basis during the course of their daily election administration tasks. This process has been followed since the Interfaces became functional in SVRS on August 6, 2008. Since the last Board meeting, clerks processed approximately 26,951 HAVA Checks with DOT/SSA on voter applications in SVRS. This number is higher than the previous Board report due to increased voter registration activity related to the Spring 2012 elections.

2. Retroactive HAVA Checks Status

There has been no update on this project since the last Board Meeting. Board technical staff were focused on implementing the new Voter Photo ID Law at least until the week of March 6, 2012, at which time a Dane County Circuit Court imposed a temporary injunction on the implementation of various provisions of the Photo ID Law. Technical staff have also been updating SVRS functionalities for the 2010 Decennial Redistricting process.

3. Voter Registration Statistics

As of Thursday, March 15, 2012, there were a total of 3,260,829 active voters in SVRS. There were 1,054,865 inactive voters, and 296,485 cancelled voters. 2,468 voters have been merged by clerks as duplicates since the last report.

Note: An active voter is one whose name will appear on the poll list. An inactive voter is one who may become active again, e.g. convicted felon or someone who has not voted in four years. A cancelled voter is one who will not become active again, e.g. deceased person.

4. G.A.B. Customer Service Center

The G.A.B. Customer Service Center (formerly called the “G.A.B. Help Desk”) is supporting over 2,000 active SVRS users, the public and election officials. The Customer Service Center staff assisted with processing the canvass, data requests and testing SVRS improvements. Customer Service Center staff are continuing to improve and maintain the two training

environments that are being utilized in the field. Staff are monitoring state enterprise network status, assisting with processing data requests and processing voter verification postcards. Customer Service Center staff assisted with configuring and installing SVRS on new clerk computers.

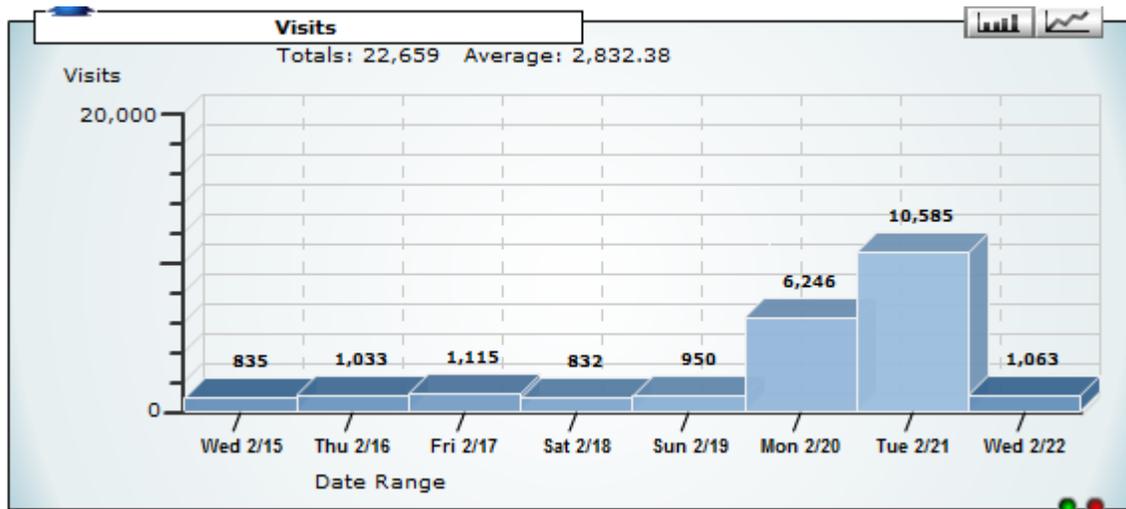
Overall, the majority of inquiries to the G.A.B. Customer Service Center during this period received from clerks regarded assistance with running SVRS reports; redistricting; recall issues and Voter ID changes. Calls from electors, local officials and election officials during this period inquired specifically about Recall efforts, recall verification process and Voter ID requirements.

Calls for this period also consisted of potential candidates requesting information about getting on the ballot and campaign finance issues as well as Statement of Economic Interest questions. The Ethics Division CFIS and Lobbying reporting also generated a measurable amount of call traffic as noted below.

<b>G.A.B. Customer Service Center Call Volume (608-261-2028)</b>	
December 2011	1,212
January 2012	1,998
February 2012	2,151
<b>Total Calls for Period</b>	<b>5,361</b>

The G.A.B. main business telephone (608-266-8005) has remained forwarded to the Customer Service Center. Staff are currently researching a more permanent solution for current telephone technology options.

The graph below illustrates unique voter visits accessing the GAB Voter Public Access (VPA) website for the week prior to and including the February 21, 2012 Primary. Primary Day had 10,585 unique visitors, typically viewing 15.8 pages per visit.



5. The 2010 SVRS Census Redistricting Project

The new Redistricting changes for SVRS became available to clerks on Monday, December 5, 2011. These changes included assigning all voters to the new districts, and providing clerks with mapping tools to manage the new districts. G.A.B. staff provided multiple training webinars to assist clerks with the new changes to SVRS, and with the clean-up tasks required to ensure that all voters are assigned to the correct districts.

- The Redistricting tasks were broken into phases to assist clerks with training and implementation of the new functions and duties. Phase I began on Monday, December 5, 2011. Phase II began in mid-December 2011. Webinars and training materials were provided to clerks for both phases to provide basic instructions, as well as tips and tricks to help clerks complete the required tasks.
- Clerks who had a February 2012 Primary were prioritized first, to ensure that all their tasks were complete and all their incidents were resolved in time to successfully administer the election. There were very few Redistricting incidents reported from the February Primary due to the diligence of the over 500 municipal clerks impacted by the election.
- G.A.B. staff continue to assist clerks who did not have a February 2012 Primary to ensure that they are prepared for the April 2012 Presidential Preference and Spring Election.
  - ❖ An additional training webinar and updated materials were provided to clerks on March 1, 2012, including lessons learned from the February Primary.
  - ❖ All incidents for clerks who track absentee ballots in SVRS were resolved by March 9, 2012, allowing clerks to generate their absentee ballot labels correctly in SVRS starting on Monday, March 12.
  - ❖ All updates to district maps will be completed by Friday, March 16, 2012.
  - ❖ All Redistricting incidents for clerks that impact the April election will be resolved by Friday, March 23, 2012, providing clerks sufficient time to print their poll books and focus on other election preparation tasks.
- Six temporary workers were hired to supplement the G.A.B. Redistricting Team.
  - ❖ Three temporary staff are dedicated to assisting clerks with completion of their Redistricting data quality tasks.
  - ❖ Two temporary staff are working with County and Municipal land planning and GIS staff to correct and update district maps in SVRS.
  - ❖ One temporary staff is providing administration and support of the incident process for clerks to report incidents to G.A.B. staff.
- At the request of the Division Administrator, the Redistricting Team at G.A.B. prepared a strategic response plan to ensure that all incidents related to Redistricting would be resolved by March 23. The strategic response plan included several approaches to assist clerks, including:
  - ❖ Clerk incidents are grouped together in similar categories to allow multiple issues to be resolved simultaneously, and to provide for consistency.
  - ❖ Several training webinars are being held leading up to the April Election to ensure clerks have the tools they need for a successful election.
  - ❖ Incidents were prioritized based on the election calendar to ensure that incidents were resolved in time for major election milestones, including finalizing ballot styles, sending absentee ballots, and printing poll books.

G.A.B. staff are confident that the April 3, 2012 Spring Election and Presidential Preference Vote will go as smoothly as the February 21, 2012 Primary. While Redistricting has involved considerable extra effort from Municipal and County Clerks as well as G.A.B. staff, the State is now well positioned to successfully administer elections in the new districts, and will reap the benefits of the new mapping tools for the next decade.

## 6. SVRS Core Activities

### A. Software Upgrade(s)

Several updates have been made to the SVRS family of applications:

- The SVRS system was updated for Redistricting in early December 2011.
- The SVRS system was updated for tracking the requirements of Wisconsin Act 23 (Photo Identification). This was implemented in two phases, first in mid-February for the February Primary, and second in early March 2012.
- The Canvass Reporting System was updated with several changes requested by clerks, and to accommodate the new canvassing timeline. This was implemented in two phases, first in mid-February for the February Primary. The second phase will be implemented in late March to be available for the April election.
- The WEDCS System will be updated in late March 2012 to include the revised GAB-190 survey, as well as some functionality enhancements to make it easier for clerks to fill out the survey correctly.
- The Voter Public Access website was updated in early February for both Redistricting, and Photo ID. Voters can view both their new and old districts on VPA, and will be able to see additional indicators on their voter record that impact their voting process.
- A new Provisional Ballot Tracking System has been developed and was deployed in early February for use in the February Primary.
- A new Ineligible Voter List system has been developed and was deployed in mid-March to allow municipal and county clerks to print their ineligible voter lists for upcoming elections.

### B. System Outages

There were no unscheduled outages of the SVRS system during this reporting period.

### C. Data Requests

Staff regularly receives requests from customers interested in purchasing electronic voter lists. SVRS has the capability and capacity to generate electronic voter lists statewide, for any county or municipality in the state, or by any election district, from congressional districts to school districts. The voter lists also include all elections that a voter has participated in, going back to 2006 when the system was deployed.

The following statistics demonstrate the activity in this area since the last Elections Division Update through March 15, 2012:

- Two hundred forty-six (246) inquiries were received requesting information on purchasing electronic voter lists from the SVRS system.
- One hundred seventy-five (175) electronic voter lists were purchased.
- \$52,385 were collected for SVRS voter data.

### **30-45-60 Day Forecast**

1. Prepare for the April 3, 2012 Spring Election and Presidential Preference Vote.
2. Prepare temporary staff to conduct up to 200 onsite AccessElections! Accessibility Compliance Audits on the April 3, 2012 Spring Election Day.
3. Prepare for March 30, 2012 Special meeting of the Government Accountability Board.
4. Continue the review process for the 2012 Recall Petitions.
5. Nomination Paper circulation for the General Election starts on April 15. Deadline to file ballot access documentation is June 1.

### **Action Items**

None.

**ATTACHMENT #2**

GAB Election Division's Training Initiatives  
December 14, 2011 – March 19, 2012

<b>Training Type</b>	<b>Description</b>	<b>Class Duration</b>	<b>Target Audience</b>	<b>Number of Classes</b>	<b>Number of Students</b>
Voter Registration	Basic training in adding voter registration applications, searching for voters, updated voters.	3 hours	Municipal and county clerks, staff and temp workers who provide election support only.	The WBETS site is available to train temporary workers.	100
Municipal Clerk	2005 Wisconsin Act 451 requires that all municipal clerks attend a state-sponsored training program at least once every 2 years. Training conducted by certified county and municipal "clerk-trainers" and GAB staff using live Webinar.	3 hours	All Municipal clerks are required to take the training; other staff may attend.	17	200
Chief Inspector	New chief inspectors must attend 3-hour Baseline training class.	3 hours	All new chief inspectors are required to attend; clerks may attend for training credit.	50	1200

**ATTACHMENT #2**

GAB Election Division's Training Initiatives  
December 14, 2011 – March 19, 2012

<b>Training Type</b>	<b>Description</b>	<b>Class Duration</b>	<b>Target Audience</b>	<b>Number of Classes</b>	<b>Number of Students</b>
WisLine	Series of 10 programs designed to keep local government officers up to date on the administration of elections in Wisconsin.	90 minute conference call, hosted by the UW Extension, conducted by Elections Division staff.	Clerks and chief inspectors; campaign treasurers and candidates.	December 14, 2011: Voter Photo ID and Provisional Voting for Clerks; January 18, 2012: Voter Photo ID and Provisional Voting for Election Day Officials; January 25, 2012: Election Day Officials/Special Topics	Average 200 per program broadcast; tapes are also ordered post-broadcast; certain programs average 700 participants
Webinars	Board staff conducted training classes using Webinar technology	Varies	County and municipal clerks and their staff; location election officials	<b>SVRS Redistricting:</b> Phase 1: 13 webinars from 12/6 – 12/17; <b>SVRS Redistricting</b> Phase 2: 3 webinars from 1/10 – 1/12; <b>MCT Training:</b> 3 webinars: 1/26, 2/1, 3/7; <b>CIT Training:</b> 3 webinars: 1/30, 2/6, 3/14; <b>Speakers Bureau Photo ID:</b> 2/23 <b>Redistricting Lessons:</b> 3/2 <b>Photo ID in SVRS:</b> 3/8 <b>Polling Place Readiness:</b> 3/13	Varies

**ATTACHMENT #2**  
 GAB Election Division's Training Initiatives  
 December 14, 2011 – March 19, 2012

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
Other	<ul style="list-style-type: none"> <li>• Board staff developed and published online training on the new Voter ID Law, including Major Impacts and Absentee Rules.</li> <li>• Board staff continuing to develop online training materials, including videos, presentations and demonstrations for the training and technical support of clerks and election inspectors for the full implementation of the Voter ID Law.</li> <li>• Board staff presented voter id and other election administration law information to Wisconsin County Clerks Association in Madison on March 6, 2012.</li> </ul>				

**ATTACHMENT #1**

List of Voter Photo ID Education, Training, Outreach and Technical Assistance Provided prior to the Tuesday, March 6, 2012 Dane County Circuit Court Action Imposing a Temporary Injunction on the Implementation of Various Provisions of the Voter Photo ID Law.

1. Tuesday January 3, 2012  
Green Bay – 11:00 a.m.
2. Thursday January 5, 2012  
Riverview Heights - Janesville – 6:00 p.m.
3. Wednesday January 11, 2012  
Democratic Party of Dodge County – 7:00 p.m.
4. Wednesday January 11, 2012  
Milwaukee County Dept. on Aging – 8 a.m. plus booth
5. Thursday January 12, 2012  
Kenosha Voter Fair – 12 to 1:30 p.m.
6. Monday January 16, 2012  
Outagamie County – 7:00 p.m.
7. Monday January 16, 2012  
Buffalo County - Alma – 7:00 p.m.
8. Tuesday, January 17, 2012@10:30 a.m.  
Madison Labor Temple (1/2 hour on elderly)
9. Wednesday January 18, 2012  
Fitchburg Senior Center 10:30 a.m.
10. Thursday January 19, 2012  
South Milwaukee – 6:00 p.m.
11. Thursday January 19, 2012  
Older Women’s League – 6-30 p.m.
12. Tuesday January 24, 2012  
Sauk City Library – 6:30 p.m.
13. Tuesday January 24, 2012  
Sheboygan County Senior – 11:30 a.m.
14. Tuesday January 24, 2012  
League of Women Voters of Manitowoc County – 7:00 p.m.
15. Wednesday January 25, 2012  
League of Women Voters of Green Bay – 6:15 p.m.
16. Wednesday January 25, 2012  
Waukesha County All Day event starts at 9:00 a.m.

17. Thursday January 26, 2012  
Vernon County Courthouse 7:30 p.m.
18. Saturday January 28, 2012  
NAACP in Racine – 10:30 a.m.
19. Monday January 30, 2012  
LSS / HUD in Watertown – 10:00 a.m.
20. Tuesday January 31, 2012  
Sarah Chudnow Community, Mequon -2:00 p.m.
21. Wednesday, February 1, 2012  
Luther Manor Terrace, Wauwatosa – 12:45 p.m.
22. Wednesday, February 1, 2012\_\_\_\_  
Beaver Dam Community Library  
Dodge County Community Organizations - 5:30 p.m.
23. Thursday February 2, 2012  
Tigerton Community Center – 11:00 a.m.
24. Thursday February 2, 2012  
Marinette Senior Center – 2:45 p.m.
25. Thursday February 2, 2012  
Oshkosh Public Library – 6:30 p.m.
26. Friday February 3, 2012  
Verona Senior Center – 12:30 p.m.
27. Tuesday February 7, 2012  
Hope House of Milwaukee 6:00 p.m.
28. Wednesday February 8, 2012  
UW Richland Center Coppertop Theater ~ 6:30 p.m.
29. Thursday February 9, 2012  
Northwest Side Community Development  
Milwaukee – 6:00 p.m.
30. Wednesday February 15, 2012  
Landmark of West Allis Senior Apartments – 9:30 a.m.
31. Wednesday February 15, 2012  
Brookfield Senior Center – 12:45 p.m.
32. Tuesday February 21, 2012  
Wauwatosa East High School – 9:00 a.m.
33. Thursday February 23, 2012 ~  
WEBINAR for HUD Service Coordinator. – 9:00 a.m.
34. Monday February 27, 2012 ~  
De Forest Area Progressives – 7:00 p.m.

35. Tuesday February 28, 2012  
Elderly Meal site in Oconomowoc – 10:45 a.m.
36. Wednesday February 29, 2012  
Green Lake County Clerk Meeting – 5:00 p.m.
37. Wednesday, February 29, 2012  
RSVP of Dane County Meeting – 11:00 a.m.
38. Tuesday March 6, 2012  
Winnebago County/Oshkosh – 6:00 p.m.
39. Tuesday March 6, 2012  
People’s First Superior – 6:30 p.m.
40. Wednesday March 7, 2012  
WI Council on Children and Families - 10:30 a.m.
41. Thursday March 8, 2012  
UW-Barron County Blue Hills Lecture Hall – 12:30 p.m.
42. Thursday March 8, 2012  
Aging & Disability Resource Center – Sheboygan Coounty  
9:00 a.m.

# State of Wisconsin\Government Accountability Board

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KEVIN J. KENNEDY  
Director and General Counsel

## MEMORANDUM

**DATE:** For the March 20, 2012 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 preparing for the implementation of Voter ID, preparing a 13.10 request for emergency funding for the recall process, several large scale procurements, processing recall petitions, preparing the agency lapse plan, recruiting staff, communicating with agency customers, and developing legislative and media presentations.

#### Noteworthy Activities

##### 1. Voter ID Implementation

Court orders in two separate lawsuits challenging the photo ID provisions of 2011 Wisconsin Act 23 have halted the staff's implementation of the public education and outreach campaign required by the Act.

The first week in January we launched our "Bring It to the Ballot" Voter Photo ID campaign. Television and radio ads were broadcast through the G.A.B.'s agreement with Wisconsin Broadcasters Association Public Education program.

For the period of January 1 through January 29, 2012, a total of 203 radio and 28 television stations across the state participated in this program. These stations played a total of 7,123 announcements (6,471 radio and 652 television), worth a total of \$238,504. The cost to G.A.B. per our agreement was \$36,000.

The following table summarizes the activity of those stations.

<u>Number/Station</u>	<u>Prime/Drive Time</u>	<u>Daytime</u>	<u>Other</u>
203 Radio	2,502	1,601	2,368
28 Television	185	222	245

We began our second wave of radio and television ads on March 5, but on March 6, pulled the ads due to the temporary injunction of the photo identification requirements. On March 12, a permanent injunction was ordered in the second case. As a result of both orders, we also cancelled a large print order for outreach materials and removed much of the educational material from our Voter Photo ID website: <http://bringit.wisconsin.gov>. We also modified many pages on the regular G.A.B. website.

2. Legislative Joint Committee on Finance (JCF) 13.10 Funding Request

On February 27, 2012, staff submitted a Section 13.10 request to the Legislative Joint Committee on Finance for inclusion at its next 13.10 meeting to transfer **\$404,500** in GPR funds from the Committee's supplemental appropriation [s.20.865(4)(a)] to the agency's GPR general operations appropriation to enable the agency to fund its current expenditures and encumbrances to date used to process the 2012 Recall Petitions for Statewide and Senate District offices (Governor, Lieutenant Governor, and four State Senators. Board staff estimates the total cost of administratively processing the Recall Petitions to be approximately \$975,000.

On Thursday, March 8, we received notice that the next 13.10 meeting would be held on March 14; however, our request to be placed on the agenda was denied. We will continue to track 2012 Recall Petition expenses and ask for this budget item to be included at the JCF's next 13.10 meeting and will include updated recall expenses.

3. Procurements

Since the December Board Meeting, Procurement staff has been inundated with purchasing requests. Procurement/financial staff played a significant role in administratively preparing for the recall petition process. We successfully researched and procured space within a very short time frame at a reduced-cost for the recall petition process. In addition to procuring the space, we were able to work with the Department of Administration, Division of State Facilities to procure all the work spaces (tables and chairs for 50+ employees) free of charge and to build out the space so that it met our security needs. We researched several contracts for the remaining office equipment, locking file cabinets, scanners, refrigerator, microwaves, etc., but determined it would be more cost effective to rent the equipment.

We then began to focus on our staffing needs. We researched the temporary services contract to hire 50+ temporary services staff. In addition to sending out solicitations to the four-temporary services agencies on the state contract, we scheduled all the interviews, prepared interview materials, participated in the interviews and have been the contract administrator/liaison to the temporary services agencies. We also researched the data entry services contract for entering petitioners' names into a system to check for duplicates.

We also assisted with the lease of computer workstations for the recall review, as well as OCR and CRM software to help in the process. We have also ordered tally sheets and other printing to help with the organization of the recall review process.

Finally, we have assisted in the 1<sup>st</sup> Review, 2<sup>nd</sup> Review, Duplicate Check and Data Entry of the petitions.

Procurement staff has helped to procure other services as well. We facilitated the process of hiring 15 temporary services workers to conduct polling place accessibility surveys on February 21 and are assisting with recruitments for the April election. We have also secured two temporary services staff to work on redistricting and added another temporary services worker to our in-house IT team.

We have also worked on making sure that necessary supplies and equipment are available for other programs. We have worked heavily on the Voter ID initiative over the past few months. We have extensively worked with our state contracted print vendor to produce educational materials for the Voter ID public awareness campaign, such as posters, brochures, banners and palm cards. We have worked with DOA Distribution to arrange shipping of these materials. We have also purchased laptops and related computer equipment needed for the Voter ID campaign. We have also worked closely with the Speakers' Bureau to ensure that they have the supplies and equipment that they need to go out on the road and have successful presentations. These items include speakers, new software, laser pointers and USB drives, among other items.

Procurement staff has begun working on ensuring that our new Federal Voting Assistance Program (FVAP) EASE grant is ready to go as soon as possible. We have already purchased PC workstations and peripherals for the new IT members and purchased software for the team. We have begun researching the grant program's need for additional office space and staff.

4. General Purpose Revenue (GPR) Fiscal Year 2011-12 Lapse

The 2011-13 Biennial Budget (2011 Wisconsin Act 32) was balanced in part on achieving the following required lapses and transfers of funds to the general fund:

- Unallocated lapse of \$174.3 million from GPR and PR appropriations with cash balances, of which at least \$123.2 million is to occur in fiscal year 2011-12.
- PR lapses related to employee compensation changes, elimination of long-term vacant positions and across-the-board reductions.
- GPR and PR lapses related to the 2 percent pay increase received by represented employees in June 2009.

On February 15, 2012, the Joint Committee on Finance approved the lapse plan for state agencies. The Government Accountability Board's portion of the lapse consists of the following:

Lapse Category	Program	Alpha	FUND	Numeric	Amount
PR Lapses	1	I	100	122	\$ 38,600
2% Lapse	1	A	100	101	\$ 11,600
\$174.3 mn Lapse	1	A	100	101	\$ 227,335
					<b>\$ 277,535</b>

Board staff will utilize a combination of program revenue and general purpose revenue to complete lapse transactions, which are due April 1, 2012. The agency has a cash balance in our filing fee program revenue account that will allow us to meet our PR lapse. The required 2% across the board lapse will come from salary savings and the remaining lapse will come from salary and fringe savings. When preparing for the lapse reductions we made a conscious decision to postpone filling several vacant GPR positions in order meet the lapse requirement. There were no other alternatives. However, given the increased workload this year, it has been very difficult to work short-staffed in order to achieve these budget savings.

5. Contract Sunshine

Contract Sunshine has had another successful certification period. The previous reporting period ended on December 31, 2011 and certifications were sent to agencies following the New Year. Only three agencies failed to certify in this time period, despite these agencies reporting activity during this period. Agencies continue to regularly report information to Contract Sunshine and new users continue to be trained by GAB staff. Issues with the automatic upload functionality were discovered in this time period, interrupting reporting by large agencies, particularly the University of Wisconsin System. We have worked with our technical vendor to resolve these issues and expect to have the data uploaded by March 23. We are currently preparing for the end of the current certification period on March 30, at which time we will issue a new call for certifications from state agencies.

We have also been keeping an eye on the implementation of the Department of Administration's OpenBook system. We believe that as designed, the OpenBook system will have all the functionality of Contract Sunshine while adding new features. It will have the added benefit of being a completely automated system. However, indications from a Joint Committee on Audit hearing in January suggest that DOA is running into many of the same structural issues that GAB staff identified when analyzing the Contract Sunshine system. We did not believe that these problems were insurmountable, but that they would require technical sophistication and resources beyond what we had available at the GAB. We will continue to monitor the progress of the OpenBook system and look forward to DOA finding solutions for the issues that have delayed implementation.

6. Other Financial Services Section Activity

- Compiled and reported the revenue and expenditure amounts for filing the annual HAVA Sections 101, 251, and 261 Federal Financial Reports with the U.S. Election Assistance Commission and the U.S. Department of Health and Human Services.
- Revised the federal EASE grant budget awarded our agency by the Federal Voting Assistance Program (FVAP); reviewed the Wisconsin audit report to negotiate the lifting of special conditions; set up revenue and expenditure budgets in Wismart to account for the new EASE grant award.
- Responded to several Government Accounting Standards Board (GASB) surveys, including GASB 14 – The Financial Reporting Entity, GASB 39 – Determining Whether Certain Organizations Are Component Units, and the confirmation of our GAAP Fund Accounting Codes for the FY2012 CAFR, then forwarded to State Controller's Office.
- Added Recalls line item to federal and state timesheets, then trained staff on how to report this time; logged existing staff time and calculated wages & fringe spent on both Recalls process and Voter ID implementation.
- Calculated and booked the fourth quarter payroll adjusting entry, to properly allocate salaries and fringe benefits between federal and state programs.
- Audited the monthly General Service Billings and noted a billing error which resulted in a \$4,400 credit to our Lobbying program.
- Recorded and deposited over \$30,000 in Campaign Finance filing fees.
- Assisted with the user testing and security access forms for the e-check services application, to be used by lobbyists for electronic receipt of their fees.

- Updated the G.A.B.'s internal control plan, processed the annual certification of internal controls and filed the plan with DOA and the State Controller's Office.
- Assisted program staff in processing recall petitions during work days, several evenings and on Saturdays since January 21st.
- Prepared fiscal estimates for Assembly Bill 400 and Senate Bill 385.
- Prepared the supplemental pay plan and the fringe benefits calculation for the 27<sup>th</sup> payroll of this fiscal year.
- Sonia Kubica from the financial services section co-chaired the G.A.B. *Partners in Giving* campaign this year. The agency raised over \$7,500; a 7% increase over last year.

7. Staffing

Currently, we are recruiting for several Elections Division positions and two vacant Ethics Division positions. Recently, we received permission from the State Budget Office to create 26-new federally funded project positions beginning July 1, 2012 – June 30, 2015. We will need to start focusing on those positions in the very near future.

8. Communications Report

Since the last Board meeting, the Public Information Officer has engaged in the following communications activities in furtherance of the G.A.B.'s mission:

The PIO was involved in the planning of two high-profile media events related to the delivery of recall petitions to the G.A.B. and the tours of the Recall Processing Center. These involved working with agency staff, Capitol Police, and DOA officials; setting up media pools; scheduling tours, etc. The PIO also located a vendor (5Nines.com) and arranged for free streaming web services to provide the public with a continuous video feed from the Recall Processing Center.

The PIO continued to respond to a high number of media and public inquiries on a variety of subjects, including the recall efforts and the implementation of the new Voter Photo ID Law. The PIO set up interviews with print and electronic journalists for Director Kennedy and also gave multiple interviews when he was not available.

In addition to responding to media and public inquiries about Voter Photo ID Law, the PIO was heavily involved in developing the multi-media public information campaign, which launched January 2, 2012. When Judge Flanagan issued a temporary injunction March 6 against the photo ID provisions of Act 23, the PIO was responsible for ordering the advertising campaign suspension and changing the agency websites.

The PIO has also worked on a variety of other projects including responding to concerns from Legislators on a variety of topics, and communicating with our clerk partners.

9. Meetings and Presentations

During the time since the last Board meeting, Director Kennedy has been participating in a series of meetings and working with agency staff on several projects. The primary focus of the staff meetings has been to address recall and litigation related issues along with monitoring the completion of the legislative floor period at the Capitol. The agency has been inundated with discovery requests, hearing and trial preparation in the pending lawsuits. The primary focus has been on recall issues.

The Director has had several meetings and discussions with legislators and legislative staff members on election reform proposals. This has also included a discussion with the Legislative Council staff, Legislative Reference Bureau drafting attorneys and analysts with the Legislative Fiscal Bureau.

The media has made a number of inquiries on legal issues as well as the rules, and costs associated with recall. This has led to extended interviews with print journalists and a number of television and radio appearances. On December 14, 2011, Director Kennedy was the featured newsmaker speaker at the Milwaukee Press Club. He also appeared on the Wisconsin Public Television program Here and Now on December 16, 2012. A second appearance on Here and Now occurred on February 17, 2012 following a recall related hearing.

On January 3, 2012, Director Kennedy convened the Presidential Preference Candidate Selection Committee in the Governor's Conference Room in the Capitol. The Committee selected former State Auditor Janice Mueller to chair the Committee. After public deliberation, the Committee submitted a list of individuals whose candidacies for President of the United States were generally recognized or advocated in the national media to the Government Accountability Board for placement on the ballot for the April 3, 2012 Presidential Preference Vote.

On January 5, 2012, Director Kennedy taped an appearance on the Up Front with Mike Gousha show related to the preparations for processing recall petitions and review procedures related to the recall initiatives. On January 6, 2012, Director Kennedy appeared live from Minneapolis on the show because a court ruling following the original taping changed the news worthiness of the initial news segment. On January 19, 2012, Mike Gousha and Director Kennedy engaged in a sit down discussion at Marquette University as part of Mr. Gousha's On the Issues public forum.

On January 9, 2012 Director Kennedy appeared on Wisconsin Eye with Steve Walters to discuss the election calendar for 2012. The focus was on the unique election events engendered by the recall initiatives along with extra election events associated with the presidential election.

Director Kennedy attended the National Association of State Election Directors (NASED) winter meeting in Washington, D.C., January 25 - 28, 2012. Director Kennedy led a panel on election litigation for the NASED meeting. On January 29, 2012, Staff Counsel Michael Haas and Director Kennedy made a presentation on voter identification legislation and litigation to election attorneys at a continuing legal education program organized by the National Association of Attorney's General and the National Association of State Election Directors.

On February 9, 10, 2012, Director Kennedy participated in a meeting of the America Law Institute (ALI) in Washington, DC. The purpose of the meeting was to discuss a proposed draft of a model calendar for resolving post-election disputes in presidential elections. The Director is an Adviser to the ALI Principles of Election Law: Resolution of Election Disputes Project.

Director Kennedy was deposed on February 8, 2012 in the federal redistricting case. He also testified in the trial on February 24, 2012. He also was deposed in the first federal lawsuit challenging the voter identification law on February 20, 2012.

On February 14, 2012, the agency hosted international visitors from Central and South America as part of the International Visitor Leadership Program: Grassroots Democracy and Citizen Participation in the Political Process. Visitors were from Argentina, Dominican Republic, Equatorial Guinea, Honduras, Mexico, Nicaragua and Venezuela. Director Kennedy, Ethics Division Administrator Jon Becker and voter identification specialist Nadya Perez-Reyes discussed Wisconsin's experience in citizen participation in the governmental process with the visitors.

On February 22, 2012, the Government Accountability Candidate Committee met to select at least three nominees to fill the current vacancy created by Judge Vocke's resignation in December and the vacancy that will be created by the expiration of Judge Gerald Nichol's term on May 1, 2012. The Committee consists of Court of Appeals Judges from each of the four appellate districts, Judge Kitty Brennan (District 1), Judge Richard Brown (District 2), Judge Greg Peterson (District 3) and Judge Brian Blanchard (District 4). The Committee submitted four names to the Governor for consideration for appointment to serve on the Government Accountability Board: Judge Gary Carlson of Medford, Judge Charles Dykman of Monona, Judge Gerald Nichol of Madison and Judge Timothy Vocke of Rhinelander.

On March 6, 2012 the Director and other key Election Division staff met with the County Clerks at their winter meeting in Madison. Staff made several presentations on canvass procedures, training resources, SVRS, redistricting voter ID and a legislative update

#### Looking Ahead

The staff will continue to work to complete the review of two statewide recall petitions as well as administering the April 3, 2012 spring election. Staff is responding to voluminous discovery requests in the two federal lawsuits challenging the voter ID law. This along with recall and redistricting issues consumes an enormous amount of staff time and resources.

The Board's next meeting is scheduled for Tuesday May 15, 2012, beginning at 9:00 a.m.

#### Action Items

None identified by staff.

# State of Wisconsin \ Government Accountability Board

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JUDGE DAVID G. DEININGER  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

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## **MEMORANDUM**

**DATE:** March 20, 2012

**TO:** Members, Wisconsin Government Accountability Board

**FROM:** Kevin J. Kennedy, Legal Counsel  
Wisconsin Government Accountability Board

Prepared by: Jonathan Becker, Administrator  
Ethics and Accountability Division

**SUBJECT:** Ethics and Accountability Division Program Activity

### **Campaign Finance Program**

Richard Bohringer and Nate Judnic, Campaign Finance Auditors  
Tracey Porter, Ethics and Accountability Specialist

#### **2012 January Continuing Reports**

Materials for the 2012 January Continuing report were sent to all candidates, PACs, parties, conduits, sponsoring organizations, and independent expenditure registrants. This report covers their activity through December 31, 2011 and was due by January 31, 2012. 1,468 committees were required to file a campaign finance report. As of March 15, we have received 1,418 campaign finance reports. Of those reports received, 1,027 reports were filed electronically and 391 reports were received from paper filers.

There are 50 committees that have not filed campaign finance reports yet for the January Continuing 2012 report period. The non-filers include 22 candidates, 3 political parties, 15 PACs, 5 corporations, 2 conduits, and 3 independent expenditure registrants. Staff has made efforts to follow up with all committees that did not timely file.

#### **Annual Filing Fees**

Any non-candidate committee with expenses over \$2,500 is required to pay a \$100 filing fee. This fee was due on or before January 31, 2012. As of March 15, 2012, the G.A.B. has collected \$45,200 in filing fees. If this fee is not paid timely, the committee is required to pay a total of \$300 for filing fees, and up to a \$500 forfeiture. A filing fee audit is currently in progress.

#### **Spring Pre-Primary and Pre-Election Reports**

Materials for the Spring Pre-Primary filing were sent to those candidates participating in the Spring Primary election. This report covers campaign finance activity from January 1 through February 6, 2012 and was due on or before February 13, 2012. 156 pre-primary reports were filed with the G.A.B.; 64 of those reports were filed by candidates. All candidates required to file a Spring Pre-Primary report have filed.

Materials for the Spring Pre-Election filing were sent out to those candidates participating in the Spring election. This report covers campaign finance activity from February 7 through March 19, 2012 and is due on or before March 26, 2012.

### **Lobbying Update**

Tracey Porter, Ethics and Accountability Specialist

#### **Statement of Lobbying Activities and Expenditures Reports**

Chapter 13.68, *Wisconsin Statutes*, requires all registered lobbying organizations to complete a 6 month Statement of Lobbying Activities and Expenditures (SLAE) report that contains information related to the organizations' lobbying effort between July 1 and December 31, 2011. The SLAE report was due on or before January 31, 2012. As a part of the SLAE report, those lobbyists who are authorized to lobby for the organization are required to complete a time report that identifies those hours spent communicating or working on other lobbying related matters for the organization. This report was also due on or before January 31, 2012. Both reports are filed electronically. The Government Accountability Board has received all of the 1492 lobbyist time reports from 736 lobbyists, and 728 SLAE reports from those registered principal organizations required to file. To date, we have discovered that one lobbyist closed his business and failed to file the required reports. Staff has continued to pursue all available means of communication to follow-up on this matter.

Thirty organizations failed to notify bills, budget bill subjects, topics, or rules in a timely manner. Twenty-one organizations were sent warning letters. Nine organizations were required to pay forfeitures. As of March 15, 2012, we have received forfeitures from two organizations for a total of \$50. One organization has indicated that it will request reconsideration of their \$75 forfeiture amount. To date, we have not received that letter from the organization.

#### **Lobbying Registration and Reporting Information**

Government Accountability Board staff continues to process 2011-2012 lobbying registrations, licenses and authorizations. Processing performance and revenue statistics related to this session's registration is provided in the table below.

<b>2011-2012 Legislative Session: Lobbying Registration by the Numbers</b>			
<b>(Data Current as of March 15, 2012)</b>			
	<b>Number</b>	<b>Cost</b>	<b>Revenue Generated</b>
<b>Organizations Registered</b>	747	\$375	\$280,125
<b>Lobbyists Licenses Issued (Single)</b>	635	\$350	\$222,250
<b>Lobbyists Licenses Issued (Multiple)</b>	134	\$650	\$87,100
<b>Lobbyists Authorizations Issued</b>	1699	\$125	\$212,375

#### **Lobbying Website Project Update**

A significant amount of time has been allocated to develop the new lobbying application. Since December 2011, final improvements were made to the public site and user interface. The application developer completed most of the Phase Three work on registration tools and most of the Phase Four work on administrative and reporting tools. The developer's role in the project ended on March 12, 2012 due to budget constraints. Staff continues to work with assigned staff from the Department of Administration to finish work on the remaining undeveloped areas of the lobbying application. Staff plans to continue to test the Production site and make improvements where necessary. Release of the application is still expected in the first half of this year.

**Financial Disclosure Update**

Cindy Kreckow, Ethics and Lobbying Support Specialist

**Statements of Economic Interests – Annual Filing**

Continuing state public officials who served in office during any portion of 2012 are required to file an annual Statement of economic Interests. Statements are due April 30, 2012. Staff continues to mail out Statements and asks that they be returned as soon as practicable.