

Monday, September 12, 2011 – 9:30 A.M.

Open Session

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

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B.	Director’s Report of Appropriate Meeting Notice	
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D.	Public Comment (Limit of 5 minutes per individual appearance)	
<i>Break</i>		
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P. Closed Session	
5.05 (6a) and 19.85 (1) (h)	The Board's deliberations on requests for advice under the ethics code, lobbying law, and campaign finance law shall be in closed session.
19.85 (1) (g)	The Board may confer with legal counsel concerning litigation strategy.
19.851	The Board's deliberations concerning investigations of any violation of the ethics code, lobbying law, and campaign finance law shall be in closed session.
19.85 (1) (c)	The Board may consider performance evaluation data of a public employee over which it exercises responsibility.

The Government Accountability Board has scheduled its next meeting for Tuesday, November 8, 2011 at the Government Accountability Board offices, 212 East Washington Avenue, Third Floor in Madison, Wisconsin, beginning at 9:30 am.

State of Wisconsin\Government Accountability Board

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JUDGE THOMAS H. BARLAND
Chair

KEVIN J. KENNEDY
Director and General Counsel

Wisconsin Government Accountability Board

212 East Washington Avenue
Madison, Wisconsin
August 2, 2011
9:30 a.m.

Open Session Minutes

<u>Summary of Significant Actions Taken</u>	<u>Page</u>
A. Approved Minutes of Previous Meetings	1
B. Approved Draft Revised Guidance on Central Count Absentee Vote Locations	4
C. Approved Revised Rulemaking Procedures	5
D. Approved Actions Regarding Proposed Rule GAB 1.91	6

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, Ross Hein, Sharrie Hauge and Reid Magney

A. Call to Order

Chairperson Barland called the meeting to order at 9:30 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

June 27, 2011 Teleconference Meeting – Open Session

MOTION: Approve the Open Session minutes of the teleconference meeting of June 8, 2011. Moved by Judge Nichol, seconded by Judge Cane. Motion carried unanimously.

D. Public Comment

Grant Petty of Madison appeared on his own behalf to discuss the public's perception of election integrity. He urged the hand-counting of ballots, and said anyone who opposes hand-counting is opposed to democracy itself.

Barbara With of La Pointe appeared on her own behalf to discuss her observations during the Supreme Court recount, which have been detailed in a complaint filed with the Board. She believes that votes have been stolen, and that the Board is in charge of keeping her vote safe.

Katy Reeder of Cross Plains appeared on her own behalf to discuss election integrity. She said a lot was learned about deficiencies in the election process by observing the Supreme Court recount, and urged the Board to follow up with enforcement and accountability.

Attorney James S. Mueller of Cross Plains appeared on behalf of Wisconsin Citizens for Election Protection, which he said was formed after the Supreme Court recount. He said election fraud may or may not have happened, but there is a public perception that it could happen.

Mary Ann Hanson of Brookfield appeared on her own behalf to comment on the Board staff's proposed guidance on central counting of ballots. She said voting twice is a felony, and the proposed guidance would make it impossible to prosecute someone for voting twice.

Darcy Gustavsson of Brookfield appeared on her own behalf to discuss her observations during the Supreme Court recount in Waukesha County, noting that there were problems with absentee voting. She also objected to the Board's acceptance of possibly fraudulent signatures on recall petitions for Democratic senators submitted by out-of-state circulators.

Paul Malischke of Madison appeared on his own behalf to discuss agenda item H regarding Senate Bill 116 which would move the September Partisan Primary to August. He said the bill has been amended to undercut important protection against municipalities moving polling places by changing notice requirements from 60 to 30 days.

Andrea Kaminski of Madison appeared on behalf of the League of Women Voters of Wisconsin Education Fund to update the Board on league activities stationing observers at polling places in recall districts, who will be looking for problems and best practices. LWV will report its findings to the Board.

Diane Hermann-Brown of Sun Prairie appeared on behalf of the Wisconsin Municipal Clerks Association to express concerns about time constraints on local clerks and unfunded mandates placed on them. She said some clerks who have not completed the required training were not allowed to leave the office by their municipal boards.

Bryan Bliss, no address given, appeared on his own behalf to express concerns about the image of Wisconsin's elections around the world, based upon his monitoring of Internet political chatter.

Chairperson Barland called a recess at 10:31 a.m. The Board reconvened at 10:45 a.m.

E. Background Materials on Electronic Voting Equipment and Ballot Security Issues

Staff Counsel Michael Haas and Elections Supervisor Ross Hein provided an oral and written report. Haas said the Board and its staff have received a number of communications from Wisconsin Citizens for Election Protection in recent months regarding their desire for hand-counted paper ballots. Board Staff intends to take a systematic approach to incorporating such input in future training and guidance if appropriate; however, staff has not been presented with persuasive evidence that electronic voting equipment in Wisconsin has been or is at risk of being tampered with, either by election officials or by other parties. Board staff believes it is important for the Board to be informed regarding the debate and discussions which have been developing on this topic. No action is required of the Board at this time.

Discussion.

Chairperson Barland expressed concern about what appears to be the lack of verifiable security in electronic voting equipment.

Judge Deininger inquired about whether there were major discrepancies between machine counts and hand counts in the Supreme Court recount.

Michael Haas said there were not major discrepancies, and the Board staff had a procedure in place to review vote totals from a reporting unit that varied by 10 or more votes. Ross Hein noted that after the recount period, the ballots are open to public inspection, and members of the public can perform their own hand-count audit. The G.A.B. also does post-election audits.

Director Kennedy said that only 23 of the 3,602 reporting units had a change of 10 or more votes, and most changes were due to human error. He said there would have to be a vast conspiracy among non-partisan municipal clerks and partisan county clerks for an election to be manipulated. The G.A.B. has known that the ballot bags need to be changed, and the information gathered from the recount will give staff a good roadmap of changes that need to be made. He noted that there has been nothing brought to the Board's attention indicating election fraud by election officials had occurred.

Chairperson Barland said the Board does follow up on suggestions from the public, but asked for specifics in writing rather than general beliefs based on rumor or incomplete conclusions.

Chairperson Barland called a recess at 11:08 a.m. The Board reconvened at 11:20 a.m.

F. Proposed Guidance on Central Count Absentee Vote Locations

Staff Counsel Shane Falk made an oral and written presentation. He explained that 15 Wisconsin municipalities centrally count absentee ballots as allowed by statutes, but issues can arise when someone who submitted an absentee ballot also votes at the polls. This is permitted as long as the absentee ballot has not been cast (processed and tabulated), but central count makes it more difficult to conduct a reconciliation procedure to ensure that only one of the two ballots are included in vote totals. In one case in Milwaukee, a couple was prosecuted for voting twice. Staff has looked at the issue, has proposed new guidance for municipalities, and is seeking Board approval of the draft, after which there will be further comment from the 15 municipalities and the public prior to formal adoption by the Board.

Discussion.

Chairperson Barland expressed concern that processing central count absentee ballots must be an administrative nightmare. He inquired about efforts to resolve the issue legislatively.

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.

MOTION: Direct staff to solicit further comments from the current 15 central count absentee municipalities and the public with respect to the draft revised central count absentee guidance and return to the Board at a later meeting to report findings for consideration by the Board, including recommended legislative changes, before formal adoption of the revised guidance, as well as revision of the Election Day Manual and G.A.B. training.

Both motions moved by Judge Cane, seconded by Judge Nichol. Motions carried unanimously.

G. Review of County Boards of Canvassers' Minutes from Spring 2011 Statewide Recount

Staff Counsel Michael Haas and Elections Supervisor Ross Hein provided an oral and written report, based on an analysis of the recount minutes from all 72 counties by Elections Specialist Aaron Frailing. The report is for information only.

Discussion.

H. Legislative Status Report

Staff Counsel Michael Haas provided an oral and written report.

Discussion regarding Mr. Malischke’s concerns about Senate Bill 116 and the length of notice municipalities would be required to provide when changing or consolidating polling places from 60 days to 30 days.

Director Kennedy said that currently the time requirements are not uniform, and G.A.B. staff suggested making the time a uniform 30 days because there is often not 60 days prior to a special election. He said emergency situations also arise before a partisan primary or general election in which a municipality must change polling places at the last minute.

I. Administrative Rules Status Report

1. Status Report on Pending Administrative Rules

Staff Counsel Shane Falk made an oral and written report on 2011 Act 21 and 2011 Act 32, which significantly altered the authority of agencies to promulgate administrative rules and also prescribe new rule-making procedures that are a significant change from longstanding procedures.

Discussion.

Judge Nichol expressed strong concern that before the Board can begin study of a new rule it must receive the Governor’s approval. He said he considered resigning from the Board in protest, but would not do that to the staff.

MOTION: Direct staff to return to the Board at the next meeting with recommendations prioritizing the Board’s rule-making with an effort to avoid expiration of pending rules.

MOTION: The Board adopts a policy 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 10 day deadline to respond to G.A.B., 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 Manufacturer's 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.

Both motions moved by Judge Vocke, seconded by Judge Deininger. Motions carried unanimously.

2. GAB 1.28 Relating to Scope of Campaign Finance Regulation

Staff Counsel Shane Falk made an oral and written report for information only.

3. GAB 1.91 Relating to Disclosure of Independent Campaign Finance Activity

Staff Counsel Shane Falk made an oral and written report regarding the status of GAB §1.91 related to independent disbursements. He said the Assembly Committee on Election and Campaign Finance Reform and the Joint Committee for Review of Administrative Rules have both objected to the rule, based on a misunderstanding of what it requires. Staff recommends continuing to communicate with the Legislature and the Governor's office to clarify the purpose of the rule. If they prohibit promulgation of GAB §1.91, staff recommends that the Board adopt a guideline interpreting and applying existing campaign finance statutes and Attorney General J.B. Van Hollen's formal opinion (OAG 05-10) to persons making independent disbursements in the context of and compliance with the *Citizens United* decision.

Discussion about staff's efforts to communicate with the Legislature.

MOTION: Direct staff to continue communications with members of the Legislature and the Governor's office to clarify the provisions of s. GAB §1.91, Wis. Adm. Code, in an effort to successfully complete its promulgation.

MOTION: Adopt the "Guideline Relating to Person(s) making Independent Disbursements," to be issued in the event that the Legislature and Governor prohibit promulgation of s. GAB §1.91, Wis. Adm. Code.

Both motions moved by Judge Cane, seconded by Judge Deininger. Motions carried unanimously.

J. Director and General Counsel’s Report

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

Division Administrator Jonathan Becker, presented an oral and written report, which was included in the Board packet, including information about filing of July 2011 Continuing Reports of lobbying reports for the first six months of the 2011-2012 legislative session. He also reporting on ongoing efforts to rebuild the Lobbying website and revamp the pricing structure of the Focus lobbying reports.

Elections Division Report – election administration

Written report from Division Administrator Nathaniel E. Robinson was included in the Board packet. Mr. Robinson gave an oral presentation, and discussed the Voter Photo ID Law spending plan which was approved by the Joint Committee on Finance, as well as other division activities in planning for implementation of the new law.

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 noted the incredible amount of work Sharrie Hauge and her team have done, including the fiscal year close-out and Contract Sunshine.

Judge Barland inquired about the status of Contract Sunshine in light of the requirement in the budget bill for the Department of Administration to establish a spending transparency website. Director Kennedy said responsibility rests with DOA, and that staff will be meeting soon with the Legislative Audit Bureau to review preliminary findings of their audit of the Contract Sunshine Act.

Chairperson Barland called a lunch recess at 12:50 p.m. The Board reconvened at 1:21 p.m.

K. 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 Nichol, seconded by Judge Brennan.

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

Motion carried.

L. Adjourn

The Board adjourned in closed session at 4:50 p.m.

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The next regular meeting of the Government Accountability Board is scheduled for Monday, September 12, 2011, at the G.A.B. offices located at 212 East Washington Avenue, Third Floor, in Madison, Wisconsin beginning at 9:30 a.m.

August 2, 2011 Government Accountability Board meeting minutes prepared by:

Reid Magney, Public Information Officer

August 30, 2011

August 2, 2011 Government Accountability Board meeting minutes certified by:

Judge Gerald Nichol, Acting Board Secretary

September 12, 2011

State of Wisconsin \ Government Accountability Board

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JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the September 12, 2011 Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared by:

Shane W. Falk, Staff Counsel

SUBJECT: Central Count Absentee Guidance

Introduction and Recommendations:

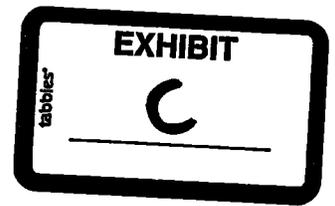
Sections 7.52 and 7.53(2m), Wis. Stats., were created by 2005 Wisconsin Act 451, which permits the governing body of a municipality to provide for the canvassing of all absentee ballots on Election Day by a municipal board of absentee ballot canvassers. This process is commonly referred to as “central count absentee.” As of the Board meeting on August 2, 2011, there were 15 municipalities with central count of absentee ballots, including larger municipalities such as Milwaukee, Kenosha, Brookfield, and Wausau.

The Board directed staff to seek comments from the 15 municipal clerks with central count absentee about the Board’s draft proposed guidance. Despite several reminders, only 6 clerks responded thus far. The municipal clerk for McFarland informed staff that the municipality has discontinued use of central count absentee and are in the process of repealing the enabling ordinance. This leaves 14 municipalities with central count of absentee ballots and staff has not received comments from 8 municipal clerks, including the largest municipalities.

Following this Memorandum is the proposed draft guidance upon which the Board seeks clerk comment (Exhibit C) and also the comments received from 6 municipal clerks thus far.

Recommendation:

Staff recommends that the Board solicit comments from the remaining 8 central count absentee municipalities with respect to the draft revised central count absentee guidance, provide additional opportunity for general public comment to the clerks’ concerns, and return to the Board at a later meeting to report findings for consideration by the Board, including possible legislative revisions, before formal adoption of the revised guidance, as well as revision of the Election Day Manual and G.A.B. training.



Guideline—Central Count Absentee

Special Note: This guideline provides some basic information for municipalities who want to utilize a municipal board of absentee ballot canvassers for counting absentee ballots on Election Day. Section 7.52, Wis. Stats., permits the governing body of a municipality to provide for the canvassing of all absentee ballots on Election Day by a municipal board of absentee ballot canvassers.

This guideline also provides the basic requirements for establishing procedures for utilizing a municipal board of absentee ballot canvassers to count absentee ballots on Election Day. There are a number of administrative procedures that will have to be developed to ensure individuals do not vote absentee and in person for the same election. In addition, these administrative procedures will ensure that votes cast by absentee ballot are properly reported for the canvass of election results.

What is required?

If the governing body decides to provide for the canvassing of all absentee ballots on Election Day by a municipal board of absentee ballot canvassers, it must adopt an ordinance. Section 7.52 (1), Wis. Stats. The municipal clerk is required to notify the Elections Division in writing before the municipality adopts the ordinance and consult with the Elections Division staff concerning administration of a central location for counting absentee ballots.

The governing body must also establish a municipal board of absentee ballot canvassers. Section 7.53 (2m), Wis. Stats. The municipal board of absentee ballot canvassers is the municipal clerk and two other qualified electors of the municipality appointed by the clerk. They serve two-year terms beginning January 1st of odd-numbered years.

Election Day Procedures

The municipal board of absentee ballot canvassers shall publicly convene between 7 a.m. and 10 p.m. on Election Day to count the absentee ballots for the municipality. The municipal clerk shall give at least 48 hours notice of the meeting of the municipal board of absentee ballot canvassers.

Any member of the public has the right to observe the proceedings of the municipal board of absentee ballot canvassers just as they do at the polling place.

Election inspectors may be appointed to assist the municipal board of absentee ballot canvassers with counting the absentee ballots for the municipality. If appointed, there must be an odd number of inspectors, and there must be at least three inspectors present at all times while absentee ballots are counted.

No later than 8 p.m. on Election Day, the municipal clerk shall post an informational statement in the clerk's office and on the Internet, at a site announced by the clerk, before the polls open at 7 a.m. The statement shall list the number of absentee ballots that have been issued and the number of absentee ballots that have been returned by the close of the polls on Election Day. The statement shall not include the name or address of absentee voters. If the municipality does not have a website where this information can be posted, the municipality is not required to make an Internet posting.

After any canvass of the absentee ballots is completed under §7.52, Wis. Stats., the board of canvassers shall reconcile the poll list of the electors who vote by absentee ballot with the corresponding poll list of the electors who vote in-person to ensure that no elector is allowed to cast more than one ballot. §§7.53(1) and (2)(d), Wis. Stats. If an elector who votes in person has submitted an absentee ballot, the absentee ballot is void. Id. The purpose of marking the poll list number of each elector on the back of the elector's ballot before depositing it in the ballot box is to provide for easy identification and later rejection of the absentee ballot after the reconciliation of the poll list of the electors who vote by absentee ballot with the corresponding poll list of the electors who vote in-person, pursuant to §§7.53(1) and (2)(d), Wis. Stats.

Voter Lists

The municipal board of absentee ballot canvassers shall use two duplicate SVRS-generated copies of a single poll list for the entire municipality. The list shall be annotated with voter numbers beginning with the number 1, along with an indication the voter cast an absentee ballot. If the voter's name does not appear on the poll list, the name and voter number shall be recorded on the supplemental poll list.

Procedures for Processing Absentee Ballots

No earlier than 7:00 a.m. on Election Day, the municipal board of absentee ballot canvassers shall open the carrier envelope or container in which the absentee ballots were delivered to the polling place so that a member of the public may observe the opening.

As each ballot is processed, the municipal board of absentee ballot canvassers shall announce the name of the absentee voter so that any member of the public present may hear the voter's name. The municipal board of absentee ballot canvassers shall carefully examine the certificate to determine it is signed and witnessed and the elector is a qualified voter in the reporting unit for which the absentee ballot is being processed.

The municipal board of absentee ballot canvassers shall compare the certificate envelope to the list of ineligible voters provided by the Department of Corrections. If the absentee voter's name appears on the list, the municipal board of absentee ballot canvassers shall challenge the absentee ballot.

The municipal board of absentee ballot canvassers shall carefully open the certificate envelope, remove the ballot from the certificate envelope and verify that the ballot has been initialed by the municipal clerk or a deputy clerk. NOTE: If the ballot does not contain the initials of either the municipal clerk or a deputy clerk, the omission is noted on the Inspectors' Statement (Form GAB-104), and the ballot is processed. An absentee ballot is not rejected solely because the initials of the clerk or deputy clerk are missing.

The municipal board of absentee ballot canvassers shall mark the voter number on the back of the ballot and on the poll list along with the indication the voter cast an absentee ballot.

If the poll list indicates the voter was required to provide proof of residence as a first-time voter, the municipal board of absentee ballot canvassers shall record the type of document provided on the poll list. If no proof of residence was provided, the municipal board of absentee ballot canvassers shall treat the absentee ballot as a provisional ballot.

The municipal board of absentee ballot canvassers may not count the absentee ballot and shall mark the ballot as "Rejected" if:

- The certification is insufficient (not signed or witnessed);
- The voter is not a qualified elector of the reporting unit;
- The absentee certificate envelope was open or had been opened and resealed;
- The absentee certificate envelope contains more than one ballot of any one kind;

- The certificate of an absentee elector who received an absentee ballot by Fax or e-mail is missing;
- Proof is submitted that the elector has died.

The reason for rejection shall be recorded on the certificate envelope and on the Inspectors' Statement (Form GAB-104) by the municipal board of absentee ballot canvassers. The rejected absentee ballots shall be placed in the brown envelope for rejected absentee ballots (Form GAB-102).

After recording the voter number for a properly cast absentee ballot, the municipal board of absentee ballot canvassers shall deposit the absentee ballot in the ballot box or vote tabulating device. The used certificate envelopes shall be placed in the white envelope for used certificate envelopes (Form GAB-103).

Follow the Same General Procedures as Used at the Polling Place

The municipal board of absentee ballot canvassers shall follow the same general procedures, and use the same forms as are used at the polling place when processing, counting and securing absentee ballots. Duplicate original tally sheets and a single Inspectors' Statement (Form GAB-104) must be maintained for each reporting unit. Rejected absentee ballots and used certificate envelopes are not required to be maintained by reporting unit. Rejected absentee ballots may be placed in a single Rejected Absentee Ballot envelope or container. Used certificate envelopes may be placed in a single Used Certificate envelope or container.

Challenging Absentee Ballots

An absentee ballot may be challenged in the same manner as it would be challenged at the polling place. Any qualified elector may challenge an absentee ballot. The municipal board of absentee ballot canvassers shall challenge an absentee ballot cast by an elector whose name appears on the ineligible voter list. The municipal board of absentee ballot canvassers shall follow the challenge procedures set out in the Election Day Manual and EIBd Chapter 9, Wis. Admin. Code using the GAB 104-C to document the challenge.

Completing and Delivering Forms

The municipal board of absentee ballot canvassers shall carefully record the votes for each reporting unit on duplicate original tally sheets, which

are signed by the board of absentee ballot canvassers and anyone who assisted in the counting. Municipalities utilizing an optical scan voting system shall use two machine printouts as tally sheets. However, write-in votes must be recorded on duplicate original tally sheets (Form GAB-105). The ballots and materials shall be delivered to the municipal clerk following processing and counting of the absentee ballots, and after completing, recording and securing the required forms.

Miscellaneous Issues

Automatic tabulating devices must be properly set up, programmed and tested before Election Day to count absentee ballots by reporting unit for the entire municipality.

Detailed training, including checklists and instructions shall be provided to the municipal board of absentee ballot canvassers by the municipal clerk.

Questions and Comments

If clerks have questions on the utilization of a municipal board of absentee ballot canvassers to count absentee ballots contact the Elections Division staff. We also encourage you to identify issues and detail procedures so that the central count absentee ballot process can be improved and shared with all clerks.

Falk, Shane - GAB

From: Morgan, Kari [kmorgan@newberlin.org]
Sent: Tuesday, August 16, 2011 2:41 PM
To: Falk, Shane - GAB
Subject: RE: Re: Central Count Absentee Guidance
Attachments: Central Count Absentee Guidance Input.doc

Shane:

Attached is some of our observations, thoughts, etc. If you have any further questions, please let me know.

Kari D.L. Morgan, WCMC
City Clerk
Community Relations/City Clerk's Department
New Berlin City Hall
3805 S. Casper Drive
Population 39,500
262-797-2447 / fax 262-786-6121
kmorgan@newberlin.org

From: Falk, Shane - GAB [mailto:Shane.Falk@wisconsin.gov]
Sent: Monday, August 15, 2011 9:21 AM
To: C Peterson; VOET@EASTTROY-WI.COM; cmchugh@ci.cedarburg.wi.us; sedman@milwaukee.gov; Morgan, Kari; mhiggins@kenosha.org; CityOf Brookfield-schmidt; SMUELLER@CI.MUSKEGO.WI.US; j.amerell@wfbvillage.org; KALANT@CI.SUPERIOR.WI.US; vicki@littlechutewi.org; MIKEH@CITYOFWATERTOWN.ORG; deb.neal@mcfarland.wi.us
Cc: Kennedy, Kevin - GAB; Robinson, Nathaniel E - GAB; Haas, Michael R - GAB; Hein, Ross D - GAB; Lowe, Diane - GAB; Magney, Reid - GAB
Subject: RE: Re: Central Count Absentee Guidance

Dear Clerks:

If you have not already done so, please provide me with your written comments after you have read the below and attached. Please provide me with your comments by 4:30 p.m., Monday, August 22, 2011. The Board has directed staff to circulate the attached and any clerk comments among the public. The Board hopes to review your comments and any other public comments at its next meeting on September 12, 2011.

Thank you to those that have already submitted comments.

If you have any questions, please feel free to contact me.

Shane W. Falk
Staff Counsel
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Madison, WI 53707-7984
Office: 266-8005
Direct: 266-2094
Shane.Falk@wisconsin.gov

From: Falk, Shane - GAB
Sent: Monday, August 08, 2011 3:34 PM

To: C Peterson; 'VOET@EASTTROY-WI.COM'; 'cmchugh@ci.cedarburg.wi.us'; 'sedman@milwaukee.gov'; 'kmorgan@newberlin.org'; 'mhiggins@kenosha.org'; 'Schmidt@ci.brookfield.wi.us'; 'SMUELLER@CI.MUSKEGO.WI.US'; 'j.amerell@wfbvillage.org'; 'KALANT@CI.SUPERIOR.WI.US'; 'vicki@littlechutewi.org'; 'MIKEH@CITYOFWATERTOWN.ORG'; 'deb.neal@mcfarland.wi.us'
Cc: Kennedy, Kevin - GAB; Robinson, Nathaniel E - GAB; Haas, Michael R - GAB; Hein, Ross D - GAB; Lowe, Diane - GAB; Magney, Reid - GAB
Subject: Re: Central Count Absentee Guidance

Dear Clerks:

As many of you already know, the G.A.B. is reviewing past guidance from January 2008 regarding Central County Absentee processes. Please find attached the Board Memorandum for the August 2, 2011 meeting and attachments, including the draft proposed guidance. The guidance follows the specific statutory requirements for central count absentee. Please note that the Board is very interested in receiving and considering your feedback and recommendations. Some have already commented. Please be sure to put your feedback and recommendations in writing, as that may help the Board with its decision at the September 12, 2011 Board meeting.

Please note that the Board modified the draft motion and the adopted motion included two additional steps: 1) staff make recommendations to the Board regarding legislative change necessary or advisable and 2) staff publicly circulate the draft guidance and clerk recommendations. Please keep that in mind as you submit your feedback and recommendations.

Submitting comments via email is satisfactory. No need for detailed formalities, unless you wish to attach forms, exhibits, etc.

Please submit your comments on or before August 22, 2011.

Thank you in advance for your input.

Shane W. Falk
 Staff Counsel
 Wisconsin Government Accountability Board
 212 E. Washington Avenue, Third Floor
 PO Box 7984
 Madison, WI 53707-7984
 Office: 266-8005
 Direct: 266-2094
Shane.Falk@wisconsin.gov

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Central Count Absentee Guidance Input

- 1.) Under “What is Required?” can it state that the municipal board of absentee ballot canvassers is the municipal clerk or in his/her absence the municipal deputy clerk? I know that this is inferred but having it in writing would be further clarification.
- 2.) We have 28 wards so we print out our poll lists per ward and the list only contains those that received absentee ballots – this allows for us to have separate groups all working at once on various wards. It also allows us to have a greater control on the canvassing of numbers at the end of the day when they are separated like this. The guidelines are suggesting that an entire poll book encompassing the entire municipality and all voters be printed out showing the absentee notation next to those that received an absentee ballot. My concern is that this would take much more time for the election workers to sort through pages and pages of a list looking for a single name as well as a specific ward.
- 3.) Further clarification needs to be stated regarding how a voter voting by absentee as well as in person can be remedied. The guidelines state that the board of canvassers shall reconcile the poll list of the electors who vote by absentee ballot with the corresponding poll list of the electors who vote in-person to ensure that no elector is allowed to cast more than one ballot. Is this saying that the canvassers should go through every poll list during their canvass and cross-reference the poll books to check for duplication? If so, is it then suggesting that the board look through the absentee ballots, pull the ballot out with the corresponding voter number and reject it? All of this is taking place the day following the election? If so, how can we transmit all of our information and materials to the County Clerk’s office in a timely manner if this is something that has to be done prior to turning ballots and all over?

CITY OF DE PERE

Char Peterson, Clerk-Treasurer
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August 22, 2011

Government Accountability Board
Madison, WI 53707-7984
VIA Emailed to Staff Counsel Shane Falk: shane.falk@wisconsin.gov

RE: Central Count Absentee Guidance

Dear Government Accountability Board:

This letter is being sent in response to the draft proposed guidance information provided on Central Count Absentee pursuant to passage of new legislation. The City of De Pere has used a Central Count Absentee Board beginning in 2008. Our set-up is a bit different than some other municipalities. The Central Count Absentee Board “processes” the absentee ballots and then transports the ballots to the respective polling place for tabulation. This worked extremely well in reducing the burden at the polls.

Under the proposed “Election Day Procedures”, the request asking clerks to post an informational statement listing the number of absentee ballots that were issued and returned by 8 pm on Election Day is humanly impossible. For example: This past Aug. 9th Recall Election I was helping one of my polling places from 3 pm to polls closed at 8 pm and then quickly returned to the office to get ready for all my other polling places and fielded questions that come up at the end of the night. On Election Day, voters have the ability to bring their absentee ballots to City Hall or to the polling place. We do not know how many absentees may have been delivered to the polls until everything has been completed and returned to City Hall at the end of the night. Therefore, this request cannot be done. However, we could provide this information as of Monday preceding the election if that would help. We already provide the information on the GAB-190 following the election once all votes have been entered into SVRS. The duplication is unnecessary.

The reconciliation of the poll books will be extremely difficult. We print from SVRS the "Absentee Log" by District and the voter number is assigned to each absentee voter using the log. The Election Inspectors assigned to the county & city poll book on Election Day are instructed to watch for any voter appearing at the polls vote when they have the "absentee" watermark below their name. They need to stop and check the Absentee Log to see whether their absentee ballot was returned and processed and also check with the Clerk's office to ensure it wasn't delivered to City Hall before allowing the individual to vote at the polls. As we experienced during the Recall Elections, this was very difficult to do. For some reason voters were confused about their absentee ballot they requested and many didn't vote & return the absentee ballot and then went to the polls on Election Day to vote. This became a nightmare to continually stop to check the Absentee Log and then call the Clerk's Office as well. This slowed down the voting process immensely. We heard many complaints on the wait because of signing the poll book even after they were split and the soft implementation of asking for the Voter Photo ID. We had so many people discard the informational document and tell us it was not our place to be asking for it. Following Election Day, all votes are entered into SVRS and if anyone attempts to vote more than once, it will be caught at that time. That is why SVRS was created in the first place. Election Day is a very long day already and adding that task would make it even worse. This information could be easily available the day following the Election and posted at the municipal office.

The "Voter Lists" section proposes the Municipal Board of Canvassers use two duplicated single poll lists for the entire municipality. That would not work at all since I have three individuals appointed per district to process those ballots for that respective district. If I had three individuals processing ballots for the entire city, we wouldn't be done for days. For example: In the last Presidential Election, we had over 5,200 absentee ballots. We have four districts and they all began at 7:00 am and the last district was not done until about 9:00 pm and then they had to transport the ballots to the polling place to be entered into the Eagle Tabulator to be counted. At mid-afternoon, I transported what was completed per district to each location to alleviate the burden at the end of the night to keep the process moving efficiently. The Municipal Canvass Board used one set of voter numbers per district and this worked very well. The poll books used on Election Day at each polling place has all absentee voters designated with the "absentee" watermark. The only ones not marked are those that vote absentee or are returned in the mail after the poll books are printed. We currently print poll books the Friday preceding the Election and it takes approximately 6 hours to print them for our four districts. Also, my Chief Inspectors highlight all the "absentee" watermarks in the poll books so they stand out to help the Election Inspectors on Election Day see them better. Every municipality prints their books at different times. SVRS will catch anyone attempting to vote more than once following the election when the votes are entered. The reason for SVRS was to make our

reconciliation of elections efficient and catch anyone voting more than once. This proposal would encumber the process instead of making it more accurate and efficient.

It would be most helpful if SVRS could be modified to place the "absentee" watermark in the poll book for those who returned an absentee ballot in the area where the Election Inspectors' place the voter number. This would prevent anyone who returned a voted absentee ballot to vote a second time at the polls. Once Election Day arrives and they have returned an absentee ballot, they are done.

Under the "Procedures for Processing Absentee Ballots", the Board is directed to check if the elector is a qualified voter. However, SVRS generates a list for ineligible voters, a death list & duplicate voter matches, which are reviewed on a monthly basis. Is it necessary to check the list again, which only slows the process down? It's good to have a copy of the list in the event someone wished to challenge a ballot for that reason and then the list could be referred to. The Board uses the form "Addition to the GAB-104 Inspector's Statement" that is attached to the Inspector's Statement from the polling place. After the Central Count Board has completed processing the ballots and taken them to the polls to be entered into the Eagle Tabulator, we have experienced some voters delivering an absentee ballot to the polls. Those ballots are processed directly at the polls so by keeping the two documents labeled in this way ensures what has taken place. The way we are set up and with the need to transport the ballots to the polling place to be entered into the Eagle Tabulator require us to maintain our documents by reporting unit. We tried working with the County to tabulate the absentee ballots by district at the Central Count location and it didn't work properly for transmitting the totals by modem to the County at the end of the night with our Eagle Tabulators. We are going to new voting machines beginning in 2012 with the DS200 so this perhaps can be revisited and changed to work with the advent of the new machines.

The individuals appointed on the Central Count Absentee Board are specially trained to concentrate on processing the absentee ballots only and not worry about all the other requirements that are necessary on Election Day at the polls. This ensures the accurate processing of the absentee ballots without constant interruptions from the other activity that occurs at the polling places.

Thank you for asking for input on the Central Count Absentee Board process that we have been using since 2008. It has proven to be beneficial for us in streamlining the entire process in the larger elections. It has served to be very efficient in getting our results completed and to the county in a timely fashion on Election night.

Please do not hesitate to contact me if you have any questions. I've worked with Wisconsin elections since 1991 and understand their importance.

Wisconsin does not have rampant voter fraud because of our attention to detail and training that is provided. The process has evolved over time into more paperwork so when we can avoid duplication such as some of the offered proposals, they need to be eliminated. Thank you for your time and consideration.

Friendly regards,

Char Peterson

Char Peterson
City Clerk-Treasurer

Falk, Shane - GAB

From: Connie McHugh [cmchugh@ci.cedarburg.wi.us]
Sent: Monday, August 15, 2011 10:26 AM
To: Falk, Shane - GAB
Subject: RE: Re: Central Count Absentee Guidance

Hello Shane,

Thank you for the opportunity to comment on Central Count absentee.

The City of Cedarburg has used Central Count for absentee ballots since the fall of 2008. Given the past experiences, associated costs, and proposed guidelines I have been giving serious thought about whether to continue using Central Count in the future. The following are my reasons:

- 1) There is relatively little flexibility when an ordinance is adopted requiring the use of Central Count. It is my understanding that if Central Count is used for one election it must be used for all elections. This is stated in our ordinance and based on comments I heard from Kevin Kennedy. In small elections I sometimes do not have a great number of absentee ballots but must use Central Count and print out a duplicate set of poll books and the additional paperwork for each district. For example, in a February election I may have only 10 or 12 absentee ballots in some districts. A fair amount of time is required to print additional poll books and the paperwork associated with Central Count and costs are incurred to pay the Board of Absentee ballot canvassers. A system where using Central Count is at the discretion of the Clerk is preferred.
- 2) The law governing Central Count requires that the municipal clerk be present at Central Count. While this works well for smaller elections where the Central Count process takes only a few hours, it can be burden for bigger elections when it is necessary for me to be in my office to answer the phones, field questions about voting, post the required information on the website, or occasionally be at the polling place.
- 3) The number of employees in my office has been cut almost in half over the past 15 months. With only two of us now it becomes increasingly difficult to print extra poll books and paperwork and train additional workers for Central Count. Training before elections is required and it will be difficult to take more time out during big elections to hold separate training for Central Count as coverage in my office is necessary for the large volume of people registering and/or absentee voting.
- 4) The proposed rule to reconcile Central Count poll books with the poll books at the polling place is an impossible burden. This will take hours after an election on an already very long day. Reconciling both sets of poll books on election night does nothing to prevent double voting. In fact, given the media coverage recently about the couple in Milwaukee County it is conceivable others may attempt the same thing knowing it can be done. The most frequently ask question I receive about Central Count is "how do we prevent someone from voting absentee and at the polling location"? I don't have a good answer.
- 5) It is very difficult to prevent someone from voting twice, which has been a concern of mine since I started using it. In fact, we did have a person vote twice in April. It was an elderly man who registered and voted at a nursing home with special deputies. His son then brought him to the polling place on election night and he registered and voted again. It was not a case of fraud but probably a memory issue, and something that could quite easily happen again. Of course the poll workers should have checked the absentee voter list but the list can be overlooked when it is busy. Because he re-registered I am sure they would not have thought he would have already voted absentee. Even if there was a watermark on the poll lists this would not have been caught because he re-registered, which required his name be placed on the supplemental list. When someone registers on election day poll workers typically do not check the regular poll lists.
- 6) I am continually required to cut my budget. Because I pay my election workers a lump sum per day there are really not savings associated with Central Count – only additional costs.

Because of these reasons I will be carefully considering over the next several months whether Central Count is beneficial to the City of Cedarburg. I would think there is a better approach to processing the large volume of absentee ballots for big elections, like having poll workers assign numbers on the poll books on the day before the election. Ballots could be left in the seal envelopes, opened on election day, and inserted in the machines. This, of course, may be difficult as well because there is not a lot of time between 5 p.m. on the Friday before election day and the actual election day and I seem to sense that GAB prefers that poll books be printed after 5 p.m. on the Friday before.

Again, thank you for providing me with the opportunity to comment.

Connie

Constance K. McHugh
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(262) 375-7906 (Fax)
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cmchugh@ci.cedarburg.wi.us

Falk, Shane - GAB

From: Kalan, Terri [kalant@ci.superior.wi.us]
Sent: Tuesday, August 09, 2011 2:40 PM
To: Falk, Shane - GAB
Subject: RE: Central Count Absentee Guidance

Shane – Below are my comments:

Posting number of absentee ballots issued and returned. We have done this but I have really never understood the purpose.

Reconciling the poll lists

“The municipal board of absentee ballot canvassers shall use two duplicate SVRS generated copies of a *single poll list for the entire municipality.*”

We have 10 polling places, therefore 10 poll lists for both the polling places and the absentee ballot canvassers. I am not sure how we would even begin to reconcile the single poll list from the absentee ballot canvassers against the 10 poll list from the polling locations. This would have to be completed after the election when all the election material (including the poll lists) has been returned to me. This would take a considerable amount of time. Election inspectors already put in extremely long days. I believe adding this element to the end of the day would make recruitment and retention of election inspectors even more difficult; and most likely cause me to consider opting out of the central count.

I understand the reasoning behind marking the back of absentee ballots with the voter’s poll list number, however, I disagree with it. If it is found that a person voted twice a ballot should be drawn down. The way a voter casts their ballots should remain unknown.

Our office checks the list of ineligible voters provided by the Department of Corrections against our registered voters. It seems unnecessary for the absentee canvass board to do this again with every absentee ballot.

Our absentee ballots are processed by our absentee ballot canvassers, secured in a transfer envelope and delivered by me to the polling locations to be counted via optical scan voting system. A list of those who voted by absentee are provided to the election inspectors.

Only once have we had a voter vote twice (this was prior to our central count). During the 2004 Presidential election a very elderly woman voted and returned her absentee ballot (she was on a permanent absentee list). On election day she had her daughter-in-law bring her to the polls to vote. She simply had forgotten she voted by absentee 3 weeks earlier.

Overall, the central count has worked extremely well for us. It has reduced the workload at the polling location for the election workers and all but eliminated absentee ballot errors because they are properly processed. It is easy to understand how there could be issues in very large cities and those specific issues should be focused on rather than making the process so cumbersome that municipalities opt to discontinue using central count.

Terri Kalan, City Clerk

Superior, WI 715-395-7369

From: Falk, Shane - GAB [mailto:Shane.Falk@wisconsin.gov]

Sent: Monday, August 08, 2011 3:34 PM

To: C Peterson; VOET@EASTTROY-WI.COM; cmchugh@ci.cedarburg.wi.us; sedman@milwaukee.gov; kmorgan@newberlin.org; mhiggins@kenosha.org; CityOf Brookfield-schmidt; SMUELLER@CI.MUSKEGO.WI.US; j.amerell@wfbvillage.org; Kalan, Terri; vicki@littlechutewi.org; MIKEH@CITYOFWATERTOWN.ORG; deb.neal@mcfarland.wi.us

Cc: Kennedy, Kevin - GAB; Robinson, Nathaniel E - GAB; Haas, Michael R - GAB; Hein, Ross D - GAB; Lowe, Diane - GAB; Magney, Reid - GAB

Subject: Re: Central Count Absentee Guidance

Dear Clerks:

As many of you already know, the G.A.B. is reviewing past guidance from January 2008 regarding Central County Absentee processes. Please find attached the Board Memorandum for the August 2, 2011 meeting and attachments, including the draft proposed guidance. The guidance follows the specific statutory requirements for central count absentee. Please note that the Board is very interested in receiving and considering your feedback and recommendations. Some have already commented. Please be sure to put your feedback and recommendations in writing, as that may help the Board with its decision at the September 12, 2011 Board meeting.

Please note that the Board modified the draft motion and the adopted motion included two additional steps: 1) staff make recommendations to the Board regarding legislative change necessary or advisable and 2) staff publicly circulate the draft guidance and clerk recommendations. Please keep that in mind as you submit your feedback and recommendations.

Submitting comments via email is satisfactory. No need for detailed formalities, unless you wish to attach forms, exhibits, etc.

Please submit your comments on or before August 22, 2011.

Thank you in advance for your input.

Shane W. Falk

Staff Counsel

Wisconsin Government Accountability Board

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Shane.Falk@wisconsin.gov

Falk, Shane - GAB

From: Mike Hoppenrath [MIKEH@CityofWatertown.org]
Sent: Friday, August 05, 2011 12:01 PM
To: Falk, Shane - GAB
Subject: RE: Central Count Absentee Guidance

Shane,

I do not know if you are formally going to request responses from those of us that use central count, so I will give you my comments now.

- 1) We currently use an absentee poll book for EACH DISTRICT (ward combination), not one for the entire municipality. When we have heavy turnout, I have several odd-numbered groups working on the absentees and one list would not be workable. Plus, we need to have a count of absentees by district (ward combinations) so when the ballots get run through the optical scan machine at each district, they know how many ballots they should have. I would propose that if the current language calls for only one poll list that the language be changed to allow for poll books that fit the needs of the municipality.
- 2) Trying to reconcile the absentee poll list with the in-person list before the canvas board adjourns will only work on a small election. What we usually find is when enter the voting history for that election and find a voter that appears to have voted twice, the voter on one of the lists was marked in error and it was usually the voter above or below that actually voted. But this does take a long time to try and figure out exactly what happened and is not something we can do the day after an election. If an instance of double voting is found while entering voter history, we can then go back and still pull the absentee ballot and change the totals.
- 3) While I will go far out of my way to help any voter, they have to be responsible for their actions. One of the reasons we are having so much trouble in our country is that no one takes responsibility for their actions anymore and it is always someone else's fault. I think with the change to no voting in the clerk's office on the Monday before, we will have more time to run poll lists with the absentee notation on the list used at the polling place. I would like to see the absentee watermark moved to the spot where the voter number is written. It will be almost impossible to miss it there as you have to write the number in that space. But it still requires the poll worker to have a dialog with the voter about having cast an absentee or not and then taking time to contact the central count to see if it has been processed. Finding an absentee at the central count may be difficult depending if the ballot is still in its envelope or has been processed. And if processed, all the records need to be changed to correct the count. All because the voter is allowed to vote on election day after they already voted absentee. There really is not time to do this with a line of people waiting to vote.
- 4) I like the central count for processing absentee. On a big election, the polling place would never get to the absentees til after the polls close and this delayed the check out and results. Plus, most of these people have been up all day and then had to process hundreds of ballots. The current process allows others to process the ballots and then all that the polling place workers need to do is run the ballots through the machine.
- 5) Thanks for taking the time to read this. I know that you would prefer one set of procedures but I think some flexibility is necessary. The number of incidents of voter fraud, I think, is very low compared with the number of voters and many of these new procedures are scaring my poll workers to the point that some have told me they will not continue. It is a lot to expect from these election inspectors to know 7-8 chapters of the State Law to run an election 2-4 times a year. Thanks again for asking.

Mike

Mike Hoppenrath
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From: Falk, Shane - GAB [mailto:Shane.Falk@wisconsin.gov]

Sent: Wednesday, July 27, 2011 9:53 AM

To: C Peterson; VOET@EASTTROY-WI.COM; cmchugh@ci.cedarburg.wi.us; sedman@milwaukee.gov; TONI.RAYALA@CI.WAUSAU.WI.US; kmorgan@newberlin.org; mhiggings@kenosha.org; CityOf Brookfield-schmidt; SMUELLER@CI.MUSKEGO.WI.US; j.amerell@wfbvillage.org; KALANT@CI.SUPERIOR.WI.US; vicki@littlechutewi.org; hutchinsons@combinedlocks.org; Mike Hoppenrath; deb.neal@mcfarland.wi.us

Cc: Kennedy, Kevin - GAB; Robinson, Nathaniel E - GAB; Haas, Michael R - GAB; Hein, Ross D - GAB; Lowe, Diane - GAB; Magney, Reid - GAB

Subject: Re: Central Count Absentee Guidance

All:

You are all receiving this email because our records indicate that you use a central count absentee process.

Recently, clerks have sought clarification of the Board's previous guidance on Central Count Absentee, particularly how it relates to the double-voting issue. Since I have worked for the G.A.B., staff had been advising that there should be a central count absentee and in-person poll list reconciliation, with the Board of Canvassers discarding the central count absentee ballot for any elector that votes in person on Election Day. This arises from a direct requirement in Sec. 7.53(1) and (2)(d), Wis. Stats.

Please find attached an excerpt from the Board materials for the upcoming 8/2/11 meeting. The pages are unnumbered, as the total package of materials was too big to email.

Staff has recommended that the Board direct staff to seek comment from municipalities with central count absentee and return to the Board for further consideration of the proposed guidance. You are welcome to appear during the public comment section of the 8/2/11 meeting, if you wish. You may also submit written comments to the G.A.B. You may send them to me at the email address below.

Following the 8/2/11 Board meeting and assuming the Board adopts staff's recommendations, the G.A.B. will likely circulate a more formal invitation for your written comment on the proposed guidance for central count absentee.

Thank you.

Shane W. Falk
Staff Counsel
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Falk, Shane - GAB

From: Schmidt@ci.brookfield.wi.us
Sent: Tuesday, August 02, 2011 1:32 PM
To: Falk, Shane - GAB; Robinson, Nathaniel E - GAB
Cc: Kennedy, Kevin - GAB
Subject: Comments on new guidelines for Central Count
Attachments: ADDITION TO INSPECTOR Statement.doc; ADDITION TO INSPECTOR Statement.doc;
Affidavit for absentee ballot Example.doc

Kris Schmidt
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email: schmidt@ci.brookfield.wi.us
Fax: 262-796-6671
Population 39,700 +

**ADDITION TO INSPECTOR'S STATEMENT (EB 104)
FROM THE MUNICIPAL BOARD OF ABSENTEE
BALLOT CANVASSERS**

We, the undersigned members of the Municipal Board of Absentee Ballot Canvassers, hereby certify that the following is a true and correct statement for the election on April 5, 2011 in all wards of the City of Brookfield, County of Waukesha, State of Wisconsin.

The Municipal Board of Absentee Ballot Canvassers reports the following for ward _____:

Processed _____ absentees ballots

Rejected _____ absentees ballots

Inserted into election Machine _____ absentee ballots for tabulation

Municipal Board of Absentee Ballot Canvassers

_____, City Clerk

Incidents log (See reverse side)

Quick Reference

Rejected Absentee Ballots – Absentee ballots are rejected if:

- RO The certificate envelope is open or appears to have been opened and resealed.
- RS The elector did not sign the certificate envelope
- RW There is no signature of a witness
- RD The inspectors have reliable proof that the elector has died before Election Day.
- RB Elector has voted more than one ballot of the same type.
- RV Elector has already voted in this election.

Procedure for Completing Inspector's Statement

1. List voter's name and reason ballot was rejected.
2. Indicate the reason for rejection on the certificate envelope.
3. Mark the certificate envelope "rejected # (serial number)."
4. Place the envelope containing the ballot in the Rejected Absentee Ballot envelope.
5. The elector's name is not entered on the poll list.
6. Do not count the ballot.

**ADDITION TO INSPECTOR'S STATEMENT (EB 104)
FROM THE MUNICIPAL BOARD OF ABSENTEE
BALLOT CANVASSERS**

We, the undersigned members of the Municipal Board of Absentee Ballot Canvassers, hereby certify that the following is a true and correct statement for the election on April 5, 2011 in all wards of the City of Brookfield, County of Waukesha, State of Wisconsin.

The Municipal Board of Absentee Ballot Canvassers reports the following for ward _____:

Processed _____ absentees ballots

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Municipal Board of Absentee Ballot Canvassers

_____, City Clerk

Incidents log (See reverse side)

Quick Reference

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3. Mark the certificate envelope "rejected # (serial number)."
4. Place the envelope containing the ballot in the Rejected Absentee Ballot envelope.
5. The elector's name is not entered on the poll list.
6. Do not count the ballot.

**AFFIDAVIT TO REQUEST AND ABSENTEE BALLOT ON THE MONDAY
PRIOR TO AN ELECTION.**

I, _____, being duly sworn on oath do hereby state:

1. I certify that I am registered to vote, a United States citizen, age 18 or older, and that I have resided at the following address, which is my legal voting address, for at least 10 days before the election for which I am applying for an absentee ballot. I further certify that I am not a felon.

2. I am requesting an absentee ballot under special consideration as I will not be able to vote on Election Day in the Municipality for the following reason(s):

_____ I or a family member will be hospitalized

_____ I will be serving on Jury Duty

_____ I will be absent from the Municipality

_____ Death or emergency in the Family

_____ Work related

_____ I have been called to work in the election.

_____ Other _____

3. That the Election Date for which I am requesting an absentee ballot is _____
Please Print

Name _____

Address _____

Date of Birth _____

Signature _____

Date _____

STATE OF WISCONSIN

County of _____

**Notary Seal
Not Required**

Subscribed and sworn to before me this _____ day of _____, _____

(Signature of person authorized to administer oaths)

My commission expires _____ or _____ is permanent

Notary Public or _____
(Official title if not a notary)

State of Wisconsin \ Government Accountability Board

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JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the September 12, 2011 Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared and Presented by:
Michael Haas, Staff Counsel

SUBJECT: Photo ID Implementation Issues – Student ID Cards

During its efforts to implement the new Photo ID law, Board staff has identified several issues requiring interpretation of statutory language, so that consistent guidance and direction can be given to local election officials and the public. This memorandum outlines three such issues involving the statutory provision related to student identification cards, and requests the Board's direction in interpreting that provision. This memorandum also provides information about a new requirement to provide proof of citizenship for some students when registering to vote.

Each of the three outstanding interpretation issues pertain to §5.02(6m)(f), Wis. Stats., which states as follows:

An unexpired identification card issued by a university or college in this state that is accredited, as defined in 39.30(1)(d), that contains the date of issuance and signature of the individual to whom it is issued and that contains an expiration date indicating that the card expires no later than 2 years after the date of issuance if the individual establishes that he or she is enrolled as a student at the university or college on the date that the card is presented.

1. Eligible Educational Institutions

Section 5.02(6m)(f), Wis. Stats., refers to student identification cards “issued by a university or college in this state that is accredited, as defined in 39.30(1)(d)...” The definition of an “accredited” institution in §39.30(1)(d), Wis. Stats., is

an institution accredited by a nationally recognized accrediting agency or by the board of nursing pursuant to s. 441.01(4) or, if not so accredited, is a nonprofit institution of higher education whose credits are accepted on transfer by not less

than 3 institutions which are so accredited, on the same basis as if transferred from an institution so accredited.

The website for the State of Wisconsin Educational Approval Board describes accreditation of educational institutions by private educational associations, as there is no centralized authority exercising single national control over post-secondary educational institutions in the United States. The website notes that a list of institutions accredited by various private organizations is maintained by the Council on Higher Education Accreditation (CHEA). The CHEA list contains 102 such institutions located in Wisconsin, including University of Wisconsin System campuses, technical colleges, and private colleges and universities. The list, which is attached, also includes institutions such as the Diesel Truck Driver Training School, Kaplan Test Prep, Four Seasons Salon and Day Spa, and Martin's College of Cosmetology. The Educational Approval Board cautions, however, that the CHEA list does not include all institutions accredited by regional or national associations.

The issue which arises, therefore, is whether the Legislature intended for student identification cards from all such accredited institutions to be permitted to be used for voting purposes. One possible reading of the statutory language cited above is that a student ID from any accredited institution located in Wisconsin may be used for voting purposes. Another interpretation is that the institution must be both accredited and a university or college located in Wisconsin. The opinion of Board staff is that the latter interpretation is likely the legislative intent, after conferring with Jeff Kuesel, the Legislative Reference Bureau drafting attorney for the Photo ID Law.

To support this interpretation, Attorney Kuesel noted that there were unsuccessful attempts to include technical colleges as among the institutions which could issue student ID cards for voting purposes, as illustrated by Assembly Amendment 23 to Assembly Substitute Amendment 2 to Assembly Bill 7, which is attached. This proposed amendment, specifying that identification cards from schools in the technical college system could be used for voting purposes, was rejected by the Assembly and was not included in the enacted bill.

Given this legislative action, it appears clear that the Legislature did not intend for technical college ID cards to be treated as equivalent to those issued by other universities and colleges. More generally, it appears that under §5.02(6m)(f), Stats., an institution must not only be accredited, but it must also qualify as a university or college. The Statutes governing the UW System define a "university" as "any baccalaureate or graduate degree granting institution," and a "college campus" as "any one of the 2-year collegiate campuses of the system." §36.05(13), (6m), Wis. Stats.

For purposes of the UW System, therefore, Board staff believes there is a sound basis for concluding that a student ID card issued by any of the two-year or four-year campuses of the UW System may be used for voting purposes. In addition, there appears to be no statutory basis for distinguishing between public and private institutions which are defined as colleges and universities. The most relevant language appears to be contained in §38.50(12)(a), Wis. Stats., which was created in the 2009-2010 legislative session. That provision states that, with some specific exceptions:

No person that holds itself out to the public in any way as a legitimate institution of higher education may use the term "college" or "university" in the person's name unless the person provides an educational program for which the person awards an associate or higher degree and the person has accreditation recognized by the U.S. secretary of education, has the foreign equivalent of that accreditation, as determined by the board, or has accreditation recognized by the Council for Higher Education Accreditation.

A conversation with staff at the Wisconsin Higher Educational Aids Board confirmed that the common meaning of the term "associate degree" is a degree based upon 60 semester credits, which is typically a two-year program. Therefore, staff recommends that the Board interpret §5.02(6m)(f), Wis. Stats., to permit student ID cards to be used for voting purposes only if they are issued by a public or private college or university that awards an associate degree or higher, and is accredited by a regional or national accreditation association, and excluding technical colleges.

Recommended Motion:

Adopt statutory interpretation §5.02(6m)(f), Wis. Stats., to permit student identification cards to be used for voting purposes only if they are issued by a public or private college or university that awards an associate degree or higher, and is also accredited by a regional or national accreditation association, and excluding technical colleges.

2. Proof of Enrollment

Section 5.02(6m)(f), Wis. Stats., states that a student identification card may be used to satisfy the photo ID requirement if the student "establishes that he or she is enrolled as a student at the university or college on the date that the card is presented." Therefore, Board staff believes that voters using a student ID for voting purposes are required to present separate documentation that they are enrolled at the institution, and that a ballot shall not be issued to a student using a student ID who does not present separate proof of enrollment.

The Legislature did not specify any particular document or form to establish that a student is enrolled at the university or college. Some options include a certified housing list provided by the institution or a tuition fee receipt, both of which may also be used as proof of residence for purposes of voter registration under §6.34(3), Wis. Stats. Alternatively, a public university or college may issue a letter to students verifying the student's campus residence as well as the student's enrollment. Such a document could accompany the student ID as proof of enrollment and also serve as proof of residence for voter registration because it is a document issued by a unit of government, pursuant to §6.34(3)(a)11., Wis. Stats.

While the statute refers to proof that the student is enrolled on the date that the card is presented, Board staff recommends interpreting this provision to mean that the proof of enrollment must refer to either the school year or the semester during which the election takes place, not the date of the actual election.

Recommended Motion:

Adopt statutory interpretation of §5.02(6m)(f), Wis. Stats., to require that voters using a student identification card also provide separate proof of enrollment, which shall refer to the school year or semester during which the election takes place.

3. Use of Stickers on Student ID Cards

As colleges and universities prepared to issue student ID cards for the current school year which could be used for voting purposes, the Board was asked whether existing ID cards may be used with a sticker or label affixed to the card that displays the dates of issuance and expiration along with the student's signature. Apparently few, if any, student ID cards currently issued by Wisconsin schools comply with the requirements of the Photo ID law. Institutions are therefore exploring the most cost-effective means of providing ID cards to students which may also be used for voting.

Section 5.02(6m)(f), Wis. Stats., describes an acceptable student ID card as one that "contains" the issuance and expiration dates along with the signature of the individual to whom it is issued. The Legislature did not provide any further guidance regarding interpretation of the term "contain," or place further restrictions or specifications on how the issuance and expiration dates and signature must appear on the student ID. The most relevant dictionary definitions describe "contain" as "to have within," "hold," "comprise," or include." These terms do not seem conclusive to resolve whether the student ID dates and signature may be affixed by use of a sticker or must be more integral to the actual production of the card, such as a signature within a laminated card, or on a signature strip similar to the back of a credit card.

Absent such specific language, Board staff recommends interpreting the above provisions to permit the use of stickers or labels containing the issuance and expiration dates, as well as the student's signature, affixed to a student ID, **provided** that the sticker or label has some indication that it was produced by the institution such as a small logo or the school's initials. That approach is similar, for instance, to the blue cards which the Department of Motor Vehicles previously issued to drivers to attach to the back of licenses to document an address change. In addition, there will be additional verification of the validity of the particular student ID card because it may be used for voting purposes only in conjunction with a separate proof of enrollment issued by the institution, as described above.

Board staff was contacted by a student at the UW-Milwaukee, Eric Grow, who has researched options for adding information to student ID cards by use of a high-security hologram sticker. Mr. Grow indicated that hologram stickers produced by the Dupont Corporation are government-quality and considered impossible to counterfeit, and he has advocated that the Board require the use of hologram stickers rather than a regular sticker or label. It is the opinion of Board staff, however, that the Photo ID Law does not require such a specific method of including information on a student ID card, or authorize the Board to mandate it.

This recommended interpretation seeks to implement the legislative intent to verify the validity of student ID cards in a practical manner. An acceptable student ID card must contain an expiration date that is no later than two years after the issuance date, and therefore an ID card

used for the duration of a student's attendance may contain multiple stickers or labels, the most current covering up the previous one. Staff recommends that schools that choose to issue cards in this manner communicate with clerks in the municipalities where the school is located and also provide a sample sticker or label to the our office so that election officials may be familiar with the form of student IDs that are likely to be presented on Election Day.

Recommended Motion:

Adopt statutory interpretation of §5.02(6m)(f), Wis. Stats., to permit the use of stickers or labels affixed to student identification cards to document issuance and expiration dates and the cardholder's signature, provided that the sticker or label contains some indication that it was produced by the college or university.

4. Proof of Citizenship on Certified Housing List

The Photo ID Law also made a significant change to the §6.34, Wis. Stats., regarding the certified housing list which may be used to establish proof of residence for students registering to vote.

Section 6.34(2), Wis. Stats., requires individuals registering to vote during late registration or on Election Day, or when registering by mail as a first-time voter in Wisconsin, to provide a document establishing proof of residence. A list of the types of documents that these electors may use to establish proof of residence is contained in §6.34(3)(a)7., Wis. Stats., and includes a residential lease, utility bill, or document issued by a unit of government which lists the individual's address.

For students, the options for establishing proof of residence also include a student photo ID card together with a tuition fee receipt issued by a university, college, or technical college dated no earlier than nine months before the date of the election. A student photo ID card may also be used as proof of residence if the student's name appears on a certified and current list provided to the municipal clerk of students who reside in housing sponsored by the university, college or technical college which issued the ID card. (Incidentally, it is noteworthy that this provision means that technical college student ID cards may be used for registration purposes, but technical college ID cards may not be used for voting purposes under the interpretation outlined in Section 1 of this memorandum.)

The tuition fee receipt and certified housing list options existed under prior law, but §6.34(3)(a)7.b., Wis. Stats., now requires that the housing list contains only names of students who are U.S. citizens. While all voters must certify to their citizenship when signing a voter registration form, students relying on the certified housing list for proof of residence are the only electors required to document their citizenship as part of the registration process. Citizenship confirmation is not required if students use a tuition fee receipt or other form of proof of residence, and it is not required of any other electors during the voter registration process. Colleges and universities typically collect citizenship information only by the student's certification on an application and do not independently verify citizenship.

Following the adoption of the Photo ID Law, the UW System advised Board staff that providing a list of student in campus housing who are U.S. citizens would be complicated by

federal privacy statutes governing all public and private institution that receive federal funds. The Family Educational Privacy Rights Act protects the confidentiality of a student's personally identifiable information, which cannot be disclosed without the student's consent, with some exceptions. The System's General Counsel indicated that its campuses would not be able to indicate on the certified housing list whether a specific student is a citizen without obtaining a written waiver from the student.

Board staff advised clerks that any housing lists provided by universities for this summer's recall elections were required to indicate whether the listed students were U.S. citizens, although there were not likely many cases of student voters living in campus housing during the summer months. In future elections, if universities and colleges decline to seek or are unable to obtain consent from students to release citizenship status, the option of using the housing list combined with a student ID card to establish proof of residence will be significantly limited.

This summary regarding citizenship status and campus housing lists does not require Board action and is provided only for the Board's information.

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JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the September 12, 2011 Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared by Elections Division Staff. Presented by:
Nathaniel E. Robinson Diane Lowe
Elections Division Administrator Lead Elections Specialist

SUBJECT: Patrick Williams Request: Approval of "One-Signature" Petition Format

Mr. Patrick Williams of WisconsinRecall.net contacted the Government Accountability Board staff requesting approval of a "one-signature" petition format which could be used in conjunction with an online method of distributing petition forms to collect signatures. Rather than disbursing petition circulators throughout a district to personally solicit signatures, Mr. Williams' process would allow an individual interested in signing a petition paper to access a petition form by logging on to a website. The signer of the petition page would also serve as the circulator for the petition page. The process is currently intended for soliciting signatures on recall petitions, but could be expanded to other petition processes including nomination papers.

The primary purpose of this memorandum is to discuss the viability of a one-signature petition form as an alternative to the conventional multi-signature form. A secondary issue is the process by which Mr. Williams intends to generate this form.

Petition Requirements

The requirements for a petition are set out in §8.40, Wis. Stats. Sub. (1), provides, "In addition to any other requirements provided by law, each separate sheet of each petition for an election, including a referendum, shall have on the face at the top in boldface print the word 'PETITION.' Each signer of such a petition shall affix his or her signature to the petition, accompanied by his or her municipality of residence for voting purposes, the street and number, if any, on which the signer resides, and the date of signing."

Sub. (2), requires that "The certification of a qualified circulator, stating his or her residence with street and number, if any, shall appear at the bottom of each separate sheet..." The certification shall state that the circulator "personally circulated the petition and personally obtained each of the signatures; that the circulator knows that they (the signers) are electors of the jurisdiction or district in which the petition is circulated, that the circulator knows that they signed the paper with full knowledge of its content; that the circulator knows their respective residences given; that the circulator knows that each signer signed on the date stated opposite his or her name; that the circulator is a qualified elector of this state, or if not a qualified elector of this state, that the circulator is a U.S. citizen age 18 or older who, if he or she were a resident of this state, would not be disqualified from voting under §6.03, Wis. Stats.; and that the circulator is aware that falsifying the certification

is punishable under §12.13 (3)(a). The circulator shall indicate the date that he or she makes the certification next to his or her signature.”

In addition to the requirements outlined in §8.40, Wis. Stats., the top of each page of a petition for recall must contain, in bold type, the words “RECALL PETITION.” If the recall petition is for a city, village, town, town sanitary district or school district office, each petition page shall contain a statement of a reason for the recall which is related to the official responsibilities of the official for whom removal is sought. §9.10(2)(a), (b), Wis. Stats.

One-Signature Petition Form

Typically, as the language implies, more than one person signs an individual petition page. The statute, however, in no way prohibits a petition page which contains the name of only one signer. In fact, a petition page with multiple signature options but signed by one person who has also completed the certification of circulator is common.

A petition form containing only one signature will generate as much as 10 times more petition pages than the conventional petition form which contains 10 lines for elector signatures. A petition for the recall of the office of Governor (which requires a minimum of 540,208 signatures), at ten signatures per page, would consist of approximately 54,000 pages, compared to more than 540,000 pages of one signature petition pages. The volume of paper would increase the storage space required to preserve the petitions for the statutory retention period.

The deforestation issue aside, the manual review process would not be adversely impacted by the increased amount of paper, and the possibility of partial automation of the process has the potential to significantly increase the efficiency of the review process.

A draft of the form generated by the process discussed below is appended to this memorandum and captures the requirements of §§8.40 and 9.10(2)(a), (b), Wis. Stats. It is the opinion of the G.A.B. staff that the single-signature petition form substantially complies with statutory petition requirements.

Mr. Williams’ Proposed Online Process for Accessing Petition Forms

The proposed process presumes cooperation on the part of Mr. Williams’ organization and the recall committee. The petition form that will eventually be generated by this process will be designed by Mr. Williams to conform to the statutory petition requirements for that particular petition purpose, e.g., petition title, filing officer, name of office and officeholder. The recall committee is responsible for promoting the online method of accessing petition forms and would begin the process of collecting names and addresses of potential petition signers well in advance of registration of the recall committee. Recall supporters would be encouraged to provide their names and addresses in order to build a database of potential petition signers. Information collected in the database would be used in a process that would accomplish the following:

1. Uniquely identify the elector and assign a unique database key for that elector.
2. Generate the form (appended).
3. Instruct the elector to print two copies of the form, and return a signed and dated copy to a pre-determined return location.
4. Document the receipt of the form at the return location.
5. Document the delivery of the returned form to the G.A.B.

When the recall committee has filed a Campaign Registration Statement, an email advisory is transmitted to those who have entered their names and addresses into the database, alerting supporters that signature collection may begin and the petition form is available on line. The recall supporter may then log onto the website and request the petition form. The requestor prints a petition form, customized with the requestor's name and address. The requestor signs and dates the certification and mails or delivers the form to a central collection location.

The printed form follows the same general format as the current recall petition form (GAB-170) and includes a certification which conforms to the statutory requirements of §§9.10(2)(a), 8.40, Wis. Stats. The form also includes a barcode that captures the name and address of the petition signer and identifies the officeholder subject to recall. Provided the G.A.B. has access to the online database, staff could scan the barcode and match it to the database record. Address verification could occur by matching the database record to the voter information data stored in the Statewide Voter Registration System (SVRS). Staff review would continue to operate under a presumption of validity, and address validation in SVRS would be used only as an enhancement to the requirements of GAB 2.05 Wis. Adm. Code. Failure to validate an address in the SVRS would not necessarily disqualify a petition signature, but may necessitate additional manual review.

Advantages

1. The inordinately time-consuming and labor-intensive nature of the petition review process was keenly illustrated by the time and personnel allocated to the review of the nine State Senate recall petitions filed this summer. Despite the concentration of resources, completion of the review process still required an extension of the time for review. The ability to scan the barcode and use an automated process to validate addresses through SVRS would greatly increase the speed, accuracy and efficiency of staff's petition review process. Bar coding would also catch duplicate signatures.
2. The form would be standardized. Customization of the form (which increases the chance for errors and omissions) by the petitioner would not be possible. Data standard to each petition form would be preapproved by G.A.B. staff and hard-coded into the form, thereby virtually eliminating the "fatal flaws" that occur with individually completed forms. Signer information would be easily read and in uniform format.
3. If the recall committees were able to successfully promote this process to the electorate, the need for pedestrian circulators could be greatly decreased. Reducing the number of on-foot circulators would significantly decrease the logistical and cost burdens associated with an organized recall effort.

Issues

1. As mentioned previously, the number of petitions pages submitted to the G.A.B. would increase dramatically. The volume of individual petition pages would have a minimal impact on the speed of an automated review. However, the volume of paper would increase the storage space required to preserve the petitions for the statutory retention period.
2. The process of scanning, matching and validation is sure to produce instances of non-matches. Again, address validation using the SVRS is merely a tool to be used in addition to processes already in place. Non-matches would be subject to manual review by staff and a presumption of validity is the overarching guiding principle. This would be the case with or without the benefit of access to Mr. William's database.
3. If this method were to be extended to nomination paper signature collection, the standardized form would not allow for customization such as orientation (landscape vs. portrait), the addition of biographical

information or inclusion of a picture of the candidate. The candidate committee would have to work with Mr. Williams to tailor the form to the committee's criteria.

4. Petition forms are required to be numbered, by the committee, with one set of sequential numbers. Page numbering protects the committee as well as the filing officer by establishing a record of the approximate number of signatures submitted. The volume of signatures for a statewide recall could necessitate disbursement of the signed petitions to several regional locations throughout the state. Subsequently, the petitions from each regional location would be combined and delivered to the G.A.B. Numbering of 540,000 pages would be a challenge. Mr. Williams offered the following suggestion for consideration:

Could each regional facility have its own sequential numbering? For example, a regional facility in Wausau would number the petitions collected at that facility as W-1, W-2, etc. A facility in Madison would number the petitions collected at that facility as M-1, M-2, etc.

G.A.B. staff would be required to note the last page number of each batch and add them together for a total number of pages. A receipt displaying this number would be generated for the recall committee.

5. If Mr. Williams were to provide G.A.B. staff access to his database, the database could be considered a public record subject to disclosure under §19.35 or, at the very least, reliance on a third-party petitioner's database could subject G.A.B. to challenge and be included as part of the adversarial challenge process.
6. There is a potential for "electronic mischief." For example, one or more persons could log in and submit thousands of names and addresses that could be used to generate the forms. Once the forms are available online, the forms could be requested, printed, signed and sent to the collection facility. It should be noted that this type of activity is not peculiar to electronic methods. The collection and submission of fraudulent signatures may also occur when petitions are circulated by conventional means.

Recommendations

Staff recommends approval of the one-signature petition form as an acceptable instrument for petition signature collection.

Staff further recommends the Board take no position on Mr. Williams' proposed online process for petition circulation.

Attachments

- Sample Single Signature Recall Petition
- Sample coded Single Signature Recall Petition
- Mr. Williams' September 1, 2011 communication
- Response to questions posed in September 1, 2011 communication

To: State of Wisconsin Government Accountability Board (GAB)

From: Patrick Williams, Milwaukee

Date: September 1, 2011

Re: Acceptability of Single-Signature Recall Petitions and the Use of Such in Online Recall Initiatives to be Offered as Public Input at the September 12, 2011 GAB Meeting

Attachments: Attachment 1 and Attachment 2

Honorable Board Members:

Thank you for your service to the citizens of Wisconsin, and your consideration of this public input. I am Patrick Williams of Milwaukee, acting solely as a Wisconsin citizen and qualified elector, unaffiliated with any organization, political action committee (PAC), or political party. I own and operate the web site WisconsinRecall.net (<http://WisconsinRecall.net>) in my free time, without compensation in any form. Having other full-time employment, I neither accept nor solicit any funds for myself or the website, but I do use the web site encourage the contribution of effort and funds to other organizations related to past and potential future recall initiatives and elections.

In light of the wide availability and low cost of the enabling technology, and of recent and potential recall initiatives, some as early as fall of this year, I respectfully submit that now is the time to implement an online recall process that will make it significantly easier for the vast majority of Wisconsin electors to obtain and submit recall petitions to the GAB. Qualified electors seeking redress through the recall process should not have to rely on other people physically presenting them, door-to-door, with a recall petition for signing, or on having to drive to locations where such signatures are being collected. An online process reduces the vagaries of signature collectors gathering and submitting those signatures incorrectly or illegally. It also reduces the burden on those supporting recalls to field a large number of signature gatherers. It allows for a more direct, private and accurate means by which qualified electors can express their recall preferences to the GAB.

The purpose of this public input is to respectfully ascertain the following from the GAB, in relation to a potential online recall initiative as early as this fall, employing single-signature recall petitions:

1. If a single-signature recall petition similar to either Attachment 1 or Attachment 2 arrived at the GAB, would it be considered valid if it was:
 - a. Duly signed and dated by a qualified elector in accordance with a recall initiative duly filed with the GAB, and
 - b. Forwarded by that elector directly to the GAB (identified by the return mailing information) in the appropriate time frame?

2. If batches of single-signature recall petitions similar to Attachment 2 arrived at the GAB, would they be considered valid if they were:
 - a. Duly signed and dated by a qualified elector in accordance with a recall initiative duly filed with the GAB, and
 - b. Forwarded by the electors to some organization representing the recall committee (identified by the return mailing information) that would collate and otherwise “in-process” them, and
 - c. Forwarded by the organization representing the recall committee to the GAB in batches in the appropriate time frame?

Attachment 2 includes an example of a unique code, also bar coded. This code is from a petition request database, presumably administered by some organization representing the recall committee(s), although it could conceivably be administered by the GAB itself. This database would be accessible by electors via the internet. Electors would enter their name, address and other information in this database, and verify the individual(s) they wish to recall (recallee(s)). Then a record ID unique to each elector and recallee combination would be generated (e.g., 1234567). A two-digit code (01, 02, etc.) would then be appended to the ID to indicate the recallee explicitly.

From this information a recall petition customized to each elector and recallee would be generated electronically on an appropriate date dictated by the recall filing, after which the elector could download the petition(s) for signing, dating and mailing. The barcode facilitates faster, in-processing of signed and dated forms, elector address validation, etc., by use of readily-available barcode scanning devices.

Optionally, another two-digit code (01, 02, etc.) might be appended to the unique ID to indicate the location at which the recalling organization would initially in-process the signed and dated petition, if applicable. Additional coding could be appended to indicate a relevant political district, but that is ignored here in anticipation of the recall of statewide officials.

This database might also allow people to request recall petitions for other people, such as an elderly relative or someone who has no computer access, so long as both the requestor and elector are clearly identified by name, address, and the requestor phone and e-mail address.

Given this information, two more questions remain:

3. In the case of either 1 or 2 above using Attachment 2, would the GAB accept access to a database similar to that described above to facilitate on your end the validation of single-signature petitions generated via an online recall process?
4. Between cases 1 and 2 above and Attachments 1 and 2, which is preferable to the GAB?

Again, thank you for your time and consideration of this public input. I look forward to working with the GAB to make online recalls a reality in the very near future. Please feel free to contact me at any time regarding this.

Best Regards,

Patrick Williams
Milwaukee, WI
Mobile: 414-241-1889
E-Mail: admin@WisconsinRecall.net

ATTACHMENT 1 - SAMPLE RECALL PETITION

TO: THE GOVERNMENT ACCOUNTABILITY BOARD

STATEMENT OF ELECTOR AND CERTIFICATION OF CIRCULATOR

I, the undersigned, petition for the recall of

<Office Holder Name and Office>

from office pursuant to Article XIII, Section 12 of the Wisconsin Constitution and §.9.10 of the Wisconsin Statutes. I certify that I am a Qualified elector of the jurisdiction or district represented by the officeholder named in this petition, and that I reside at the address and in the municipality listed below. I personally obtained this recall petition and signed this petition on the date indicated below, in accordance with the signature gathering timeline and requirements specified for gathering recall signatures in Article XIII, Section 12 of the Wisconsin Constitution and §9.10 of the Wisconsin Statutes. I signed this petition with full knowledge of its content. I support this recall petition. I am aware that falsifying this certification is punishable under §.12.13(3)(a), Wis. Stats.

(Signature of elector/circulator)

(Date of signing)

<Name of Elector>

<Address of Elector>

<Municipality Type> of <Residence Municipality>

- - - > IMPORTANT RETURN MAILING INFORMATION <- - -
Please mail this petition by <Mail Date> in a stamped business envelope to:

<Return Office Name>

<Return Address>

<Return City>, WI <Return Zip Code>

Generated by <Recall Committee Name> on <Document Creation Date>
at the request of elector/circulator listed above.

GAB- 170ss (8/2011) The information on this form is required by §§. 8.40 and 9.10, Wis. Stats.
This form is prescribed by the Government Accountability Board, P.O. Box 7984, Madison, WI 53707- 7984
608- 266- 8005, <http://gab.wi.gov> email: gab@wi.gov

Page No. _____

ATTACHMENT 2 - SAMPLE CODED RECALL PETITION

TO: THE GOVERNMENT ACCOUNTABILITY BOARD

STATEMENT OF ELECTOR AND CERTIFICATION OF CIRCULATOR

I, the undersigned, petition for the recall of

<Office Holder Name and Office>

from office pursuant to Article XIII, Section 12 of the Wisconsin Constitution and §.9.10 of the Wisconsin Statutes. I certify that I am a Qualified elector of the jurisdiction or district represented by the officeholder named in this petition, and that I reside at the address and in the municipality listed below. I personally obtained this recall petition and signed this petition on the date indicated below, in accordance with the signature gathering timeline and requirements specified for gathering recall signatures in Article XIII, Section 12 of the Wisconsin Constitution and §9.10 of the Wisconsin Statutes. I signed this petition with full knowledge of its content. I support this recall petition. I am aware that falsifying this certification is punishable under §.12.13(3)(a), Wis. Stats.

(Signature of elector/circulator)

(Date of signing)

<Name of Elector>

<Address of Elector>

<Municipality Type> of <Residence Municipality>

- - - > IMPORTANT RETURN MAILING INFORMATION < - - -
Please mail this petition by <Mail Date> in a stamped business envelope to:

<Return Office Name>

<Return Address>

<Return City>, WI <Return Zip Code>



12345670101

Generated by <Recall Committee Name> on <Document Creation Date>
at the request of elector/circulator listed above.

GAB- 170ss (8/2011) The information on this form is required by §§. 8.40 and 9.10, Wis. Stats.
This form is prescribed by the Government Accountability Board, P.O. Box 7984, Madison, WI 53707- 7984
608- 266- 8005, <http://gab.wi.gov> email: gab@wi.gov

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JUDGE THOMAS H. BARLAND
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: September 12, 2011

TO: Mr. Patrick Williams
WisconsinRecall.net

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

SUBJECT: Staff Response to Mr. Williams' Specific Questions
with Respect to Potential Online Recall Process

Thank you for your interest in the electoral process and your desire to introduce a technology-based option to the conventional method of petition circulation. Your proposal has been carefully reviewed by the Government Accountability Board Staff.

In your communication dated September 1, 2011 you pose four questions to the Government Accountability Board. Board staff has addressed each question, in turn, below.

1. *If a single-signature recall petition similar to either Attachment 1 (sample recall petition) or Attachment 2 (sample coded recall petition) arrived at the GAB, would it be considered valid if it was:*
 - A. *Duly signed and dated by a qualified elector in accordance with a recall initiative duly filed with the GAB, and*
 - B. *Forwarded by that elector directly to the GAB (identified by the return mailing information) in the appropriate time frame?*

Response: Yes. The single petition would be considered valid if properly and accurately completed by a single qualified elector. Please note however, that the Government Accountability Board does not accept petition pages sent by individual electors. The petition must be filed once, in its entirety, by the person registering the Recall Committee or an agent of that registrant. The date of filing sets the deadlines for challenge, rebuttal and reply, and for the filing officer to determine the sufficiency or insufficiency of the petition. A date of filing cannot be determined if petition pages are received piece meal.

2. *If batches of single-signature recall petitions similar to Attachment 2 (sample coded recall petition) arrived at the GAB, would they be considered valid if they were:*
- A. *Duly signed and dated by a qualified elector in accordance with a recall initiative duly filed with the GAB, and*
 - B. *Forwarded by the electors to some organization representing the recall committee (identified by the return mailing information) that would collate and otherwise “in-process” them, and*
 - C. *Forwarded by the organization representing the recall committee to the GAB in batches in the appropriate time frame?*

Response: Electors requesting a petition could be directed to mail or deliver their petition pages to a central collection site where the pages would be collated for delivery to the Government Accountability Board. The central location could “batch” the pages according to criteria established by the recall committee or the collection site. The batches however, must be delivered to the Government Accountability Board in one filing.

3. *In the case of either (question) 1 or 2 above using Attachment 2 (sample coded recall petition), would the GAB accept access to a database similar to that described above to facilitate on your end the validation of single-signature petitions generated via an online recall process?*

Response: The G.A.B. may accept access to the data base as a tool to facilitate review of the recall petitions. However, any information provided to the G.A.B., including a data base as described in your proposal, would be subject to the Wisconsin Public Records law.

4. *Between cases 1 and 2 above and Attachments 1 and 2, which is preferable to the GAB?*

Response: Either case number 1 or number 2 is acceptable for the preparation and delivery of the recount forms subject to the qualifications noted in those scenarios. If the data base is made available to the G.A.B., then, the coded form makes the most sense from a practical stand point.

Once again Mr. Williams, thank you for bringing this request to our attention. Please let us know if we can provide additional assistance.

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

Diane Lowe
 Lead Elections Specialist
 Government Accountability Board

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KEVIN J. KENNEDY
Director and General Counsel

DATE: For the September 12, 2011 Meeting

TO: Government Accountability Board Members

FROM: Kevin J. Kennedy, Director and General Counsel

SUBJECT: Request for Attorney General Opinion on Governor/Lieutenant Governor Recall

Since the onset of the current recall initiatives, the staff has been asked by several individuals to weigh in on how a recall of the Governor would be conducted. The primary issue is the impact on the Lieutenant Governor if a recall is initiated against the Governor. The issue is rooted in the fact that the Wisconsin Constitution provides for the election of the Governor and Lieutenant Governor as a slate in the November general election. However, the Wisconsin Constitution also provides for the recall of an elective officer.

After a review of constitutional and statutory provisions related to recall, election, impeachment, succession and vacancy; and consultation among agency staff; it is our opinion that a recall initiative against the Governor does not include the Lieutenant Governor on the petition. If there is a desire to recall the Lieutenant Governor, it must be done by a separate recall petition containing at least 540,208 signatures, the same amount required for the Governor and any other statewide elected official.

Because the resolution of this issue has a significant impact on the two elected officials and any person or committee interested in organizing a gubernatorial recall effort; agency staff believes the Attorney General, as the State's chief legal official, should provide direction to the Government Accountability Board on this issue. Board staff has broached this subject with key officials at the Department of Justice. We have been advised to develop an analysis as part of any request.

Analysis

Question presented: Must a petition to recall the Governor include the Lieutenant Governor to be a valid petition?

Election

In April 1967, the State Constitution was amended to provide for the election of the Governor and Lieutenant Governor on a joint ticket effective for the 1970 General election. Article V, Section 3. The Constitution provides the executive power of the state shall be vested in the Governor and a Lieutenant Governor. Article V, Section 1. Eligibility for the two offices is set out in a single provision. Article V, Section 2. Constitutional references to the terms of the two offices were combined in a subsequent constitutional amendment adopted in April, 1979. This would suggest the two offices are inextricably linked by constitutional design.

However, the state constitution also has a number of separately detailed provisions related to each office. The powers and duties of the Governor are set out in Article 5, Section 4. There are no constitutionally delineated powers and duties for the Lieutenant Governor. There are specific powers granted to the Governor for pardon (Article V, Section 6) and approving or vetoing bills (Article V, Section 9) which make no mention of the Lieutenant Governor.

The only specific separate constitutional reference to the Lieutenant Governor (Article V, Section 7) describes when the Lieutenant Governor becomes Governor. There is no mention of recall in that provision.

Candidates for Governor and Lieutenant Governor are nominated separately at the partisan primary. Neither winning candidate has a choice about who they are paired with in the November general election. The linking of the election of the Governor and Lieutenant Governor may be primarily an issue of succession in the event of a vacancy in the office of Governor.

Recall

In November 1926, the State Constitution was amended to provide for the recall of elective officers. Article XII, Section 12. This section was amended in April 1981 to provide for a primary election with respect to recall elections. The constitutional recall provisions are directed at a specific elective officer. There is no mention of a joint recall against the Governor and the Lieutenant Governor. All constitutional references to the subject of a recall are singular. Article XIII, Section 12, Subsections (intro), (1),(3),(4),(5) and (6).

Similarly statutory references to recall of an elective official are also singular. Wis. Stats. §9.10 (1)(a),(b),(c),(d),(s); (2)(b) (c),(d); (3)(b),(bm),(c),(d); (5)(a),(b); (6). The statutory recall provisions are clear that a petition requesting the recall of more than one elected official shall be prepared and filed separately. Wis. Stats. §9.10 (2)(c). Similarly the recall election of more than one elected official can be held on the same date. Wis. Stats. §9.10 (5).

In Wisconsin the right to recall an elective official is a political issue, just as the initial election is political. Unlike other states there are no provisions in the Constitution requiring a reason for recall be articulated or evaluated by a court as a basis for commencing a recall effort. The Constitution sets a high threshold for effectuating a recall by requiring signatures equal to 25% of the vote cast for Governor in the preceding election. The Legislature has buttressed this threshold by limiting the time period for gathering signatures to 60 days from the time of registration with the appropriate filing officer.

As a political issue, the recall is targeted at the performance in office of a particular individual. A reasonable person would not impute the policy decisions of the Lieutenant Governor to the Governor as a basis for recalling the Governor. In a recall effort the focus is on the particular officeholder. For municipal offices a reason related to the official responsibilities of the officeholder is required to be listed on the petition. The courts reviewing these reasons have suggested the reason for recall is a decision to be made by the electorate in a recall effort. *In re Recall of Certain Officials of City of Delafield*, 63 Wis. 2d 362, 372, 217 N.W. 2d 277, 282, (Wis. 1974).

Removal

An elected official may be removed from office on the basis of his or her actions. The Constitution provides the basis for removal of state officers through impeachment for corrupt conduct in office or for crimes and misdemeanors. Article VII, Section 1. These bases for removal are tied to an individual, not imputed to another official by election on the same ticket. This section specifically contemplates removal of the Governor separately from the Lieutenant Governor by prohibiting the Lieutenant Governor from participating in a removal proceeding. The corresponding statutory provision specifies any civil officer of this state may be removed by impeachment. Wis. Stats. §17.06 (1). The constitutional and statutory provisions related to removal, like the parallel provisions for recall, are tied to a single officeholder.

Succession

The Lieutenant Governor becomes Governor upon the Governor's death, resignation or removal from office. Article V, Section 7. There is no constitutional provision that the Lieutenant Governor assumes the office of Governor any other way. It appears the primary reason for electing the two officeholders on the same ticket is to ensure a vacancy in the office of Governor reflects the electoral choice made at the general election. By statute a vacancy in the office of Governor is filled by the Lieutenant Governor. Wis. Stats. §17.19 (3m). Given succession to the office of Governor is the only constitutionally specified duty for the Lieutenant Governor, it does not follow that the Lieutenant Governor should be joined with the Governor in a recall effort since a recall effort is targeted to the actions of the officeholder not the officeholder's possible successor.

Vacancy

The statute defining how vacancies are caused does not include recall. Death, resignation, removal and residency are the primary bases for causing a vacancy along with conviction and sentencing for certain specified types of crimes. Wis. Stats. §17.03. In these cases, it is clear the Lieutenant Governor succeeds to the office of Governor. Under the constitutional and statutory recall provisions, the candidate receiving the most votes is entitled to the office, whether by retention because the incumbent prevailed or election because a challenger was selected by the voters.

Request for Opinion

If the agency has to administer a recall of a statewide officeholder, in this case the Governor, staff believes we should be proactive in addressing any outstanding issues. The Department of Justice represented the agency in 10 separate challenges related to the senatorial recall efforts. The Department of Justice has the authority to issue opinions on questions of law to provide direction for agency actions. Wis. Stats. §165.015 (1). We should avail ourselves of that opportunity.

Conclusion

The agency staff believes a recall effort against the Governor does not include the Lieutenant Governor. An effort to recall the Lieutenant Governor must be done by a separate recall petition. This conclusion is supported by the constitutional and statutory recall provisions which address a single officeholder. The purpose of a recall effort is to hold a particular elected official accountable to the voters. The constitutional provisions related to the Executive officeholders

focus exclusively on the Governor with the exception of the manner of election, qualifications and length of term. The Lieutenant Governor stands in the shoes of the Governor only in terms of succession to the office due to death, resignation or removal. The Governor is subject to a separate removal proceeding from the Lieutenant Governor and should also be subject to recall efforts separate from the Lieutenant Governor.

Proposed Motion: The Government Accountability Board directs staff to request an opinion of the Attorney General on whether an initiative to recall the Governor must include the Lieutenant Governor or whether the recall of either or both officials must be done separately.

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JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the September 12, 2011 Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared and Presented by:
Michael Haas, Staff Counsel

SUBJECT: Campaign Finance Attribution Statement Issues

Board staff has received inquiries regarding the statutory requirement that political communications contain an attribution statement indicating the source of the communication, commonly known as a disclaimer or “Paid for by” statement. Because of the apparent increase in the number of organizations and individuals that have become involved in political communications during the course of this year and who have sought clarification of this requirement, staff seeks the Board’s guidance regarding the applicability of §11.30, Wis. Stats., specifically as it pertains to bumper stickers and t-shirts or other clothing.

Section 11.30(2), Wis. Stats., provides that the source of every political communication paid for by a political contribution or disbursement must clearly appear on the communication. The source must be identified by the words “Paid for by” followed by the name of the committee, group, or individual assuming responsibility for the communication, along with the name of the treasurer, in the case of a committee or group. An exception to this requirement is contained in §11.30(2)(fm), Wis. Stats., which states as follows:

This subsection does not apply to communications printed on pins, buttons, pens, balloons, nail files and similar small items on which the information required by this subsection cannot be conveniently printed. The board may, by rule, specify small items not mentioned in this paragraph to which this subsection shall not apply.

In the opinion of Board staff, neither bumper stickers nor t-shirts or other clothing constitute “similar small items” on which the attribution statement cannot be conveniently printed. There are numerous examples of campaign bumper stickers and t-shirts which contain the attribution statement, demonstrating that the information can be conveniently printed on these items, and also that candidate and political committees have historically and widely interpreted the statute to require such a disclaimer. Bumper

stickers and clothing would appear to be different enough in type and size to warrant specific mention if the Legislature intended to exclude them from the requirements of §11.30(2), Wis. Stats.

Recommended Motion:

Adopt statutory interpretation of §11.30(2)(fm), Wis. Stats., to require the use of an attribution statement on political communications printed on bumper stickers and t-shirts or other clothing.

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JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the September 12, 2011, Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared by: James Malone, Contract Sunshine Administrator
Reid Magney, Public Information Officer

Presented by: James Malone, Contract Sunshine Administrator
Sharrie Hauge, Chief Administrative Officer

SUBJECT: Legislative Audit Bureau's Evaluation of Contract Sunshine

Contract Sunshine is a purchasing and procurement reporting program maintained by the Government Accountability Board. The key component for this program is a website where agencies must report statutorily mandated data. In early 2010, media across the state questioned state agency compliance with the provisions of Contract Sunshine. In response, the Legislative Audit Bureau received a charge from the Joint Committee on Audit in July 2010 to evaluate Contract Sunshine. On August 31, 2011, the Legislative Audit Bureau released its evaluation of the Contract Sunshine program.

Background

Contract Sunshine as a program was established by 2005 Wisconsin Act 410, enacted on May 18, 2006 and published June 1, 2006. Act 410 created statutes that directed the then-Ethics Board to create a website that tracked solicitations, contract awards and change orders to awarded contracts as well as estimated expenditures. In order to comply with the new law, the Ethics Board created a bare-bones website for agencies to submit files in whatever format the agency found convenient. This website served as a stopgap while the Ethics Board began to design a new website that would allow greater standardization of data, which would in turn allow citizens to compare data over time and across agencies. The Joint Committee on Finance made \$30,000 available in December 2006 for the creation of this website.

The Ethics Board, after soliciting bids from vendors, chose Sundial Software Corporation of Madison to develop the website using the funds made available by the JCF. The Ethics Board spent approximately \$20,000 on the initial development of the website. Further improvements, upgrades and maintenance of this website would be supported by an annual appropriation of \$11,300 as designated by the Legislature. The Contract Sunshine website was launched to the public in December 2007.

The website as first designed proved to be insufficient to meet the requirements of the law as well as the practical needs of agencies mandated by state law to use the website. The Ethics Board had no experience in interpreting laws related to procurement by state agencies, which were far outside the scope of activity governed by the Ethics Board. The Ethics Board also received very little feedback from other state agencies during the website's design phase regarding the sufficiency of the website for

reporting. As a result, the website at launch failed to include several methods of purchasing available to state agencies. The website was also designed with the idea that all state agencies do their own purchasing, which is untrue as many small agencies have their purchasing services managed by larger agencies. This resulted in major questions and confusion regarding how to note purchases by these smaller agencies. Finally, the website was built with the notion that all entry would be done manually.

The flaws of the website became evident very quickly. As a result of these flaws, as well as generally poor usability in the design of the website, state agencies found themselves in the difficult position of not being able to accurately report their information, if at all. Beyond that, the Ethics Board outreach program proved insufficient to thoroughly educate state agencies about the new reporting requirements. These efforts were hampered as well by the Ethics Board's lack of expertise regarding purchasing, leading to many unanswered questions about complex purchasing procedures. In an attempt to ease the reporting burden on agencies and to bring reporting in line with state procurement thresholds, the Ethics Board directed agencies to report only purchases greater than \$25,000 instead of the statutory \$10,000 threshold.

As of January of 2008, the Ethics Board was abolished and replaced by the Government Accountability Board. With the merger of the Ethics Board and the State Elections Board, the new agency was legislatively mandated to review all formal opinions, orders, administrative rules, guidelines and operating procedures of the old agencies which was a complicated process that consumed staff resources throughout all of 2008. The newly formed Ethics Division of the Government Accountability Board lost several key staff members, creating further strain on the Contract Sunshine program as staff had to be reassigned to the program and split their time among many high-priority initiatives. As a result of these extraordinary pressures, further development of the Contract Sunshine came to a halt.

Recognizing that the agency had a duty to improve the Contract Sunshine program, G.A.B. staff moved responsibility for the Contract Sunshine program from the Ethics Division to the Administrative Services section in 2009. An existing open position was modified to include Contract Sunshine as 35 percent of this position's duties, and an employee was hired in this position in October of 2009. This employee was charged to review Contract Sunshine statutes and the Contract Sunshine website to evaluate the state of the program. This evaluation began in November of 2009 and continued through the early months of 2010.

In March of 2010, media reports surfaced regarding state agencies' lack of compliance with Contract Sunshine statute. G.A.B. staff had begun to make extensive changes to the functionality of the website at this time, recognizing many of the same issues that were mentioned in the reports. G.A.B. staff continued to improve the website throughout 2010, addressing flaws noted by agencies and improving usability to the point where manual entry of all reportable data was possible by summer of 2010. In an effort to clarify which agencies were failing to report versus which agencies had no reportable data, the G.A.B. began requiring quarterly certifications from state agencies. The first reporting period began in July 2010, and has continued on a quarterly basis to this point.

Performance Audit History

In July 2010, the Government Accountability Board staff was informed that the Joint Committee on Audit was considering an audit on Contract Sunshine. Director and General Counsel Kevin Kennedy testified before the Joint Committee on July 14, 2010 about the state of the program, including the great strides that had been made since October 2009. The Joint Committee voted to approve a performance audit of the Contract Sunshine program to be conducted by the Legislative Audit Bureau.

The Legislative Audit Bureau held an initial meeting on the Contract Sunshine audit in late July 2010. At this meeting, LAB staff made their initial data requests, which were fulfilled before the end of the month. Following this initial request for data, the LAB made occasional requests for additional data over the course of the next 11 months, which G.A.B. staff provided as expediently as possible. LAB

staff also scheduled several meetings with G.A.B. staff to ask follow up questions based upon their analysis of provided data. Two meetings were held in September 2010 and another in January to seek further information. Beyond that, G.A.B. staff responded to many phone and e-mail inquiries seeking clarification over the course of the year-long audit process. G.A.B. staff found the LAB staff to be extremely professional in their approach, and several questions and observations offered in meetings with LAB staff have already found their way into improving the Contract Sunshine program.

Summary of Findings

Upon completion of the audit, the LAB composed a draft version of their report and shared this with G.A.B. staff on August 10, 2011. Government Accountability Board staff had the opportunity to review this initial confidential draft and then meet with LAB staff during the audit exit conference on August 17, 2011. At this meeting G.A.B. staff discussed the report findings with the LAB and made suggestions to improve the accuracy and clarity of the final report. G.A.B. staff had some concerns about connotative word choice and some characterizations of the program but agreed with the main thrust of the report and its conclusions.

The report findings can be summarized as follows:

- Minimal resources have been devoted to developing and maintaining Contract Sunshine.
- In Fiscal Year 2010 (July 2009—June 2010), only 853 transactions were reported to Contract Sunshine. In the first four months of Fiscal Year 2011 (July 2010-October 2010), concurrent with the G.A.B.'s certification program and enhanced usability of the website, 2,526 transactions were reported.
- The certification process, due to its voluntary nature and the ability of agencies to note that they were unable to meet the 24-hour reporting deadline, is not likely to provide citizens with more assurance of completeness of information.
- In general, information reported by agencies in the system is not always complete, accurate, timely or useful to the public.
- Limitations in the website in the past have hindered agency reporting. It is the contention of G.A.B. staff that these limitations have been mainly alleviated, with the exception of developing an automatic upload function.
- The Department of Administration has been directed, as part of 2011 Wisconsin Act 32, to develop a new publically accessible website that will report all expenditures for state operations exceeding \$100 that could be more useful than Contract Sunshine for public monitoring of government purchasing transactions.

The report's recommendations are as follows:

- DOA should report to the Joint Committee on Audit by January 17, 2012 on the status of implementing 2011 Wisconsin Act 32 and the projected costs of the project for both development and maintenance.
- If the Joint Committee on Audit determines that the new website will be more clear, comprehensive and useful than Contract Sunshine, the LAB recommends that the Legislature repeal Contract Sunshine statutes entirely.
- If the Joint Committee on Audit determines that the new website will not be an improvement, the LAB recommends that Contract Sunshine statutes be modified to give responsibility for the program to DOA, and give DOA the ability to promulgate rules related to overseeing and enforcing compliance with Contract Sunshine statutes.

The full text of the report can be accessed through this link: <http://legis.wisconsin.gov/lab/reports/11-11full.pdf>.

Staff Recommendation

Government Accountability Board staff concur with the recommendations of the Legislative Audit Bureau. It is the opinion of G.A.B. staff that Contract Sunshine should be housed in the Department of Administration, which has expert knowledge of procurement processes, would better be able to answer complex procurement questions, and do so authoritatively. As the full LAB report notes, no other state in the Midwest houses its expenditure transparency website in their state's G.A.B. analogue. In fact, G.A.B. staff can state that no other state in the nation houses its version of Contract Sunshine in an agency with the responsibilities of the G.A.B..

In summation, Government Accountability Board staff agrees with the broad points of the Legislative Audit Bureau's evaluation of the Contract Sunshine program. G.A.B. staff realizes that any changes to Contract Sunshine statutes will have to be made by the Legislature. In the meantime, staff will continue to maintain and improve Contract Sunshine reporting for the ease of reporting agencies and for the benefit of the public.

It is our recommendation that the Board agree with the findings of the Legislative Audit Bureau's evaluation of the Contract Sunshine program and that the Board adopt the final recommendations of this evaluation as its official position regarding the future of Contract Sunshine.

MOTION: Endorse the Legislative Audit Bureau's recommendations to repeal the Contract Sunshine statutes entirely or modify the Contract Sunshine statutes to give responsibility for the program to the Department of Administration.

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JUDGE THOMAS H. BARLAND
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the September 12, 2011 Meeting

TO: Members, Wisconsin Government Accountability Board

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

Background Briefing Memo Prepared by / Presentation and Demonstrations Provided by:

Nathaniel E. Robinson	Sarah Whitt	David Grassl
Elections Division Administrator	SVRS Functional Lead	G.A.B. IT Team Lead

SUBJECT: **Agenda Item K:** Report on Elections Division IT Initiatives

The Elections Division is pursuing a number of IT innovations designed to benefit staff, voters and clerks. Not only will these initiatives measurably increase efficiency at all levels of the election administration process, when implemented, they will also impact the bottom line; they will reduce administrative and operating costs.

Staff is pleased to showcase for the Board, three exciting initiatives that will facilitate and enhance the voter registration process, reduce the labor intensive time and attention that staff must devote to the processing of nomination papers and recall petitions, and significantly increase the ease and accuracy of implementing the 2010 Decennial Census results (redrawn district boundaries). No action is requested or required by the Board. This segment of the agenda is for information only.

1. Click and Mail Voter Registration System

Voter registration currently consists of a paper-based human-intensive manual business process. The paper forms create issues including illegible handwriting and data entry errors. These forms come in high volume immediately prior to elections, as well as on Election Day, requiring clerks to hire temporary or other data entry staff to keep up with the volume.

Last August 2010, the Board authorized staff to develop, implement and distribute what was then called the "SVRS Facilitated Mail-In Registration System." For a detailed background on the objective for this initiative, a copy of the memoranda presented during the Board's August 30, 2010 and May 17, 2011, Open Session Meetings, are attached.

An online portal where voters can enter their voter registration information is being finalized. This web-based application validates that the voter entered their information correctly and at the end of the process, creates a pre-filled voter registration application that can be printed and mailed-in. The voter data is then sent to SVRS as a "Pending" application that can be processed by the clerk once the printed form is received via the U.S. Mail or hand delivered. This is done without performing additional data

entry. The required HAVA Checks and Voter matching will take place at the time the application is processed.

The Board authorized staff to launch the SVRS Facilitated Mail-In Registration System by December 1, 2010. During the development, staff experienced unexpected technical challenges that caused a delay in the implementation. The delay however, provided staff with the opportunity to gather additional input from our local election officials, our customers and partners, and the public at large. Also, during this period in which we reassessed our basic paradigm and the name of this application, a Voter Photo ID Bill was passed by the Legislature and signed into law by the Governor, that became effective on June 10, 2011. This new law impacted our planned SVRS Facilitated Mail-In Registration System in a number of ways.

Staff conducted an internal contest for a more reflecting name or title for the SVRS Facilitated Mail-In Registration System. The winning title was submitted by Staff Counsel, Michael Hass. The new name for the SVRS Facilitated Mail-In Registration System is now, "G.A.B. Click and Mail Voter Registration System."

Board staff continue to work on the new Click and Mail Voter Registration process that will allow voters to provide voter registration information online, and then, print off and mail-in the voter registration form. We have updated the Voter Application Form (GAB-131) that incorporates the new changes included in the Voter Photo-ID Law and are in the process of finalizing these changes into the G.A.B. Click and Mail Voter Registration System. Staff's schedule calls for the launching of this new System by October 1, 2011.

The following changes and/or refinements have been made to the G.A.B. Click and Mail Voter Registration System since it was first presented to the Board:

- A. The G.A.B. Click and Mail Voter Registration System has been expanded to allow voters to register using the last 4 digits of their social security number, as well as for voters who have neither a driver license/state ID, nor a social security number. This was originally requested by Paul Malischke at the March 22, 2011 Board Meeting, with the Board agreeing and directing staff to make the change.
- B. The G.A.B. Click and Mail Voter Registration System has been expanded to be used during the late registration period as well as on Election Day (instead of closing 20 days before the election) based on feedback obtained during the clerk focus groups held in the spring of 2011.
- C. The G.A.B. Click and Mail Voter Registration System has been modified to accommodate the new Photo ID Law. Major changes include:
 - Out of state driver license was removed
 - Driver license expiration date was added
 - All references to residency were changed from 10 days to 28 consecutive days
 - References to the penalties for giving false information were updated to include language that it is a Class I felony
 - Information on acceptable documents for proof of residency was updated

2. Status of the SVRS Redistricting Project

In 2012, district and municipal boundaries will be managed in SVRS using Graphic Information System (GIS) technology instead of address ranges. The big change is that districts will be represented by GIS polygons instead of address ranges. Maintaining address ranges is a time consuming and manual process. GIS reduces the time it would take to reassign voters to the new districts. This will be done by:

- Standardizing Addresses in SVRS;
- Geocoding Addresses: Assigning a GIS coordinate to an Address; and,
- Matching an Address to a district polygon.

This is a significant change for both current SVRS technology as well as the current business process. To manage the risk of the project, the G.A.B. technical team is implementing this new GIS-based feature in phases.

- Phase I: The G.A.B. Technical Team will receive the new districts from Legislative Technology Services Bureau (LTSB) and work with University of Wisconsin Applied Population Lab (UW APL) to upload the district boundaries into the new GIS SVRS District Management System. This will not require any additional work by counties or local municipalities to set anything up for redistricting in SVRS.
- Phase II: The G.A.B. Technical Team will work with G.A.B. program staff to roll out the new District Boundary management tool. This will empower counties and local municipalities to upload and manage changes to districts moving forward.

G.A.B. is partnering with the LTSB and the UW APL to use the WISE-LR tool (a District Management tool) to manage district and municipal boundaries in SVRS. All boundary information that counties and municipalities are entering into WISE-LR for redistricting will be transferred to the new SVRS District GIS system.

Moving forward, counties and municipalities will have the option to either continue using WISE- LR to manage their district and municipal boundaries, or they can use their own GIS systems and import updates directly to the SVRS District GIS system. With the new system, clerks can move voters into the correct district combos by moving a pin on the map, just like one does with Google or Bing maps.

Clerks will need to perform certain critical tasks once the new districts are loaded in SVRS, but before the February Election:

- Create new Polling Place Assignment Plans and Reporting Unit Plans using the new wards
- Correct voters who get put in the wrong district combo

Another outcome of this project is the standardization of address information in SVRS. This standardization will assist other systems such as the Nomination Paper process (the third IT application initiative discussed below), in validating addresses accuracy. This takes out all the variability in matching addresses based on how they are abbreviated.

Timeline:

- September 19, 2011: Local redistrict plans submitted to Legislature
- November 18, 2011: Update new districts to SVRS GIS District System
- March 1, 2012: SVRS System Changes Complete

The Legislative Redistricting Update:

- A. Wisconsin Act 39 was enacted on July 25, 2011, and published on August 8, 2011. This Act changes some of the rules regarding redistricting, and the order in which legislative districts can be drawn in relationship to local municipal and county districts.
- B. Wisconsin Acts 43 and 44 were signed by Governor Walker on Tuesday, August 9, 2011 and published on August 23, 2011. These Acts create new legislative districts for State Assembly, State Senate, and US Congress. The new Legislative districts will be in effect for the fall elections of 2012.

- C. The new Legislative districts were built based on census blocks and tracts rather than wards.
- D. Some municipalities will need to revise their ward plans to coincide with the new Legislative districts before the Fall 2012 elections.

3. Automated Process of the Review and Analysis of Nomination Papers and Recall Petitions

The G.A.B. Elections Division is exploring Optical Character Recognition (OCR) Software as a viable and reliable way to reduce the time and cost that it takes to review and certify nomination papers and recall petitions. G.A.B.'s current process does not require Candidates to use a specific form or format when gathering signatures from electors.

Board staff experience during the 2011 regarding the Recall process included but was not limited to the following:

- Number of certified Recall Petitions: Nine
- Number of total pages reviewed: 29,672 (estimated)
- Number of signatures reviewed: 215,972 estimated signatures (194,834 verified)
- Number of G.A.B. staff persons participated in the Recall project: 16
- Number of Spherion temporary contract staff persons participated: 17
- Number of hours G.A.B. program staff* spent on the Recall project: 5,475.75 hours
- Number of hours Spherion contract staff spent on the Recall project: 578.5 hours
- Costs of staff's reviews/analyses and the printing: \$88,662 (approximately)
- Time it took from start to finish to complete the Recall project: February – June, 2011

* This estimated amount of G.A.B. staffs' time does not include that of Staff Counsel or the Agency Director and General Counsel.

As can be seen from this these select data, numerous, large and high volume recall petitions place a heavy burden on staff and present difficult administrative challenges for meeting tight statutory deadlines. While the \$88,662 includes salary for overtime that G.A.B.'s program and contract staff worked, it does not convey the number of overtime hours, including time worked on weekends and holiday that Board and temporary contract staff incurred in order to meet statutory timelines.

The 2011 administration of Recall Petitions was a time consuming, hectic and stressful process for staff and the Board. In order to efficiently administer the Recall review, analysis and challenge process, an electronic copy or abstract of each Recall Petition is necessary. Attempting to administer the Recall review, analysis and challenge processes using the original paper record exclusively is not practical for Recalls of the 2011 scale or larger. G.A.B. needs a more efficient and effective way to administer, review and analyze recall petitions as well as nomination papers, and both respective challenge processes.

Board staff is exploring Optical Character Recognition (OCR) Software that is aimed at automating the Recall Petition and Nomination Paper Review Process. If such an application would be used by candidates and political parties, it is anticipated that it would significantly reduce the time, number of staff and costs that it currently takes to administer, review and analyze recall petition, nomination papers, and each respective challenge process.

High level features of the Automatic OCR Initiative for the timely processing and review of Nomination Papers and Recall Petitions include:

- The creation of a form template that candidates and political parties can use to customize to their individual needs (i.e. add pictures, logos, etc.).
- Development of a form that will facilitate, advance and optimize the automated validation process.

- A functionality that that will highlight exceptions and reference those exceptions back to the original scanned document.
- Development of a Dashboard to help manage the overall nomination audit process.
- A functionality that will validate addresses within SVRS and validation software such as ZP4.
- A functionality that will keep track of changes made to the document in a diary for future reference.
- A functionality that will check for address duplicates.
- A functionality that will determine if an address is outside of the district the petition is for.
- A functionality that will that will publish findings to the G.A.B. website for public review.
- A functionality that will that will count the number of valid signatures and number of pages.
- A functionality that will that will provide the ability to determine if each piece of the document has been filled-in such as Candidate Name, Title of Office, Type of Election, and Candidate Address.

The key is to have the address of the citizen and the “wet” signature of that individual. G.A.B. will process (review and verify) that the address is correct and located within the district affected by the petition.

Limitations and Challenges of the OCR Software

The challenge is to transfer the hand-written word (address information) into an electronic format. To do this, staff are exploring two types of OCR. One type provides a functionality where one can scan in a typed document or bar code. The other type is a hand-written document. To properly interpret a hand-written document, a “Printed” not “Cursive” written document is needed. Each person writes different size letters, so building a form that standardizes how the letters are written is important.

To do this, the software requires a person to print each letter into separate boxes; forms need to be formatted with “Control” characters at the corners. This is a limitation in that standard forms would need to be used for the OCR software to be successful. There is not, at this time, an electronic way to read hand filled-out forms where the hand-printed information is not displayed in the required “separate box” format.

No Board Action Required

During the G.A.B. September 12, 2011 meeting, it is staff’s intent to introduce the Board to the Optical Character Recognition (OCR) Software, its concept and demonstrate its potential. A recommendation is not being offered at this time; therefore, no Board action is required.

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JUDGE GORDON MYSE
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KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the August 30, 2010, Meeting

TO: Members, Wisconsin Government Accountability Board

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

via

Kevin J. Kennedy
Director and General Counsel
Government Accountability Board

Prepared and Presented by:

Sarah Whitt Ann Oberle
SVRS Functional Team Lead SVRS UAT Test Lead

SUBJECT: Online Facilitation of Mail-In Registrations
A Proposed Initiative for Mail-In Online Voter Registration
Authorization to Jointly Study True Online Voting with Department of Transportation

Issues

1. Should the Government Accountability Board authorize staff to develop and administer a pilot mail-in online voter registration demonstration program?
2. Should the Government Accountability Board authorize staff to study and develop a true online voter registration proposal in collaboration with the Wisconsin Department of Transportation and other partners?

Background

Board staff have been actively researching on-line voter registration since July 2009. According to a 2009 U. S. Election Assistance Commission report, states received more than 60 million voter registration forms between 2006 and 2008, most of which were on paper¹. Staff research indicates that eight states (Arizona, Colorado, Indiana, Kansas, Louisiana, Oregon, Utah and Washington State) currently have on-line voter registration systems in place.

¹ US Election Assistance Commission, The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 2007-2008: A Report to the 111th Congress 6 (2009)

At least 3 more states are developing similar systems (California, Nevada, and North Carolina). The State of Delaware operates an online voter registration system similar to the mail-in online pilot demonstration concept being proposed by Board staff. Delaware's program provides for voter registration information to be submitted online, printed, and confirmed by an election official.

An on-line voter registration bill was drafted in the previous legislative session, was subsequently rolled into the Wisconsin Voter Protection Act, but ultimately that bill was not taken-up. In accordance with the Legislatively-approved five-year Wisconsin 2009-2014 Election Administration Plan, Board staff are committed to moving forward with on-line voter registration. This memorandum spells-out the framework and approach that Board staff request approval to pursuing for accomplishing this important initiative as a service to Wisconsin's residents, our clerks and voters.

Discussion

1. A Mail-in Online Registration Pilot Demonstration Program

A. Why Pursue a Mail-in Online Registration Initiative?

On-line registration is an effective tool in mitigating several problems that currently exist in interpreting and translating voter registration documents. Some of the most glaring and reoccurring challenges include:

- Handwritten Voter Registration Forms, particularly forms submitted or third party voter registrants, are frequently missing required information, which forces clerks to follow-up with voters to get complete data before they can register the voters. An on-line form can be programmed to require all information, and provide a "hard stop" if voters skip required fields. Additionally, this initiative will likely decrease reliance on third party voter registrants.
- Handwriting can be difficult to read. Having voters type-in their own information increases the accuracy and quality of the data being entered into the voter registration system.
- During election periods, many local clerks need to hire temporary workers to data enter the large volume of voter registration forms that come in. Allowing individual voters to "do their own data entry" directly saves clerk time and money.
- Election Day Registration is still perceived by many voters as the most convenient way to register. This creates long lines at the polling place, as well as large volumes of work for clerks after the election. An on-line form that can be filled-out in the comfort of one's home adds a convenience level that is likely to help offset the number of Election Day Registrants (EDR's).

B. Online Facilitation of Mail-In Registrations

Due to the failure of the Wisconsin Voter Protection Act, Board staff were not able to move forward with true on-line voter registration as was hoped. An interim solution has been developed by Board staff that can be used to gauge public interest in on-line voter registration, and collect statistics for further analysis that will inform a true online voter registration proposal that is expected to be presented to the Board sometime during the first quarter in 2011. We expect Mail-In Online Voter Registration to work similarly to USPS mailed or facsimile received voter registrations as described below.

C. USPS mailed or Facsimile Received Voter Registrations Process

Currently, Wisconsin statutes provide for registration by mail. Wis. Stat. § 6.30(4). Any eligible voter may register by mail on a form prescribed by the Board. When the clerk receives a voter registration by mail, the clerk reviews the form for completeness. If the form is sufficient to accomplish registration, the clerk enters the elector's information into SVRS. A postcard notification is mailed to the voter, and if returned to the clerk as undeliverable or with information of a different address, the voter's record is marked "inactive." If the form is incomplete, the clerk must notify the elector requesting information to make the form sufficient within 5 days of receipt of the registration form. Wis. Stat. § 6.32(1) and (2).

The plan to automate the mail-in process is a logical extension what is current law authorizes. Automation would streamline the process for the voter clerk and voter. Because the online process requires completing all information before proceeding, the need for clerks to contact voters for missing information is eliminated. Voters would be more franchised sooner because their registration would be verified sooner and the voter would receive information about how to accomplish registration and any deadlines for registration faster.

D. The Proposed Mail-In Online Voter Registration Process

The intent is to pilot an Mail-In Online Voter Registration Process in a limited number of counties that have volunteered or will volunteer to participate. The purpose of the trial demonstration is to use the internet to facilitate mail-in voter registration. During the pilot process, participating counties will publish a link on their website for voters to fill-out a fillable voter registration form on-line. When voters click on the link, they will be taken to an on-line version of the voter registration form, complete with instructions.

The form will provide basic data validations to ensure that voters are filling-out all required fields. Once the form has been filled-out completely and the voter agrees to the certification statement, the voter will be able to print the form, with instructions to sign and date it, PDF it, and email or USPS mail it to the participating county clerk's office. The form must be postmarked no later than 5:00 pm on the 20th day prior to the November 2010 Election in order to be considered a valid mail-in registration.

The data from the form will be stored in the Statewide Voter Registration System (SVRS) as a "pending" voter registration application. Once the participating county clerk receives the signed form in the mail, they will simply verify and approve the pending voter application, as they would if they had typed in the data themselves. The voter can check the SVRS Voter Public Access (VPA) website to verify that their registration has been received and processed. If not, they will be instructed to contact the participating county clerk to verify. A diagram that outlines the process is attached..

This process will provide voters a simplified way to fill-out the voter registration form. It also provides immediate feedback if they have not followed instructions or have left out any required information. The Mail-In Online Voter Registration Process improves the accuracy of the data being entered since it is being entered by the voter themselves. It will also save clerks the time (and money) of data entry. It is also hoped that voters will use this alternative rather than registering on Election Day, which will save time at polling places, as well as during the post-election process.

E. Technical Considerations

This Mail-In On-Line Voter Registration Process is being proposed as a short-term alternative until true online voter registration is implemented. The Mail-In Online Voter Registration initiative is being developed, tested, and intended to be deployed with minimal effort. Many of the processes will be able to be re-used whenever true on-line voter registration is available. This process will be hosted on, and will utilize the existing the agency Voter Public Access (VPA) website.

F. Policy Considerations

There are several policy considerations related to a Mail-In Online Voter Registration Pilot:

1. These registrations will be considered mail-in registrations. The online form simply facilitates capturing the data and filling it out on the voter registration form. This process is fully statutorily compliant. No new Legislative authority is necessary.
2. The link will only be made available through the participating county websites. A limited-scope trial allows for a quick implementation, as well as a simple technical architecture, which allows the trial to take place prior to the November Election.
3. Only voters with a valid Wisconsin driver license or state ID will be allowed to participate in this demonstration process, similar to how true on-line registration is envisioned. This allows for a simpler data validation and approval process. Voters who do not have a valid Wisconsin driver license or state ID will still be able to register via normal means, filling-out a form manually, but not via the Mail-In Online Voter Registration process.
4. Both new registrations as well as updates to existing registrations (such as name or address changes) will be allowed to participate in the Mail-In Online Voter Registration initiative.
5. Board staff hopes to gather valuable statistics as a result of this trial test, including how many applications are filled-out online? How many voters print and mail-in the form? How many voters visit the site but do not fill out a new form? These statistics can help gauge the interest in a true online registration format, as well as assess if having to print and mail a form is a deterrent to voters.

G. Timeline

Mail-in registrations for the November 2010 election would be accepted from September 15, 2010 through October 13, 2010. Staff hopes to have the new web-based form available as soon after September 15 as possible to maximize the time voters have to use it. This is a very aggressive time-line, even given the simplicity of the design. Board technical staff, working closely with our Department of Administration, Division of Enterprise Technology partners, are aggressively moving forward with this project. If successful, the online form could be available statewide for the spring 2011 February Primary and April Election Cycle.

Recommendation

Staff recommends that the Board authorize staff to develop and administer a pilot mail-in online voter registration demonstration program from September 15, 2010 through October 13, 2010.

2. True On-Line Voter Registration

As previously stated, Board staff continue to pursue true on-line voter registration. This would allow a voter to fully register, start to finish, on-line without the need to mail in a hard-copy form and signature. Wisconsin Statutes do not currently allow for true on-line voter registration. Board will continue to work with the Department of Transportation to develop joint recommendations for implementation of true on-line voter registration, including proposed statutory changes.

Recommendation

Staff recommends that the Board authorize staff to study and develop a true online voter registration proposal in collaboration with the Wisconsin Department of Transportation and other partners, and prepare a joint report with DOT for consideration by the Board at a meeting in early 2011.

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JUDGE GORDON MYSE
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the May 17, 2011 Meeting

TO: Members, Wisconsin Government Accountability Board

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

via

Nathaniel E. Robinson
Elections Division Administrator

Prepared and Presented by:
John Hoeth, IS Technical Resources
Sarah Whitt, Function Team Lead

SUBJECT: Enhanced Mail-In Voter Registration

Introduction

Staff continues development of the new Enhanced Mail-In Voter Registration process, which uses the Voter Public Access website and SVRS to facilitate voter registration. This is a web-based portal where voters can fill in voter registration form. The data is saved in SVRS, so when the clerk receives the mailed in form, they can simply review and approve the pending voter application in SVRS rather than having to data enter the information on the form.

Discussion

Staff went on the road in three counties to demonstrate and receive feed back from municipal and county clerks in February, and also had a public demonstration in March. These were very well received, and of significant benefit to staff

The staff has taken all the feedback from the local election officials and the community groups that resulted from the demonstrations in February and March. Many suggestions were received regarding look and feel, as well as improvements to make the system more user friendly. The election officials were very excited about getting this implemented since it will save time and money on their end.

The new system has also been upgraded with the changes that were suggested by Paul Malischke and recommended by the Board at the last meeting, on March 22, 2011. These upgrades now include the Social Security option as well as the neither option as requested to allow all voters to be able to use this method of registration.

Next Steps

User Acceptance Testing of the new system is scheduled for late May – early June, 2011. Training materials and other instructions to clerks will be prepared during the testing period. The finalized system will be presented to the Wisconsin Election Assistance Council before being launched to the public.

Action Requested to be Taken

None.

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JUDGE THOMAS BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the Meeting of September 12, 2011

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
Edward Edney, SVRS Application Trainer

SUBJECT: Legislative Status Report

Following is a summary of legislative proposals that Board staff is monitoring:

1. 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.

2. 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.

3. 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.

4. 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. The bill would apply to the next decennial legislative redistricting that occurs after its enactment. The bill was referred to committee and has not been scheduled for public hearing.

5. 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.

6. 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. While in the Senate, SB 115 was amended with one senate substitute amendment and passed on June 08, 2011. The Assembly has received SB 115 and referred it to committee.

7. 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 AB 161 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 twice and then referred to the Committee on Rules. While in the Senate, SB116 was amended with one substitute amendment and passed on June 08, 2011. The Assembly has received SB 116 and referred it to committee.

9. Assembly Bill 169: Residency of election officials

AB169 provides that an individual who serves as an election official at a polling place on Election Day need be an elector only of the county where he or she serves. AB169 was referred to committee and has had a public hearing on June 9, 2011

10. 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.

AB196 was referred to committee and was not scheduled for public hearing. The bill was then referred to the Committee on Rules on August 2, 2010.

11. Assembly Bill 198 and Senate Bill 157: Redistricting Standards

AB198 and SB 157 are companion bills which 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 have been referred to committee and have not been scheduled for public hearing.

12. 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 the Assembly on July 20, 2011. The Governor approved SB 148, SB149, and SB150 on August 9, 2011 and they were published on August 23, 2011 as Wisconsin Act 43, 44, and 39 respectively.

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

SB162 and AB226 are companion bills which 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.

14. 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.

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

AJR51, proposed to the 2011 legislature 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 has been referred to committee.

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JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the September 12, 2011 Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared by:

Shane W. Falk, Staff Counsel

SUBJECT: Administrative Rule-Making Status and Prioritization Report

I. Introduction:

The Legislature adopted and Governor Walker signed into law 2011 Act 21 (enacted May 23, 2011 and effective June 8, 2011.) This Act significantly alters authority of agencies to promulgate administrative rules and also prescribes new rule-making procedures that are a significant departure from longstanding procedures. Unfortunately, 2011 Act 21 required additional clarifications, which were made in the State Budget (2011 Act 32, §§2725d-2740) which the Legislature adopted and Governor Walker signed into law. (enacted June 26, 2011 and effective July 1, 2011.)

At the meeting of the Board on August 2, 2011, the Board directed staff to return with recommendations for a prioritization of pending administrative rule-making to help ensure that pending rules do not expire. In addition, staff was asked to consider whether the Board should withdraw some of the pending rule-making.

This Memorandum provides a status of the Board's pending rule-making and at the same time recommendations regarding prioritization or withdrawal of the pending rules. Various factors were considered in establishing a prioritization scale including, but not limited to, the four year time period to complete rule promulgation, policy need for a proposed rule, pending or potential legislative action, and pending or potential litigation. However, any prioritization established by the Board could be dramatically altered by actions of the Governor, the Legislature, or the more onerous and lengthy new rule-making procedures. Impacts of third party actions or delays caused by new rule-making procedures will likely require periodic reexamination of any adopted prioritization by the Board. In addition, the Board may wish to adjust priority levels of particular rule-makings from time to time. Staff recommends that each new future rule-making considered by the Board should have a priority assigned to the proposed rule at its first consideration.

The four year period to complete a rule affects several pending rule-making matters, where the rule has already been received by the Legislative Council for its statutory review. Pursuant to §227.14(6)(c), Wis. Stats., “a proposed rule shall be considered withdrawn on December 31 of the 4th year after the year in which it is submitted to the legislative council staff under §227.15(1), unless it has been filed with the legislative reference bureau under §227.20(1), Wis. Stats., or withdrawn by the agency before that date.” No action by the Legislature under §227.19, Wis. Stats., delays this automatic withdrawal deadline. §227.14(6)(c), Wis. Stats. Once a proposed rule is withdrawn by the agency or considered withdrawn due to the four year rule-making period, the proposed rule may be promulgated only by commencing the rule-making procedure anew with the preparation of a new scope statement. §227.14(6)(d), Wis. Stats.

Within this status Memorandum, a prioritization scale is applied for each individual rule-making according to the following scale:

- 1) **High Priority**—Board directs staff to continue expeditious promulgation, with a goal to complete promulgation within six months.
- 2) **Medium Priority**—Board directs staff to continue promulgation with the desire to complete promulgation within the next year.
- 3) **Low Priority**—Board directs staff to continue promulgation as workload permits, even if the four year rule-making period may expire resulting in withdrawal of the proposed rule.
- 4) **Hold**—Board directs staff to stay promulgation procedures other than regular updates at meetings regarding events potentially affecting the stayed rule-making and until further direction from the Board.
- 5) **Withdrawal**—Board directs staff to withdraw the proposed rule.

Staff has reworked the previous format of the status of the Board’s pending rule-making to organize all pending rules according to the various effective dates of 2011 Act 21, grouping pending rules in categories according to the level of the application of the new rule-making procedures. In addition, this status Memorandum also includes staff’s recommendations regarding prioritization or withdrawal of each pending rule based upon the aforementioned priority scale.

II. Recommendations

- A. Staff recommends that the Board approve the administrative rule-making prioritization scale set forth in this Memorandum.
- B. Staff recommends that the Board identify a rule priority level for each new future rule-making upon the proposed rule’s first consideration by the Board.
- C. Staff recommends that the Board approve the September 12, 2011 Administrative Rule-Making Status and Prioritization Report, including the scaled prioritization for each individual proposed rule and any recommendation to withdraw a particular proposed rule,

and direct staff to continue administrative rule promulgation activities consistent with the report.

III. Proposed Motions

- A. MOTION:** The Board approves the administrative rule-making prioritization and a rule priority level shall be applied to each new future rule-making upon the proposed rule's first consideration by the Board on a scale as follows:
- B. MOTION:** The Board approves the September 12, 2011 Administrative Rule-Making Status and Prioritization Report, including the scaled prioritization for each individual proposed rule and any recommendation to withdraw a particular proposed rule, and directs staff to take necessary steps to continue administrative rule promulgation activities consistent therewith.

ADMINISTRATIVE RULE-MAKING STATUS AND PRIORITIZATION REPORT

I. Pending Rule-Making Not Subject to 2011 Act 21

Create 1.91

Relating to: Organizations Making Independent Disbursements

HIGH PRIORITY (LC 7/7/10)

Status: The promulgation and creation of ch. GAB §1.91, Wis. Adm. Code, is in the final stages of legislative review. None of the provisions of 2011 Act 21 (as amended by 2011 Act 32) impact the promulgation of ch. GAB §1.91, Wis. Adm. Code, as the new Act is not applicable due to the late stage of the rule's promulgation.

The Assembly Committee on Election and Campaign Reform objected to the promulgation of the rule, as has the Joint Committee for Review of Administrative Rules. Legislation has been introduced in both houses of the Legislature attempting to prohibit the Board's promulgation of any rule addressing reporting requirements of organizations making independent disbursements as well as rules regarding attributions on communications by such organizations. In the Assembly, JCRAR introduced AB 196 on June 28, 2011. In the Senate, JCRAR introduced SB 139 on June 30, 2011. On August 2, 2011, AB 196 was reported out of the Election and Campaign Reform Committee without a recommendation and referred to the Committee on Rules. On August 5, 2011, SB 139 was reported out of the Committee on Transportation and Elections without a recommendation and is available for scheduling on a floor session (meaning that it can come up for a vote on the Senate Floor upon scheduling such a vote.)

At the Board's meeting on August 2, 2011, the Board adopted a guideline interpreting and applying existing campaign finance statutes and Attorney General J.B. Van Hollen's formal opinion (OAG 05-10) to persons making independent disbursements, if the Legislature or Governor prohibits promulgation of s. GAB §1.91, Wis. Adm. Code.

At the Board's direction, staff continue to communicate with the Legislature and Governor in an effort to have s. GAB §1.91, Wis. Adm. Code, promulgated successfully.

II. Pending Rule-Making Subject only to Act 21's Revision of Legislative Approval

The following rules are subject to several provisions of Act 21, but only as they relate to the new procedures for Legislative review because Legislative Council has already reviewed the following rules.

A. Repeal and Recreate Chapter 4

HIGH PRIORITY (LC 11/8/10)

Relating to: Election Observers

Status: Board original action on August 27, 2008. Final draft of Chapter 4 approved March 30, 2009 based upon comments from emergency rule proceedings. Board reviewed the rule and took renewed action on September 13, 2010. Emergency Rule was published on September 24, 2010. Scope statement published and was approved by the Board at its October 11, 2010 meeting. The final version of Chapter 4 was submitted to Legislative Council for review and returned. A public hearing was held on December 13, 2010 at the Board's meeting. The rule awaits submittal to the Legislature before publication.

B. Repeal and Recreation of Chapter 5

HIGH PRIORITY (LC 7/31/08)

Relating to: Security of Ballots and Electronic Voting Systems

Status: Board original action on May 5, 2008. Legislative Council review complete. Public Hearing held November 11, 2008 and some additions may be necessary. The Legislative Report for Chapter 5 will be submitted after the Board considers an additional provision to the chapter at the October 5, 2009 and now November 9, 2009 meetings. These additions resulted from public comments. Additions approved by the Board at the November 9, 2009 meeting. Legislative Report will be submitted and upon return, publication.

C. Revise 6.05

MEDIUM PRIORITY (LC 5/29/09)

Relating to: Filing Campaign Finance Reports in Electronic Format

Status: Board original action on March 30, 2009. Scope statement published. Legislative Council Report back June 25, 2009. Need to make revisions suggested by Legislative Council and publish Notice of Hearing. Thereafter, submittal to Legislature.

D. Repeal 21.01, 21.04 and Revise 20.01

HIGH PRIORITY (LC 8/15/08)

Relating to: 21.01—filing of all written communications and documents intended for former Ethics Board

21.04—transcripts of proceedings before former Ethics Board

20.01—procedures for complaints before former Elections Board

Status: Board original action on January 28, 2008. Legislative Council review complete. No public hearing necessary as processing as 30 day notice rule-making and no petition for public hearing was filed. These rules are ready for completion of legislative report and submittal to Legislature. Thereafter, publication.

E. Creation of Chapter 22

HIGH PRIORITY (LC 4/29/09)

Relating to: Settlement of Certain Campaign Finance, Ethics, and Lobbying Violations

Status: Board original action on June 9, 2008. Final draft of Chapter 22 approved March 30, 2009. Submitted to Legislative Council and report has been returned. Revisions made and Notice of Public Hearing published. Public Hearing held July 28, 2009 and reviewed by Board at the August 10, 2009 meeting. Legislative Report will be submitted and upon return, publication.

III. Pending Rule-Making Subject Act 21's Limitation of Rule-Making Authority, Economic Impact Analyses, and Revision of Legislative Approval

The following rules are subject to several provisions of Act 21, including the limitations on rule-making authority, requirement to submit an economic impact analysis, and the new procedures for Legislative review because the following rules have not yet been submitted to Legislative Council for review.

A. Revise 6.02

MEDIUM PRIORITY (LC N/A)

Relating to: Registration Statement Sufficiency.

Status: Board original action on March 30, 2009. Scope statement submitted for publication. Draft rule approved by the Board at the December 17, 2009 meeting. Must complete economic analysis and submit the rule to the Legislative Council for review to continue rule-making process to clarify sufficiency standards. Likely will complete with 30 day notice rule-making, which will not require a public hearing before submittal to the Governor and then the Legislature (unless someone petitions for a hearing.)

B. Revise 6.04

MEDIUM PRIORITY (LC N/A)

Relating to: Filing Documents by FAX or Electronic Means

Status: Board original action on March 30, 2009. Scope statement submitted for publication. Draft rule approved by the Board at the December 17, 2009. Must complete economic analysis and submit it and the rule to the Legislative Council for review to continue rule-making process to clarify electronic filing requirements. Likely will complete with 30 day notice rule-making, which will not require a public hearing before submittal to the Governor and then the Legislature (unless someone petitions for a hearing.)

C. Creation of Chapter 13

MEDIUM PRIORITY (L/C N/A)

Relating to: Training Election Officials

Status: Board original action on January 28, 2008. Scope statement published on October 30, 2010. Board approved draft rule at the August 10, 2009 meeting. Must now complete economic impact analysis and submit it and the draft rule to Legislative Council for review. Thereafter, if not doing 30 day notice rule-making, will need public hearing and before approval by the Governor and submittal to Legislature.

D. Creation of Chapter 26

HOLD (LC N/A)

Relating to: Contract Sunshine

Status: Board original action at the July 21-22, 2010 meeting, at which the Board approved the scope statement. Staff published the scope statement. Proposed rule approved by the Board at the August 30, 2010 Board meeting. On September 10, 2010, staff distributed the rule to all agencies for preview and comment. Staff must now complete an economic impact analysis and submit it to Legislative Council for review. Likely will proceed with a public hearing upon return of the rule from Legislative Council. Then submit it for approval by the Governor before submission to the Legislature for review.

The Legislative Audit Bureau has completed a report on Contract Sunshine, as is explained in other Board materials for the Board's meeting on September 12, 2011. This report recommends relocating Contract Sunshine to DOA among other things. If legislation is adopted to do just that, then there may be no need for this proposed rule.

IV. Pending Rule-Making Subject to Act 21's Gubernatorial Approval, Limitation of Rule-Making Authority, Economic Impact Analyses, and Revision of Legislative Approval

The following rules are subject to all provisions of Act 21, including the limitations on rule-making authority, requirement to submit an economic impact analysis, gubernatorial approval of the scope statement and final draft rule, and the new procedures for Legislative review because the Statements of Scope for the following rules have not yet been published.

Economic impact analyses must be completed for all of the following rules, but staff is only authorized to begin work on that after the Board has approved the Statement of Scope.

A. Revise 1.10

LOW PRIORITY (LC N/A)

Relating to: Registration by Nonresident Committees and Groups

Status: Board original action on May 5, 2008. Scope statement approved at August 10, 2009 meeting, which now must be submitted to the Governor for approval before publishing with the Legislative Reference Bureau. The scope statement must return to the Board for approval before staff can continue the rule-making process to revise title of 1.10. Likely will complete with 30 day notice rule-making, which will not require a public hearing before approval of the Governor and submittal to Legislature (unless someone petitions for a hearing.)

B. Revise 1.15

MEDIUM PRIORITY (LC N/A)

Relating to: Filing Reports of Late Campaign Activity (Postmarked Reports)

Status: Board original action on March 30, 2009. Scope statement approved at August 10, 2009 meeting, which must now be submitted to the Governor for approval before publishing with the Legislative Reference Bureau. The scope statement must return to the Board for approval before staff can continue the rule-making process to remove two references to postmarked reports. Likely will complete with 30 day notice rule-making, which will not require a public hearing before approval by the Governor and submittal to Legislature (unless someone petitions for a hearing.)

C. Revise 1.20

LOW PRIORITY (LC N/A)

Relating to: Treatment and Reporting of In-Kind Contributions

Status: Board original action on May 5, 2008. Scope statement approved at August 10, 2009 meeting, which must now be submitted to the Governor for approval before

publishing with the Legislative Reference Bureau. The scope statement must return to the Board for approval before staff can continue the rule-making process to remove a reference to an old form, Schedule 3-C, that is no longer necessary due to the implementation of CFIS. Likely will complete with 30 day notice rule-making, which will not require a public hearing before approval by the Governor and submittal to Legislature (unless someone petitions for a hearing.)

D. Create 1.21

MEDIUM PRIORITY (LC N/A)

Relating to: Treatment of Joint Account Contributions

Status: Board original action on June 9, 2008. Scope statement approved at August 10, 2009 meeting, which must now be submitted to the Governor for approval before publishing with the Legislative Reference Bureau. The scope statement must return to the Board for approval before staff can continue the rule-making process to create a rule addressing treatment of contributions from joint accounts. Upon approval of the scope statement by the Board, staff can begin to draft a rule and will return to the Board for approval. Likely will complete with 30 day notice rule-making, which will not require a public hearing before approval by the Governor and submittal to Legislature (unless someone petitions for a hearing.)

E. Revise 1.26

LOW PRIORITY (LC N/A)

Relating to: Return of Contribution

Status: Board original action on May 5, 2008. Scope statement approved at August 10, 2009 meeting, which must now be submitted to the Governor for approval before publishing with the Legislative Reference Bureau. The scope statement must return to the Board for approval before staff can continue the rule-making process to correct grammatical error. Likely will complete with 30 day notice rule-making, which will not require a public hearing before approval by the Governor and submittal to Legislature (unless someone petitions for a hearing.)

F. Revise 1.28

HIGH PRIORITY (LC N/A)

Relating to: Scope of Regulated Activity/Definition of “political purpose”

Status: Pursuant to the new administrative rule-making procedures prescribed by 2011 Act 21 (as amended by 2011 Act 32) and a communication outlining the gubernatorial procedures from the Governor’s Chief Legal Counsel, staff submitted a Statement of Scope for the proposed permanent Rule 1.28 to the Governor’s office on July 14, 2011.

A memo released by the Department of Administration on July 19, 2011 notes that the Governor's office intends to reject or approve statements of scope and proposed administrative rules in writing within a few days of submission, unless further follow up with an agency is needed for more complex rules. No follow up with staff was requested by the Governor. On August 24, 2011, the Governor provided written authorization to proceed with transmittal of the Statement of Scope to the LRB for publication in the Administrative Register.

Unfortunately, the approval by the Governor was not received early enough to have the Statement of Scope published in the August 31, 2011 Administrative Register. On August 29, 2011, staff did submit the Statement of Scope to the LRB and it is anticipated that it will be published in the mid-September Administrative Register, where it must appear for a minimum of 10 days before the Board can approve it.

Once the Statement of Scope as appeared in the Administrative Register for a minimum of 10 days, the Board can approve it, which will likely not occur until the Board's November 8, 2011 meeting. Technically, staff is prohibited from doing any activities on the proposed rule until after the Board approves the Statement of Scope; however, since this permanent rule mirrors an Emergency Rule already in effect and since the Board approved the form of both the Emergency Rule and proposed permanent rule prior to the effective date of Act 21, perhaps the Board may also re-affirm the proposed rule at the November 8, 2011 meeting, so that staff may then complete an economic impact analysis and submit both it and the proposed rule to the Legislative Council for review.

The Wisconsin Supreme Court will hear oral arguments on the WPN v. GAB litigation on September 6, 2011 and any decision may also impact this rulemaking.

G. Revise 1.43

LOW PRIORITY (LC N/A)

Relating to: Referendum-related activities by committees; candidate-related activities by groups.

Status: Board original action on May 5, 2008. Scope statement approved by the Board at the August 10, 2009 meeting, but must now be submitted to the Governor for approval before publishing with the Legislative Reference Bureau. The scope statement must return to the Board for approval before staff can continue the rule-making process to remove 1.43(2)(a) as the law no longer requires listing all candidates supported and s. 11.05(4), Stats., allows one registration statement. Likely will complete with 30 day notice rule-making, which will not require a public hearing before approval by the Governor and submittal to Legislature (unless someone petitions for a hearing.)

H. Revise 1.85 and 1.855

LOW PRIORITY (LC N/A)

Relating to: Conduit Registration and Reporting Requirements; Contributions from Conduit Accounts

Status: Board original action on October 6, 2008. Scope statement approved at August 10, 2009 meeting, which must now be submitted to the Governor for approval before publishing with the Legislative Reference Bureau. The scope statement must return to the Board for approval before staff can continue the rule-making process to harmonize certain portions of these rules with current law and new CFIS system. Likely will complete with 30 day notice rule-making, which will not require a public hearing before approval by the Governor and submittal to Legislature (unless someone petitions for a hearing.)

I. Create 1.90

HOLD (LC N/A)

Relating to: MCFL Corporation Registration and Reporting Requirements

Status: Board original action August 27, 2008. Scope statement approved by the Board at the December 17, 2009 meeting. Draft rule was approved by the Board at the March 23-24, 2010 meeting. The scope statement must now be submitted to the Governor for approval before publishing with the Legislative Reference Bureau. The scope statement must return to the Board for approval before staff can continue the rule-making process. Will likely have to hold public hearing, so following submittal to Legislative Council will hold public hearing and then submittal to Governor for approval and Legislature before publication.

The Legislature is considering AB196/SB139, which would prohibit the Board from making any rules regarding registration, reporting, or attribution of corporations making communications for a political purpose. If adopted, the Board may have to revise its approach to this proposed rule.

J. Revise Chapter 3

LOW PRIORITY (LC N/A)

Relating to: Voter Registration, HAVA Checks

Status: Board original action August 27, 2008. Must draft scope statement, which must now be submitted to the Governor for approval before publishing with the Legislative Reference Bureau. The scope statement must return to the Board for approval before staff can continue the rule-making process to make further revisions to Chapter 3 regarding voter registration and HAVA checks. Likely will complete with 30 day notice rule-making, which will not require a public hearing before approval of the Governor and submittal to Legislature (unless someone petitions for a hearing.)

K. Revise 3.01(6) and 12.01(2)

LOW PRIORITY (LC N/A)

Relating to: Election Cycle Period for SRD and Municipal Clerk Training

Status: Board original action August 30, 2010. Scope Statement was approved by the Board at the August 30, 2010 meeting and must now be submitted to the Governor for approval before publishing with the Legislative Reference Bureau. The scope statement must return to the Board for approval before staff can continue the rule-making process to change the election cycle for special registration deputy and municipal clerk training so that the cycle begins on January 1 of an even-numbered year and continues through December 31 of the following odd-numbered year. Likely will complete with 30 day notice rule-making, which will not require a public hearing before approval by the Governor and submittal to Legislature (unless someone petitions for a hearing.)

L. Revise 6.03

LOW PRIORITY (LC N/A)

Relating to: Assistance by Government Accountability Board Staff

Status: Board original action on March 30, 2009. Scope statement approved by the Board at the December 17, 2009 meeting, but must now be submitted to the Governor for approval before publishing with the Legislative Reference Bureau. The scope statement must return to the Board for approval before staff can continue the rule-making process to update statutory citations with new statutes post 2007 Act 1. Likely will complete with a statutory procedure that will not require a public hearing before approval by the Governor and submittal to Legislature.

M. Revise Chapter 7

MEDIUM PRIORITY (LC N/A)

Relating to: Approval of Electronic Voting Equipment

Status: Board original action on May 5, 2008. Division Administrator Robinson establishing a committee to make recommendations. Must draft scope statement, which must now be submitted to the Governor for approval before publishing with the Legislative Reference Bureau. The scope statement must return to the Board for approval before staff can continue the rule-making process. Will require public hearing, so following submittal to Legislative Council will have public hearing before approval by the Governor and submittal to Legislature.

N. Revise 9.03

LOW PRIORITY (LC N/A)

Relating to: Voting Procedures for Challenged Electors

Status: Board original action on May 5, 2008. Scope statement approved by the Board at the December 17, 2009 meeting, but must now be submitted to the Governor for approval before publishing with the Legislative Reference Bureau. The scope statement must return to the Board for approval before staff can continue the rule-making process to remove a reference to lever voting machines. Likely will complete with statutory procedure that will not require a public hearing before approval by the Governor and submittal to Legislature.

O. Revise 12.01(2) See 3.01(6) above.

State of Wisconsin\Government Accountability Board

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KEVIN J. KENNEDY
Director and General Counsel

DATE: For the September 12, 2010 Meeting

TO: Government Accountability Board Members

FROM: Kevin J. Kennedy, Director and General Counsel

SUBJECT: Proposed 2012 Meeting Dates

The attached schedule lists, in bold type, proposed meeting dates for the Government Accountability Board in 2012. The proposed meeting dates are presented to enable Board Members to coordinate the Board meetings with Members' 2012 travel and work plans.

I have set out a list of proposed meeting dates beginning in January, 2011. There are 8 suggested meeting events including one teleconference meeting in January and one two-day meeting in March. I have placed them in the context of other events on the agency calendar. This context assumes the passage of legislation to move the residential preference primary from February to April and the partisan primary from September to August.

I generally defaulted to Tuesdays because of our experiences this year. In the past, Monday meetings presented preparation challenges for staff and Board Members expressed a satisfaction with Tuesday meetings. Note the proposed January teleconference meeting is scheduled for a Thursday to accommodate the ballot access filing and challenge deadlines.

The proposed meeting schedule is designed to fit in with other agency tasks, including election events and filing deadlines. There is flexibility to schedule a special meeting if required. In past even-numbered years, we have had a two-day meeting in July because of fall candidate filing deadlines. With the expected change of the partisan primary from September to August, I anticipate that the proposed June 11, 2012 meeting will focus exclusively (if possible) on ballot access issues.

I have proposed meeting for two days in March based on the anticipated workload with no meetings other than a short teleconference meeting between mid- December and mid-March. In general Board Members are more likely to have travel plans during that time as well.

In some cases, depending on the number and/or complexity of the issues, the Board may consider holding short teleconference calls between in-person meetings. Also, the Board may wish to consider holding some of its 2012 meetings in venues other than Madison.

Proposed Motion: The Government Accountability Board adopt the proposed 2012 meeting schedule (as modified by Board discussion.)

Government Accountability Board Proposed 2012 Meeting Dates

Seven (7) Proposed Meeting Dates

1 Two-Day Meeting, 1 Teleconference Meeting

Thursday, January 12, 2012 (Teleconference)

Tuesday, March 20 and Wednesday, March 21, 2012

Tuesday, May 15, 2012

Tuesday, June 12, 2012

Tuesday, August 28, 2012

Tuesday, October 23, 2012

Tuesday, December 11, 2012

January

Tuesday, January 3, 2012 – Nomination Paper Filing Deadline for Spring Election

Tuesday, January 3, 2012 - Presidential Preference Selection Committee convenes in the Capitol to determine names for presidential preference vote

Tuesday, January 3, 2012 - First day for presidential candidates not certified to G.A.B by Presidential Preference Selection Committee to submit petition to have name placed on the ballot

Friday, January 6, 2012 – Deadline for Filing Statements of Economic Interests and Ballot Access Challenges for Spring Elections

Thursday, January 12, 2012 - Proposed Government Accountability Board Teleconference Meeting

Tuesday, January 31, 2012 - Deadline for Filing Semi-Annual Continuing Campaign Finance Reports

Tuesday, January 31, 2012 - Deadline for Filing Semi-Annual Lobby Reports

Tuesday, January 31, 2012 - deadline for presidential candidates certified to G.A.B by Presidential Preference Selection Committee to file a disclaimer that candidate is not and does intend to become an candidate for president at the Number Presidential election

Tuesday, January 31, 2012 - deadline for presidential candidates not certified to G.A.B by Presidential Preference Selection Committee to submit petition to have name placed on the ballot

February

No Meeting Proposed

Monday, February 13, 2012 - Deadline for Filing Pre-Primary Campaign Finance Reports

***Tuesday, February 21, 2012* – Spring Primary Election**

March

Tuesday, March 20 and Wednesday, March 21, 2012 - Proposed Government Accountability Board Meeting

Monday, March 26, 2012 - Deadline for Filing Pre-Election Campaign Finance Reports

April

No Meeting Proposed

***Tuesday, April 3, 2012* – Spring Election**

Sunday, April 15, 2012 - First Day to Circulate Nomination Papers for Fall Elections

Monday, April 30, 2012 – Deadline for Filing Statements of Economic Interests

May

Tuesday, May 15, 2012 – Deadline for Certifying Spring Election Results

Tuesday, May 15, 2012 - Proposed Government Accountability Board Meeting

June

Friday, June 1, 2012 – Deadline for Filing Nomination Papers for Partisan Primary Election

Wednesday, June 6, 2012 - Deadline for Filing Statements of Economic Interests and Ballot Access Challenges for Fall Elections

Tuesday, June 12, 2012 - Proposed Government Accountability Board Meeting

July

No Meeting Proposed

Sunday, July 1, 2012 - First Day to Circulate Nomination Papers for Independent Presidential Ticket

Friday, July 20, 2012 - Deadline for Filing Semi-Annual Continuing Campaign Finance Reports

Tuesday, July 31, 2012 - Deadline for Filing Semi-Annual Lobby Reports

August

Monday, August 6, 2012 - Deadline for Filing Pre-Primary Campaign Finance Reports

Tuesday, August 7, 2012 - Deadline for Filing Nomination Papers for Independent Presidential Ticket

Tuesday, August 14, 2012 Partisan Primary Election

Tuesday, August 28, 2012 - Proposed Government Accountability Board Meeting

September

No Meeting Proposed

October

Tuesday, October 23, 2012 - Proposed Government Accountability Board Meeting

Monday, October 29, 2012 - Deadline for Filing Pre-Election Campaign Finance Reports

November

No Meeting Proposed

Tuesday, November 6, 2012 – **Presidential and General Election**

December

Thursday, December 1, 2011 –First Day to Circulate Nomination Papers for Spring Elections

Tuesday, December 11, 2012 - Political Party Chairs certify if Party will participate in the presidential preference vote

Tuesday, December 11, 2012 Proposed Government Accountability Board Meeting

Monday, December 17, 2012 - Presidential Electors Meet in Capitol to Cast Vote for President and Vice-President

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JUDGE THOMAS H. BARLAND
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: September 12, 2011

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 Update

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

2011 July Continuing Campaign Finance Reports

Staff has continued to work on processing and auditing the July Continuing 2011 campaign finance reports filed by the **1,451** candidates, political parties, legislative campaign committees, PACs, sponsoring organizations, independent expenditure registrants, recall committees and conduits. For most committees, this report covers campaign finance activity from January 1 through June 30, 2011 and was due on or before July 20, 2011. As of 11:00 a.m. on August 31, 2011, **100** reports have not been received. The non-filers include 34 candidates, 12 political parties, 24 PACs, 2 recall committees, 13 sponsoring organizations and 15 conduits. Staff sent the first email notice of late reports on July 25, 2011. Staff sent a second email notice and began calling non-filers on August 24 and 25, 2011. Staff will continue to follow up with late filers to obtain and process their campaign finance reports. An update on the non-filers will be given to the Board at the next meeting.

Special Pre-Primary and Pre-Election Reports – Senate Dists. 2, 8, 10, 14, 18, 32 & Assm. 48

Candidates and committees that participated in the Special Primary for Senate Districts 2, 8, 10, 14, 18, 32 and Assembly District 48 were required to file special pre-primary campaign finance reports. The report was due on July 5, 2011. All candidates required to file a special pre-primary report have filed.

Candidates and committees that participated in the Special Election for Senate District 2, 8, 10, 14, 18, 32 and Assembly District 48 were required to file special pre-election campaign finance reports. This report covers campaign finance activity from July 1 through July 25, 2011 and was due on or before August 1, 2011. 134

pre-election reports were filed with the G.A.B., with 22 of those reports being filed by candidates. All candidates required to file a special pre-election report have filed.

Special Pre-Primary and Pre-Election Reports – Senate Dists. 12, 22, & 30

Candidates and committees that participated in the Special Primary for Senate Districts 12, 22 and 30 were required to file special pre-primary campaign finance reports. The report was due on July 11, 2011. All candidates required to file a special pre-primary report have filed.

Candidates and committees that participated in the Special Election for Senate Districts 12 and 22 were required to file a special pre-election campaign finance reports. This report covers campaign finance activity from July 5 through August 1, 2011 and was due on or before August 8, 2011. 67 pre-election reports were filed with the G.A.B., with 5 of those reports being filed by candidates with 1 outstanding candidate left to file. Staff contacted the remaining non-filer by phone on August 10, 2011. Staff will continue to follow up with the remaining non-filer and an update will be given to the Board at the next meeting.

2011 Fall Special Election Campaign Finance Notices

It is anticipated that a special election will occur this fall to fill the seat vacated by former Rep. Jennifer Shilling in Assembly District 95. As soon as the Governor orders the special election, staff will prepare and distribute the necessary campaign finance notices to all registrants.

2012 January Continuing Campaign Finance Notices

Staff will begin preparing campaign finance notices for the January Continuing 2012 reports the week of December 5, 2011, with an estimated mail date to all registrants of December 26, 2011.

Other Division Staff Activities

In addition to processing the high number of campaign finance reports generated by the special elections, division staff continues to conduct audits of lobbyist contributions outside of the allowable window and contributions exceeding allowable limits for a campaign period and calendar year. Division staff continues to assist in investigation matters and the tracking of complaints filed with the Board.

Lobbying Program Update

Tracey Porter, Ethics and Accountability Specialist

6 Month Statement of Lobbying Activities and Expenditures Report

Chapter 13.68, Wisconsin Statutes, requires all registered lobbying organizations to complete a 6 month Statement of Lobbying Activities and Expenditures (SLAE) report that contains information related to the organizations' lobbying effort between January 1 and June 30, 2011. The SLAE report was due on or before August 1, 2011. 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 August 1, 2011. Both reports are filed electronically. The Government Accountability Board has received all of the 1506 lobbyist time reports from 717 lobbyists, and all 707 SLAE reports from those registered principal organizations required to file. To date, we have discovered that a number of organizations either failed to register or to authorize lobbyists. We will be seeking forfeitures from these individuals and organizations.

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.

2011-2012 Legislative Session: Lobbying Registration by the Numbers (Data Current as of August 31, 2011)			
	Number	Cost	Revenue Generated
Organizations Registered	707	\$375	\$265,125
Lobbyists Licenses Issued (Single)	597	\$350	\$208,950
Lobbyists Licenses Issued (Multiple)	120	\$650	\$78,000
Lobbyists Authorizations Issued	1506	\$125	\$188,250

New Lobbying Website Project Update

A significant amount of time has been allocated to develop the new lobbying application. Improvements to the FOCUS subscription feature will continue through mid-September. Staff is currently working with the financial specialists in the agency and the State Controllers office to establish an epayment service. The application developer has begun Phase Three work on registration tools and has continued to work with the Department of Revenue and the Department of Children and Families to streamline the social security number checks for licensing. Weekly meetings, application testing and development will continue through the fall months on the project, with release of the application scheduled for early 2012.

Financial Disclosure Update

Cindy Kreckow, Ethics and Lobbying Support Specialist

Governor Appointments

Staff continues to process ongoing appointments by Governor Walker, to include securing statements of economic interests from all appointees and referring copies of their statements to the Senate for future confirmation hearings.

6 Month Legislative Liaison Reports

Government Accountability Board staff worked to follow up and process legislative liaison reports that were sent to 104 state agencies and boards required to file such a report with the G.A.B. under Chapter 13, *Wisconsin Statutes*. As of August 17th, all reports have been filed and processed by staff. These reports cover activity from January 1 through June 30, 2011 and were due on or before August 1, 2011. All state agencies are required to file a liaison report that identifies those agency officials who make lobbying communications with state officials, the percentage of their overall work time spent making such communications, and the official's annual salary.

State of Wisconsin Investment Board Quarterly Transaction Reports

Staff also received and processed 47 quarterly financial disclosure reports from State Investment Board members and employees that were due on or before August 1, 2011. Copies of the reports were delivered to the Legislative Audit Bureau for their review and analysis.

State of Wisconsin\Government Accountability Board

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JUDGE THOMAS H. BARLAND
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the September 12, 2011 Meeting

TO: Members, Wisconsin Government Accountability Board

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

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

SUBJECT: Elections Division Update

Election Administration Update

Introduction

Since the Government Accountability Board's August 2, 2011, meeting the Elections Division has focused on the following tasks:

1. Special Election

Assembly District 48:

On May 24, 2011, Governor Walker called an election to fill the vacancy in Assembly District 48 caused by the resignation of Joseph T. Parisi. Six candidates (all Democratic candidates) qualified for the ballot, triggering a Democratic primary conducted on Tuesday, July 12, 2011. Candidate certified to the Democratic primary ballot were:

- Vicky Selkove
- Bethany Ordaz
- Chris Taylor
- Fred Arnold
- Andy Heidt
- Dave De Felice

The winner of the Democratic primary was Chris Taylor. Since no other party candidates or independent candidates qualified for the ballot, Ms. Taylor was unopposed in the special election conducted on August 9. The Dane County Clerk submitted the canvass of the election on August 11, and Judge Nichol certified the canvass on August 18, 2011.

2. Recalls

Senate Districts 2, 8, 10, 14, 18 and 32:

On June 3, 2011, the Government Accountability Board ordered recall elections in Senate Districts 2, 8, 10, 14, 18, and 32. Fifteen Democratic candidates and one independent candidate registered for the recall elections in these districts. The six Republican incumbents were candidates automatically. The independent candidate failed to timely submit ballot access documents. Democratic Primaries were required in all six districts and were conducted on Tuesday, July 12, 2011. The winners of the primaries faced off with the incumbent office-holders at recall elections conducted on August 9, 2011.

Election canvasses were submitted by August 12, and Judge Nichol certified the canvasses on August 18, 2011. Incumbents in Senate Districts 2, 8, 10, and 14 retained their offices. The incumbents in Senate Districts 18 and 32 were unseated by their Democratic opposition. Certificates of Election and Certificates of Retention were issued on August 18, 2011.

Senate District	Republican Incumbent	Democratic Challenger	Winner
2	Robert L. Cowles	Nancy J. Nusbaum	Robert L. Cowles
8	Alberta Darling	Sandra K. Pasch	Alberta Darling
10	Sheila E. Harsdorf	Shelly Moore	Sheila E. Harsdorf
14	Luther S. Olsen	Fred Clark	Luther S. Olsen
18	Randy Hopper	Jessica King	Jessica King
32	Dan Kapanke	Jennifer Shilling	Jennifer Shilling

Senate Districts 12, 22 and 30:

On June 10, 2011, the Government Accountability Board ordered recall elections in Senate Districts 12, 22 and 30. Six Republican candidates (2 in each district) registered for the recall elections. One Democratic candidate registered in District 30. The three Democratic incumbents are candidates automatically. Republican Primaries were required in districts 12 and 22. One Republican candidate in District 30 was denied ballot access due to insufficient signatures, leaving one Republican candidate and one Democratic candidate. Therefore, no primary was required in District 30.

The recall primaries in District 12 and 22, and the recall election in District 30 were conducted on Tuesday, July 19, 2011. The incumbent in Senate District 30 retained his office and was issued a certificate of retention on August 1, 2011. The winners of the primaries faced off with the incumbent office-holders at recall elections conducted on August 16, 2011. Election canvasses from the August 16, 2011 recall elections were submitted by August 22, and Judge Nichol certified the canvasses on August 25, 2011. Incumbents in Senate Districts 12 and 22 retained their offices, and were issued certificates of retention on August 25, 2011.

District	Democratic Incumbent	Republican Challenger	Winner
12	Jim Holperin	Kim Simac	Jim Holperin
22	Robert W. Wirch	Jonathan Steitz	Robert W. Wirch
30	Dave Hansen	David Vanderleest	Dave Hansen

3. Extended Operating Hours to Support Clerk Partners and Voter Customers

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 August 9, 2011 special and recall elections and August 16, 2011 recall elections. Staff was available before, during and immediately after the elections. Staff's extended operating hours for these elections were as follows:

August 9, 2011 Special Election and Recall Elections

- Monday, August 8, 2011: 6:30 a.m. until 6:00 p.m.
- **Tuesday, August 9, 2011:** **6:30 a.m. until 9:00 p.m.**
- Wednesday, August 10, 2011: 6:30 a.m. until 6:00 p.m.

August 16, 2011 Recall Elections

- Monday, August 15, 2011: 6:30 a.m. until 6:00 p.m.
- **Tuesday, August 16, 2011** **6:30 a.m. until 9:00 p.m.**
- Wednesday, August 17, 2011 6:30 a.m. until 6:00 p.m.

During the extended hours of operations, staff maintains an Election Activity Log of all calls relating to elections issues. A preliminary review of these data is being analyzed and the details will be posted on the G.A.B. website.

4. Consultation with United States Postal Service (USPS) Representative

On August 18, 2011, G.A.B. staff met with Daniel R. Schneider, Mailing Solutions Specialist with the USPS. The purpose of the meeting was three-fold: a) Discuss the possibility of a reduced mail rate for election mail, b) Investigate methods by which municipal clerks can improve mail service by their own initiative and in ways that are not cost prohibitive, and c) Gather information with respect to utilizing Intelligent Mail Barcode (IMB) in order to avoid mishandling of mail due to human intervention. The meeting was precipitated by several complaints from clerks and the public regarding misdirected, late, and undelivered mail, as well as by Mr. Schneider's desire to promote the use of IMB.

Reduced Rate

Mr. Schneider advised that service agreements, previously only available for packages, have been negotiated for flat mail pieces. However, the options for reduced rates require large quantity mailings to make them cost effective for the municipality. These options may be feasible for larger municipalities, but costly and impractical for small municipalities. Consolidating mail with several neighboring municipalities in order to increase mail volume is a possibility.

Empowering Clerks to Initiate Practices that Improve Mail Service

Election Mail Logo: Mr. Schneider emphasized the importance of using the Election Mail Logo which is intended to give priority to election mail. All envelope templates provided by the G.A.B. display the Election Mail Logo, and placement, size and color of the logo has been reviewed and approved by a Mail Piece Design Specialist from the USPS. Mr. Schneider states that any incident where the Election Mail Logo has not raised the mail piece to a priority level is due to human intervention by a postal employee, which could be eliminated by using IMB.

Facing Imaging Marks Bars (FIM BARS): Clerks and the public have voiced concerns that absentee ballots are frequently misdirected or lost. The most common complaint is that a voted absentee ballot is delivered to the absentee ballot witness rather than to the clerk. The Absentee

Ballot Certificate Envelope contains the name and address of the clerk to whom the voted ballot is returned. The “flap” side of the ballot is a certification signed by the elector and the witness. The witness is also required to provide his or her address. The automated postal equipment scans the mail for an address, and if the mail piece is turned the wrong direction, the equipment may “see” the address of the witness rather than the address of the clerk, resulting in improper delivery.

FIM BARS are the USPS’ answer to this dilemma. FIM BARS alert the electronic sorter to which side of the envelope contains the recipient’s address thus reducing the chance of errors in delivery. Mr. Schneider reiterated the importance of FIM BARS. All envelope templates provided by the G.A.B. display appropriate FIM BARS, and the envelope design has been reviewed and approved by a Mail Piece Design Specialist from the USPS. Mr. Schneider states that the misdirection, as well as other errors, such as forwarding mail marked “return service requested,” is due to human factors which could be eliminated by use of IMB.

Mr. Schneider advises that mail piece design changes frequently, and recommends envelopes should be reviewed every two years to ensure they meet USPS standards.

Intelligent Mail Bar Code (IMB)

IMB is a bar code and scan technology that provides timely tracking and delivery confirmation for all mail pieces and can also provide non-delivery reasons electronically. An IMB virtually eliminates the need for human intervention. Although price was not specifically quoted, the implication was that, as with the reduced rate options, only larger municipalities may find IMB practical and cost-effective.

Mr. Schneider was given a number of questions and comments submitted by municipal clerks; he will provide answers to each clerk’s specific questions. Mr. Schneider has also committed to work within the USPS to assemble structures for addressing errors related to human intervention and improving service. An update on his progress is expected shortly. The USPS and G.A.B. will also seek to produce short, informational webinars or YouTube videos to be used as training for municipal clerks in order to improve and accelerate the absentee process.

The 2011 Wisconsin Act 23 requires several changes to the Absentee Ballot Certificate envelope. G.A.B. staff will obtain approval from a Mail Piece Design Analyst before publishing the revised Absentee Certificate Envelope template. G.A.B. staff will also further investigate the cost of IMB and flesh out reduced rate options. This information will be disseminated to municipal clerks so that they may make their own informed decisions as to the viability of the options as they relate to specific economic situations.

5. G.A.B. Staff’s Program Planning and Development Process for Implementing the Voter Photo ID Law

The Governor signed the Voter Photo ID law on May 25, 2011; it was published on June 9, 2011; and, the provisions impacting the 2011 Summer Elections went into effect on June 10, 2011. Wisconsin Act 32, s.9118(1Q) and Act 23 under the 2011-2013 biennial budget Act (Act 32) required the G.A.B. to submit a proposal to the Joint Committee on Finance (JCF) under the Legislature’s 14-day passive review process on the agency’s plans to spend \$1.9 million dollars for public information and outreach voter ID implementation initiatives.

All 16 members of the JCF were visited for the purpose of discussing the proposed spending Plan, sharing G.A.B.’s philosophy behind the Plan, answering Committee members’ questions and soliciting input. The 14-day passive review process concluded on Thursday, July 14, 2011. On Friday, July 15, 2011, the JCF issued its approval letter stating that no objectives from JCF members had been raised.

Since mid-July, Board staff simultaneously focused on assisting clerk partners and voter customers to understand the basic requirements to the Photo ID Law and the relevant applications for the 2011 July and August Recall Elections. Following the conclusion of the July 16, 2011 Recall Election, staff have centered our attention on developing an action plan for full Photo ID implementation in accordance with the aforementioned JCF-approved Spending Plan.

To ensure program success, staff created a Team approach to flesh-out the details of the Photo ID program planning and development process. The Team approach is emphasized because it allows for interdisciplinary expertise to be contributed by each of its respective participating staff members.

The Teams are designed to fully integrate and interface with, and complement each other. Each team is charged with identifying tasks, milestones and action items that affect or overlap the assignments of other teams. Each team is also charged with collaborating and coordinating implementation activities with each other. A copy of the "G.A.B. Voter Photo ID Law Implementation Strategy" is attached.

As part of the overall strategy, staff is establishing and implementing a G.A.B. Photo ID Speakers' Bureau. Through a news media release, website postings (a Speaker's Request Form) and by word of mouth, staff are accepting and actively seeking speakers' requests from umbrella groups that serve members or a clientele that does not have a Legislatively-approved ID for voting purposes. Staff are eager to share accurate information about the new Photo ID Law, its requirements and how electors (voters) can meet and comply with those requirements. Please refer to the "Training" section of this Update for a list of fulfilled requests. Please refer to the "30-45-60 Day Forecast" (last page of this Update) for pending requests to date, yet to be fulfilled.

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

The Government Accountability Board staff has been in communication with the Legislature on the next steps for SB-115 and SB-116. Staff anticipates the Legislature will take-up the two bills during the September 13-22, 2011 Legislative Session. Once the bills are passed by the Legislature and signed by the Governor, Wisconsin will be in full compliance with all provisions of the Federal MOVE Act which requires a minimum of 45 days for military and overseas voters to receive, mark, and return absentee ballots in time for those ballots to be received and counted by Election Day. The State must also provide these electors with the capability to monitor the status of their ballot while in transit and to be able to know when the ballot was received the respective municipality and counted.

- SB-115 and companion AB-162 are intended to move the Presidential Preference election to coincide with the April Spring Election
- SB-116 and companion AB-161 are intended to move the September Partisan Primary to the second Tuesday in August and addresses the timeline of other election related events.

Mr. Bob Carey, Director of the Federal Voting Assistance Program, has offered and requested to meet with the Governor and Legislative Leaders to provide information and answer questions about the MOVE Act and its requirements. The Federal Voting Assistance Program (FVAP), is a part of the U. S. Department of Defense. In conjunction with the U. S. Departments of Defense and Justice, its mission is to implement the Federal Military and Overseas Voter Empowerment (MOVE) Act of 2009.

Board staff are facilitating Director Carey's request to meet with the Governor, and jointly with members of the Senate's Transportation and Elections, and the Assembly's Election and Campaign Reform Committees, or their respective Leadership if a joint meeting is not possible.

7. Federal Voting Assistance Program Grant Application

In mid-May 2011, the Federal Voting Assistance Program (FVAP) through the Department of Defense announced a nationwide \$16 million dollar grant opportunity for all 50 states. The grant program, "Electronic Absentee Systems for Elections (EASE)," will be awarded to states, territories, and/or localities for proposals that fulfill a public purpose of support by improving the voting experience of military and overseas voters, reduce impediments faced by them and stimulate the development of innovative approaches to absentee voting by military and overseas voters.

On July 13, 2011, Board staff submitted a proposal to the FVAP for an EASE grant. In the proposal, staff delineated the creation of a system that will allow military and overseas electors to receive their absentee ballot online. This system would integrate with current online tools such as ballot tracking, voter look-up, the online mail-in registration system and the Statewide Voter Registration System (SVRS). It would require the development of a ballot preparation tool to create an online ballot, an online ballot delivery tool to link an elector's address to the correct ballot, and a data collection and evaluation tool, to integrate data from the new system with data collected in SVRS and the Wisconsin Election Data Collection System. Board staff asked for \$1.9 million over the next two years to complete the proposed project.

Board staff have been informed that FVAP will make grant funding decisions sometime in October 2011.

8. The AccessElections! Wisconsin Disability Compliance System
(Voting Accessibility)

Government Accountability Board staff took advantage of the 2011 Recall and Special Elections to conduct Onsite AccessElections! Accessibility Compliance Reviews. In order to cover as many polling places as possible, the Board staff augmented its capacity by hiring temporary or contract workers who underwent extensive training to assist with the Onsite AccessElections! Accessibility Compliance Reviews.

On August 9, 2011, G.A.B. staff and contract representatives conducted reviews in 20 counties for Recall Elections in State Senate Districts 8, 10, 14, and 32 and a Special Election in State Assembly District 48. These counties included Burnett, Columbia, Crawford, Dane, Dunn, Green Lake, La Crosse, Marquette, Milwaukee, Monroe, Ozaukee, Pierce, Polk, Richland, Sauk, St. Croix, Vernon, Waukesha, Waupaca, and Waushara. There were 88 polling places visited in 79 municipalities.

On August 16, 2011, G.A.B. staff and representatives conducted Onsite AccessElections! Accessibility Compliance Reviews in 12 counties for the Recall Elections in State Senate Districts 12 and 22. These counties included Florence, Forest, Kenosha, Langlade, Lincoln, Marinette, Marathon, Menominee, Oconto, Oneida, Shawano, and Vilas. There were 74 polling places visited in 49 municipalities.

Key findings of the August 9 and August 16, 2011 Onsite AccessElections! Accessibility Compliance Reviews include:

- A. Insufficient signage for parking spaces and entrances.

- B. Thresholds that are greater than ½-inch high and would require the addition of a threshold ramp.
- C. Required election notices are not always posted and those posted are not printed in 18 point font.
- D. Municipalities that received G.A.B. Accessibility improvement grant funds or supplies to assist respective polling places to achieve compliance could not show or demonstrate items that the funds were intended to purchase, or the supplies that were received. This finding is disturbing and will be closely followed-up for explanations.
- E. Less frequent problems identified include:
 - Doors that require more than 8 lbs. of force to open.
 - Gaps and uneven pavement in the pathway from the parking area to the accessible entrance.
 - Gravel parking surfaces for marked accessible parking spaces.

Electronic Voting System Security Reviews: During the Onsite AccessElections! Accessibility Compliance Reviews on August 9 and 16, 2011, staff and contract representatives also performed a visual inspection of the security tags on voting equipment to verify that serial numbers on the Inspectors' Statement match the machines and tamper-evident seals. Staff and contract representatives continue to find inconsistency in the security procedures. Staff found that some Chief Inspectors are neglecting pre-election security checks, are not filling out the Inspectors' Statement, and do not seem to fully understand the need for the tamper-resistant seal and security checks.

2011 Polling Places Visited

The number of polling places may slightly vary from one election to the next. The number of polling places open to Wisconsin electors for the 2011 statewide spring election on April 5 was 2,658. Since that election, G.A.B. staff and contract representatives have conducted Onsite AccessElections! Accessibility Compliance and Electronic Voting System Security Reviews as follows:

- # of Polling Places Visited: 372
- # of Municipalities Visited: 287
- # of Counties Visited: 41

Board staff is in the process of following-up responses to findings provided to municipalities as a result of the April 5 and May 3, 2011 Onsite AccessElections! Accessibility Compliance Reviews. Staff are also finalizing reports from the July 12, July 19, August 9, and August 16, 2011 Onsite AccessElections! Accessibility Compliance Reviews that will be provided to respective municipalities and followed-up.

Training

Voter Photo ID Education, Training and Technical Assistance Rendered

Staff have fulfilled the following Photo ID requests as of Friday, September 2, 2011.

- Sunday evening, August 21, 2011, Milwaukee:
G.A.B.'s Photo ID Presentation to the Community Grassroots Northshore Program
Over 100 community residents participated
Presentation by: Director Kennedy

- Wednesday morning, August 24, Wisconsin Dells:
G.A.B.'s Photo ID Presentation to the Wisconsin Municipal Clerks Association
Over 500 Municipal and County Clerks participated
Presentation Team Led by: Director Kennedy

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

Please refer to the Attachment titled, "Training Summary," for a summary of our basic/core election administration training information.

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 28,327 HAVA Checks with DOT/SSA on voter applications in SVRS. This is up from the approximately 9,000 HAVA Checks reported at the last Board Meeting, due to increased registration activity for the August Recall elections.

2. Retroactive HAVA Checks Status

There has been no update on this project since the last Board Meeting. This project is currently on hold to allow technical staff to work on implementing the new Voter Photo ID Law, as well as updating SVRS for the 2010 Decennial Redistricting process.

3. Voter Registration Statistics

As of Tuesday, August 30, 2011, there were a total of 3,296,393 active voters in SVRS. There were 1,034,818 inactive voters, and 276,600 were cancelled voters. 6,622 voters have been merged by clerks as duplicates since the last report.

The number of active voter records in SVRS has decreased since September 2010 by 126,413 from 3,412,419 to 3,286,006. This significant decrease is attributed to the 2010-2011 Four-Year Voter Record Maintenance. As of Friday, September 2, 2011, the total number of voter records inactivated as a result of the 2010 Four-Year Voter Record Maintenance was 201,121. The 2010 Four-Year Record Maintenance was the first truly statewide voter record maintenance. Prior to 2010, many municipalities did not have four years of voting history recorded in SVRS.

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. Help Desk

The G.A.B. Help Desk is supporting over 1,800 active SVRS users, the public and election officials. The Help Desk staff assisted with processing the canvass, data requests and testing SVRS improvements. Help Desk staff is continuing to improve and maintain the two training environments that are being utilized in the field. Staff is monitoring state enterprise network status, assisting with processing data requests and processing voter verification postcards.

Overall, the majority of inquiries to the G.A.B. Help Desk during July and August from clerks were regarding assistance with setting-up the August 9, 2011 and August 16, 2011 Recall Primaries and Elections, reconciling or closing out the July 12, 2011 and July 19, 2011 Recall Primaries and Election and Special Election for Assembly Dist 48, and running reports. The majority of calls in July and August were from electors with questions and voicing concern about Voter ID requirements, confusion at the polling place regarding Photo ID and asking where to vote. Many of these voters did not reside in a district conducting an election.

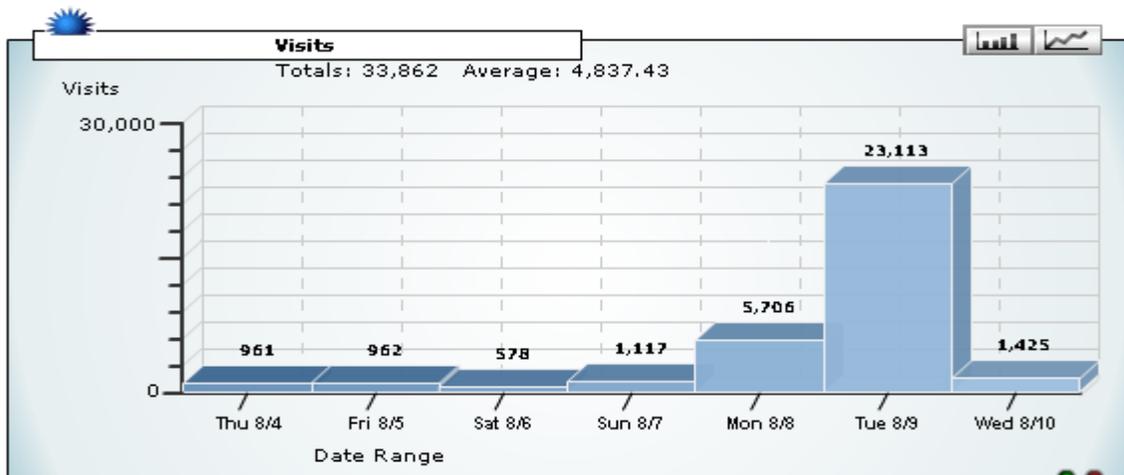
Calls for this period also consisted of clerks requesting assistance entering data into the G.A.B. Canvass Reporting System and the Wisconsin Election Data Collection System (WEDCS), entering Election Day Registrations (EDR) and running reports. Help Desk staff assisted with configuring and installing SVRS on new clerk computers.

The Ethics Division CFIS reporting also generated a considerable amount of call traffic during July due to filing deadlines.

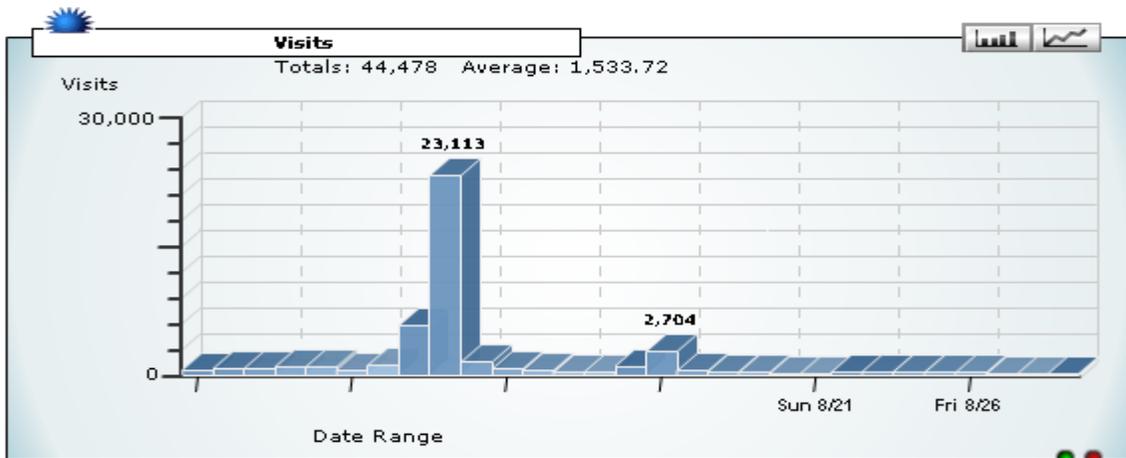
G.A.B. Help Desk Call Volume (261-2028)	
July 2011	2,361
August 2011	3,118
Total Calls for Period	5,479

The G.A.B. main business telephone (266-8005) has remained forwarded to the Help Desk since April 4, 2011 to alleviate distractions at the Reception Desk during recent election related events. The Help Desk operated on extended hours for all election events during this period.

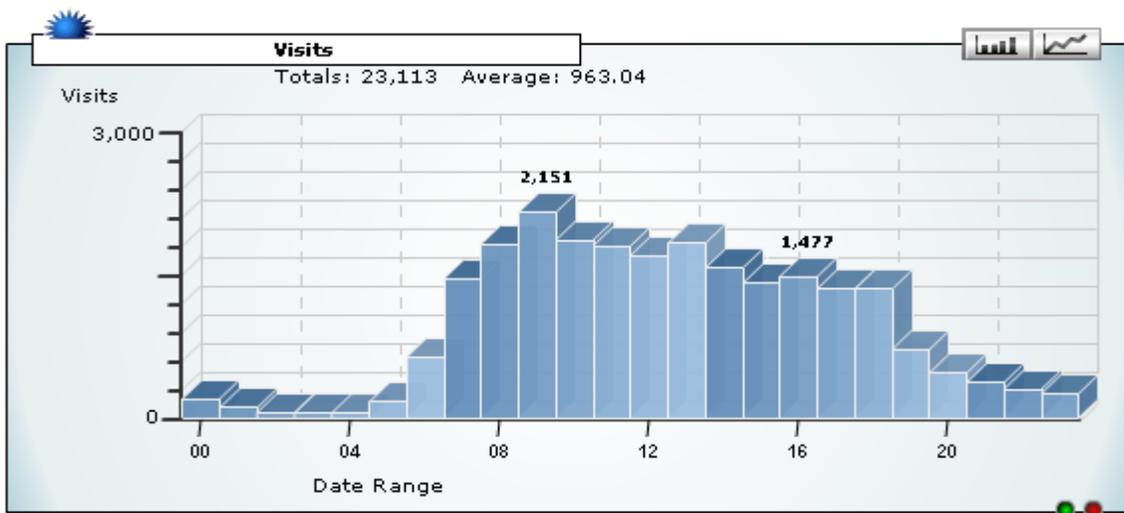
The graph below illustrates unique voter visits accessing the GAB Voter Public Access (VPA) website for the week of the August 9th Election. Election day had 23,113 visitors, typically viewing 7 pages per visit.



The graph below illustrates unique traffic for the month of August. Call traffic indicated a considerable amount of voter confusion when polling locations were not open or moved on the August 9th election day.



Unique visits for August 9th only. Traffic peaked at 9:00 am with 2151 visits per hour.



5. The G.A.B. Click and Mail Voter Registration System

An update on this initiative is included in a separate memo, prepared for Agenda Item K, Report on Elections Division IT Initiatives.

6. Elections Division Dedicated IT Team

Two new team members have been added to the new Elections Division IT Team. Both developers bring a wealth of knowledge that is already being put to use. A new project manager is also being hired. He is a certified Project Management Professional with 11 year career of IT innovation, most recently with the University of Wisconsin-Stevens Point.

7. The 2010 SVRS Census Redistricting Project

An update on this initiative is included in a separate memo, prepared for Agenda Item K, Report on Elections Division IT Initiatives.

8. SVRS Core Activities

A. Software Upgrade(s)

Due to the July and August recall and special elections, a change freeze was in place for the SVRS system and no software updates were implemented since the August 2, 2011 meeting. The next version of SVRS (version 7.2) is planned to be installed fall 2011 and will include the updates for the G.A.B. Click and Mail Voter Registration System. The system formerly referred to as the Polling Place Accessibility Survey (PPAS) has now officially changed to AccessElections! Wisconsin Disability Compliance System. The AccessElections! application is used by G.A.B. staff to conduct polling place accessibility surveys and ensure compliance with Federal and State laws. It is the first G.A.B. software application related to election management to move off of the Citrix environment.

B. System Outages

On Saturday August 20, 2011 it was reported that the old G.A.B. website (elections.state.wi.us) had been defaced in a hacking of the DOA webservice WebsRus. The website was taken down and a backup restored. Archived election data was unavailable from sometime early Saturday morning until 6:35 pm when the site was restored. The G.A.B. main website (gab.wi.gov) was not directly affected although some older data was not available through links; Cruiskeen (host) was notified of the incident. Several other agency websites were similarly attacked; DOA has made modifications to the WebsRus ASP code to prevent future similar attacks.

On August 29, 2011 several nightly scheduled SVRS operations failed. DET and G.A.B. staff investigated the issue and found that the database backup logs reached a size that caused a failure. The immediate issue was resolved. In the future, the G.A.B. IT team has recommended changing from a simple backup strategy which occurs nightly to a full backup strategy that would involve more frequent backups and is more appropriate for a complex data management system like SVRS.

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 from the Board's August 2 Elections Division Update through August 30, 2011:

- Sixty-one (61) inquiries were received requesting information on purchasing electronic voter lists from the SVRS system.
- Forty-eight (48) electronic voter lists were purchased.
- \$5,007 was received for the voter lists requested.

30-45-60 Day Forecast

1. Continue to plan for full implementation of all aspects of the Voter Photo ID Law and the Legislatively-approved G.A.B. Voter Photo Plan for training local election officials and offering outreach informational services to the general public.
2. Continue to implement the G.A.B. Voter Photo ID Law Implementation Strategy including G.A.B.'s Photo ID Speakers' Bureau.

Voter Photo ID Education, Training and Technical Assistance Requests as of Friday, September 2, 2011:

- Thursday morning, October 20, 2011, Milwaukee:
G.A.B.'s Photo ID Presentation to the 4th Street Forum
(A nonpartisan discussion program broadcast twice weekly by Milwaukee Public Television). Title of Show: "Your Papers Please!"
Presentation by: Director Kennedy
 - Staffs' Photo ID Confirmed Presentations at Customers and Partners' Meetings:
 - September 15, 2011: WLWV Voter ID Law presentation (Whitewater)
 - September 26, 2011: WCCA Conference (Wisconsin Dells)
 - September 29, 2011: Brown County Clerk Meeting (Green Bay)
 - October 13, 2011: WMCA District 2 Meeting (St. Croix Falls)
 - October 14, 2011: WMCA District 6 Meeting (Fond du Lac)
 - October 20, 2011: WMCA District 5 Meeting (Eagle)
 - October 21, 2011: WMCA District 7 Meeting (Grand Chute)
 - October 24, 2011: WTA Conference (Green Bay)
 - October 28, 2011: WMCA District 3 Meeting (Town of Washington)
 - Photo ID Presentation Requests Under Consideration:
 - September 30, 2011: Buffalo County
3. Continue to work with the Department of Transportation (DOT) to resolve Voter ID issues brought to DOT and G.A.B.'s respective attention – issues that require the two agency staffs to collaborate and resolve electors' customer service complaints.
 4. Prepare to launch the G.A.B. Click and Mail Voter Registration System by October 1, 2011.
 5. Continue to follow-up responses to findings provided to municipalities as a result of the April 5 and May 3, 2011 Onsite AccessElections! Accessibility Compliance Reviews. Staff will also finalize reports from the July 12, July 19 and August 9 and August 16, 2011 Onsite AccessElections! Accessibility Compliance Reviews and provide those findings to respective municipalities.
 6. Prepare for the Board's November 8, 2011 meeting.

Action Items

None.

ATTACHMENT #1

GAB Election Division's Training Initiatives
8/2/2011-9/12/2011

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
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.	25
WisLine	Series of programs designed to keep local government officers up to date on the administration of elections in Wisconsin.	90 minute program conducted by Board staff and the UW-Extension	Clerks and chief inspectors	Board staff developed 2011-2012 WisLine training schedule of nine programs, including two programs on the Voter ID Law.	Average of 200 per program; certain programs may have over 500 registrants
WBETS	Web Based Election Training System. Under development.	Varies	County and municipal clerks and their staff.	Phase 1 of eLearning training plan completed; Absentee Process training modules under construction.	Site is available for clerks to train temp workers in data entry; relies are also able to access the site upon request.
Other	<ul style="list-style-type: none"> ▪ Board staff gave election administration and SVRS presentations to over 500 municipal clerks at the WMCA Conference in Wisconsin Dells on Wednesday, August 24, 2011. ▪ Board staff training team developing plan for the training and technical support of clerks and election inspectors for the full implementation of the Voter ID Law starting in the February 2012 Primary. 				

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JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

Wisconsin Government Accountability Board G.A.B. Voter Photo ID Law Implementation Strategy

To ensure program success, the paradigm for implementing the Voter Photo ID Law and related election administration policies relies on a Team concept. We emphasize a Team approach because it allows participating staff members to contribute their interdisciplinary expertise.

The Teams are designed to fully integrate and interface with, and complement each other. Each team, however, is charged with identifying tasks, milestones and action items that affect or overlap the assignments of other teams. Each team is also charged with collaborating and coordinating implementation activities with each other. Following are the staff teams that have been designated to focus on particular issues and aspects of the Photo ID implementation program.

➤ **The Public Information Development Team**

Charge: The Charge for this Team is to prepare and oversee the implementation of a work plan that sets out goals and objectives for disseminating information to the public on Voter Photo ID and its requirements. The Team should ensure the Photo ID information and messages are developed and produced in a variety of formats and designed to reach a variety of demographic audiences. This Team will recommend the procurement of an advertising/marketing firm to assist with these tasks. The firm will recommend how to effectively craft the Photo ID message, and the best markets and venues for message placements. The Team will manage the work of this firm and make recommendations accordingly. This Team will also coordinate the development of responses to inquiries regarding G.A.B.'s public information initiatives.

- **Sharrie Hauge**, Team Lead
[(608) 266-0404 / Sharrie.Hauge@wi.gov]
- Reid Magney
- Christopher Doffing
- Allison Coakley
- Katie Mueller
- Steve Pickett
- Steve Rossman
- Mike Lauth
- James Malone
- New two-year project position(s)

➤ **The Public Outreach Campaign Team**

Charge: The Charge for this Team is to prepare and oversee the implementation of a work plan for identifying groups of voters and would-be-voters who need special assistance in understanding the Voter ID requirements and various means to meet and comply with those requirements. Special and extra outreach help and assistance will be provided to elderly voters whose driver licenses or identification cards may have expired; both rural and urban populations; voters with disabilities or who are homeless; minority groups (e.g., Native American, African American, Hispanic, Hmong populations); public and private university and

college students; and ex-felons who recently completed the terms and conditions of their probation and parole, to name a few.

The objectives of the outreach campaign will be to identify groups of eligible voters needing assistance who may not have an acceptable form of identification; identify organizations that work with these select groups of eligible voters; develop educational materials for these organizations to use in training their respective constituents about the new Voter ID Law; communicate educational messages on a more personal level; intersect within the lifestyles and communities of the target audiences via grassroots marketing efforts; minimize the number of historically disadvantaged voters who arrive at the polls without a Photo ID that meets statutory requirements; and, direct targeted voters and groups to a dedicated website and/or help line.

This Team will develop a Speakers Bureau for responding to public requests for G.A.B. staff to make presentations on the Voter ID Law and how electors can meet the requirements. This Team will also coordinate the development of responses to inquiries regarding G.A.B.'s public outreach initiatives, and the Team will coordinate and draft correspondence to Legislators regarding progress and status reports on the implementation of the Photo ID Law.

- **Adam Harvell**, Team Lead
[(608) 261-2030 / Adam.Harvell@wi.gov]
- Edward Edney
- Reid Magney
- Ann Oberle
- Steve Pickett
- Jo Futrell
- Aaron Frailing
- Sharrie Hauge
- New two-year project position(s)

➤ **The Local Election Officials Education/Training/Technical Assistance Team**

Charge: The Charge for this Team is to prepare and oversee the implementation of a training plan that includes curricular-development and materials including but not limited to videos, brochures, pamphlets, informational flyers, and other documents developed for “getting out the word” to Wisconsin’s 1,850 clerks representing towns, villages and cities, and their respective local election officials, i.e. poll worker and chief election inspectors, in addition to the State’s 72 county clerks. The State’s 1,850 municipalities serve approximately 3,000 polling places that comprise over 3,600 reporting units (wards/precincts). 1,673 of the State’s cities, towns and villages have a population under 5,000 and are mostly rural. The majority of municipal clerks (62 percent) responsible for administering local elections work part-time, and the turnover rate is between 20-25 percent annually.

These facts underscore the need for ongoing training and continuous support to ensure uniform application of the many new requirements for the Voter ID Law. This Team will also coordinate the development of responses to inquiries regarding G.A.B.'s education, training and technical assistance initiatives for local election officials.

- **Allison Coakley**, Team Lead
[(608) 261-2033 / Allison.Coakley@wi.gov]
- Diane Lowe
- David Buerger
- Adam Harvell
- Steve Pickett
- Katie Mueller

- Angie Steinhauer
- Christopher Doffing
- Tiffany Schwoerer
- New two-year project position(s)

➤ **The Statutory Documentation Team**

Charge: The Charge for this Team is to develop a work plan that includes research and documentation of the various types of voter IDs authorized by the Voter ID Law. Included in this Charge, the Team will also provide information on what types of identification documents that are not acceptable and the related reasons. This Team will work with the State Department of Transportation (DOT) Division of Motor Vehicles, and the Department of Health Services (DHS) Vital Statistics Division to learn about both Departments policies, procedures and Administrative Rules regarding the types of documentation needed for voters to receive a free State-issued ID for voting purposes. Information will also be provided on the process and documents needed for obtaining a birth certificate and related documents necessary for obtaining a free State-issued ID for voting purposes. In addition, this Team will research and learn the location of DMV offices around the State, and their respective operational dates and hours.

This Team will also work with public colleges and universities, and the State's Technical College System, to provide information on what types of identification documents for students that are acceptable and those that are not acceptable for voting purposes. In addition, this Team will work with the U.S. Postal Service to determine requirements for obtaining a Passport because Passports are a Legislatively-approved form of a photo identification for voting purposes.

This Team is responsible for gathering accurate information about whatever documentation is required for obtaining a free State-issued ID for voting purposes, including but not limited to examples, graphics and illustrations to be shared with voters, especially with groups to which the G.A.B. is specifically charged to provide outreach services. This Team will coordinate the development of responses to inquiries regarding the type of documentation needed for obtaining a free State-issued ID for voting purposes.

- **Ross Hein**, Team Lead
[(608) 267-3666 / Ross.Hein@wi.gov]
- Edward Edney
- Aaron Frailing
- Ann Oberle
- Christopher Doffing
- David Buerger
- New two-year project position(s)

➤ **The Statewide Voter Registration System (SVRS) Technical Team**

Charge: The Charge for this Team is to develop a work plan that includes tasks for identifying and recommending changes or modifications that need to be made to the SVRS in order for SVRS to provide the capability and capacity for implementing the technical aspects of the Voter ID Law.

The SVRS will be modified to track whether a mail-in absentee voter has previously submitted photo ID and therefore, not required to do so with subsequent mail-in absentee ballot submissions; to manage the new provisional ballot scenarios; to indicate on the voter list and absentee ballot log print-outs whether the voter is required to show a statutory ID (to allow for

the exemptions in the Photo ID Law); to change the SVRS field currently labeled “ID Required” field to “Proof of Residence Required” on the voter list, voter application node, and the voter record; to add a statutory ID field to the voter record and voter application node so it can be displayed on the voter list; to enhance SVRS to designate the absentee ballot transmission method on all absentee labels, the voter list, and the absentee ballot log; to create a new absentee witness name/address verification to accommodate the different acceptable witness statements available for confined electors, voters in facilities covered by special voting deputies, and voters in facilities not covered by special voting deputies; and, to remove the corroborating witness as an option in the voter application and voter record.

The Team will oversee modifications that need to be made to the SVRS’ Voter Public Access (VPA) component in order to allow military and permanent overseas voters to submit requests for absentee ballots online, without the need to present a photo ID, as well as manage the SVRS User Acceptance Testing. This Team will also coordinate the development of responses to inquiries regarding SVRS, its capabilities and functionalities with regard to the Photo ID Law.

- **Sarah Whitt**, Team Lead
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- Adam Harvell
- David Buerger
- Ann Oberle
- Katie Mueller
- Angie Steinhauer
- David Grassl
- John Hoeth
- Steve Rossman
- New two-year project position(s)

➤ **The Absentee Balloting Team**

Charge: The Charge for this Team is to develop a work plan that includes processes and documentation that ensure individuals who have difficulty getting to the polling place on Election Day – such as individuals residing in nursing homes, retirement homes and community-based residential facilities and those who simply prefer to vote by absentee ballot – have the opportunity to exercise their right to vote. Additional focus will be directed to persons incarcerated for non-felony offenses, and residents of secured detention centers that house sexually violent offenders who are eligible to vote even though they remain secured.

This Team will identify the procedures for absentee voting in nursing homes, qualified retirement homes, and in qualified community-based residential facilities and identify who is and who is not required to provide a photo ID and if not, what they need to provide to be eligible to vote. This Team will also review and develop materials on general absentee voting procedures and new requirements established by the Photo ID Law.

The Team will work with the SVRS Technical team and make recommendations on modifications that need to be made to the SVRS’ Voter Public Access (VPA) component in order to allow military and permanent overseas voters to submit requests for absentee ballots online, without the need to present a photo ID, and provide progress updates for absentee ballot tracking in SVRS.

This Team will develop the framework from which WisLine Informational and Training Programs such as “Everything Absentee” will be developed. This Team will also coordinate the development of responses to inquiries regarding absentee balloting vis-à-vis the new Photo ID Law and its requirements. In addition, this Team will make recommendations to the Public

Information Development, the Public Outreach Campaign, and the Local Election Officials Education/Training/Technical Assistance Teams with regard to absentee voting and the Photo ID Law.

- **Diane Lowe**, Team Lead
[(608) 266-3276 / Diane.Lowe@wi.gov]
- Adam Harvell
- Katie Mueller
- David Buerger
- Sarah Whitt
- New two-year project position(s)

➤ **The Provisional Ballot and Canvass Team**

Charge: The Charge for this Team is to develop a work plan that identifies who, when, where and how provisional ballots may be cast; develop educational materials for clerks to use in training their election inspectors and training aids that election inspectors may reference. This Team will update provisional voting documents, such as the “Provisional Voting Information Sheet” and provide a guide for clerks to use when processing provisional ballots, along with a timeline for meetings of their boards of canvass. This team will also develop and recommend training tools for clerks to use to train members of their boards of canvass.

This Team will develop the framework from which the WisLine Informational and Training Programs such as “Voter Photo ID and Provisional Voting Information for Clerks” and the “Voter Photo ID and Provisional Voting Information for Election Day Officials” will be developed. This Team will also coordinate the development of responses to inquiries regarding provisional balloting vis-à-vis the new Photo ID Law and its requirements.

- **Katie Mueller**, Team Lead
[(608) 267-7890 / Katie.Mueller@wi.gov]
- Diane Lowe
- Katie Mueller
- Ann Oberle
- Steve Pickett
- Steve Rossman
- New two-year project position(s)

➤ **The Publications, Forms and Manuals Team**

Charge: The Charge for this Team is to develop a schedule and timetable for the review of all G.A.B.’s publications, forms, manuals and related information/instructional documents in paper and electronic formats for the purpose of identifying areas which require updates regarding the requirements of the Voter Photo ID Law. This Team will make the necessary changes in the agency’s publications, forms and related information/instructional documents prior to the February 2012 Spring Primary for training of local election officials. This Team will also coordinate the development of responses to inquiries regarding changes and updates made to G.A.B.’s election administration publications, forms and manuals in order to comply with the new Photo ID Law and its requirements.

- **Angie Steinhauer**, Team Lead
[(608) 264-6763 /Angie.Steinhauer@wi.gov]
- Diane Lowe
- David Buerger
- Steve Pickett

- John Hoeth
- Allison Coakley
- New two-year project position(s)

➤ **The Photo ID Program Monitoring and Evaluation Team**

Charge: The Charge for this Team is to determine program evaluation factors and develop standards via the identification of measurement metrics for monitoring and assessing G.A.B.'s administration and implementation of the Voter Photo ID Law. As part of the determination of what the measurement standards should include, this Team will consult with social research scientists at the University of Wisconsin-Madison, Political Science Department, and with professors at the University's School of Business.

The intent is to build in a program evaluation paradigm in the beginning of G.A.B.'s strategy for implementing the Photo ID Law. Information gained from this monitoring and assessment tool will be used to inform and guide the implementation process that may include making required adjustments to the program strategy, refocusing resources and staff efforts, and/or requesting additional funds from the Legislature in order to effectively achieve the Legislature's full intent of the Photo ID Law's goals and objectives.

Further, the intent of building-in a formal monitoring and assessment component into G.A.B.'s Photo ID Law implementation strategy at the beginning of the program development process is to ensure that this important management information feature is an ongoing and integral part of G.A.B.'s ability to make adjustments and corrections quickly rather than waiting until it may be too late to effectuate needed change. This Team will also review the G.A.B. web-based complaint system to make sure its capacity is sufficient enough for electors to include specific information about the process for implementing the Photo ID Law.

- **David Buerger**, Team Lead
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- Reid Magney
- Aaron Frailing
- Christopher Doffing
- Sarah Whitt
- Steve Rossman
- New two-year project position(s)

Management and Oversight of the Voter Photo ID Program Initiative

The Voter Photo ID program planning and implementation concept, and the monitoring and assessment of the Voter Photo ID public policy goals and objectives are managed and overseen by the Elections Division Administrator. The Elections Supervisor assists the Elections Division Administrator with the daily management of the Voter Photo ID Program Initiative.

Administrator Robinson and Elections Supervisor Hein both serve as ex-officio members on all the Teams. Administrator Robinson is the G.A.B. liaison to the the Governor's Office and the Legislature regarding the implementation of Photo ID.

Elections Supervisor Hein's role is to ensure that each respective Team's Charge and objectives are being addressed in accordance with the Master Photo ID Implementation Plan developed by the Elections Division staff. The Master Photo ID Implementation Plan will consist of merging the individual Teams' Plans into a single document. Elections Supervisor Hein is also G.A.B.'s liaison to the Department of Transportation, the Department of Health Services, and the Department of Corrections.

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G.A.B. Staff Counsels

G.A.B. Staff Counsels will participate and assist in the assignments of all Teams as needed.

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Executive Sponsor of the Voter Photo ID Program Initiative

G.A.B.'s Director and General Counsel, who is also the State's Chief Election Officer, is in charge of the overall program. He sets the policy direction and shares his vision for the development and implementation of the Voter Photo ID Program Initiative to ensure success.

Kevin J. Kennedy

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 Director and General Counsel
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KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the September 12, 2011, 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, several large scale procurements, completing the close-out of FY-11, setting up for FY-12, recruiting staff, communicating with agency customers, and developing legislative and media presentations.

Noteworthy Activities

1. Voter ID Implementation

In preparation for Voter Photo ID Implementation, the Administrative Services section was asked to lead the Public Information Development team, which consists of the Public Information Officer, Elections Division staff and Administrative Services/Purchasing staff. The team's initial charge is to set out goals and objectives for disseminating information to the public on Voter Photo ID and its requirements; ensure that the Photo ID information and messages are developed and produced in a variety of formats and designed to reach a variety of demographic audiences and recommend the procurement of a marketing firm to assist with these tasks.

The team has spent countless hours preparing a work-plan; researching existing state contracts to procure an advertising agency; developing a concept paper for the 4-advertising agencies that will make a presentation in mid-September; developing questions and evaluation criterion for the presentations and meeting with the Wisconsin Broadcasters Association to reserve 29 weeks of unsold air time/advertising space to get the message out.

This large scale project will require purchasing to help fulfill our mandate, the largest of which is securing an outside advertising agency to help publicize the new requirements of the Voter Photo ID law. Procurement is also ready to assist other staff in the purchase of printing, mailing and any other related costs that may occur as we all work in concert to ensure the success of this initiative.

2. Procurements

The procurement area of the Government Accountability Board continues to be very busy as staff take on significant projects. Procurement staff has worked closely with Jo Futrell in the Accessibility program in hiring temporary staff workers to help with the collection of Accessibility survey data. This has required coordination between the Elections Division, Procurement and other financial staff to ensure that enough highly-qualified staff are procured, that the temporary staff have travel arrangements made and ensure that all reimbursement requests from this staff follow state guidelines.

Procurement staff has also worked with the IT team to hire contractors for our DOA/DET comprehensive services project, as well as securing the computer equipment necessary for them to perform their job functions. We have recently bought a touch screen portable computer that has the potential to revolutionize how we conduct our polling place accessibility surveys, giving us better data and reducing the onerous process of taking data written on a paper surveys and entering it into our database system. We have also purchased several computer programs that will help us with redistricting and help our website handle items such as scanned images and better secure our websites.

Finally, the Procurement section was responsible for clearing out the GAB offices at 44 E. Mifflin Street. The GAB vacated these offices a long time ago, but the entire office's furniture remained behind. Over the years, the office became a very expensive remote storage facility. However, our lease ended on August 31. Procurement staff worked with two different moving companies and the University of Wisconsin's Surplus in order to clear out this office. Three moving trucks worth of material was moved out of the office in less than two weeks, and the items that are being discarded by the GAB aren't going to a landfill. Instead, they will be taken to SWAP and either reused within the state service or sold to the public. The move also resulted in many records that have remained unfiled and unsorted being brought to the GAB to ensure that we are compliant in our records retention and disposition. Finally, the clearing out also gave the agency the opportunity to dispose of a huge array of unneeded electronics which were taking up space in our current offices, helping to ensure that we are using our space here efficiently.

3. Fiscal Year 11 Close-Out Activities and FY-12 Operating Budget Preparations

The financial services section has successfully closed-out all FY-11 accounts and the new FY-12 budget has successfully been loaded in the accounting system. Fiscal activities since the last report, includes:

- Reconciled Form 78 – Appropriation Certifications to internal financial records, verifying the accuracy of our accounting for FY2011 revenues and expenditures.
- Transitioned the accounting for Section 261 cost allocations over to the new state fiscal year, after fully expending the 2006 federal grant award allotment.
- Met with Section 261 Accessibility Program Administrator to discuss FY2012 budget and available funds.

4. Other Financial Services Section Activity

- Updated Q3 payroll expenditures to ensure compliance with federal costing standards.

- Implemented new time record procedures to track and calculate staff time worked on Voter ID legislation.
- Separately identified federal interest earnings attributable to each federal program budget by state fiscal years, then updated files to accommodate future interest earned revenues.
- Reviewed & approved travel vouchers and invoice payments; assisted with processing bad debts receivable.
- Made travel arrangements for 24 contractors to conduct accessibility audits throughout the state during the elections.
- Paid 90 invoices totaling over \$132,000.

5. Staffing

Currently, we are recruiting for an Office Operations Associate position to support the HAVA program staff, five new project positions for Photo ID implementation and nine other staff vacancies.

6. Communications Report

Since the August 2, 2011, Board meeting, the Public Information Officer has engaged in the following communications activities in furtherance of the Board's mission:

- The PIO continued to respond to an unusually high number of media and public inquiries on a variety of subjects, including the August 9 and 16 recall elections ordered by the Board and the implementation of the new Voter Photo ID law. The PIO set up interviews with print and electronic journalists for Mr. Kennedy and also gave interviews when he was not available.
- In addition to responding media and public inquiries about Voter Photo ID law, the PIO has worked on the Public Information Development Team, which is preparing to interview and recommend the hiring of an advertising agency to help Board staff develop the multi-media public information campaign, which will launch in January 2012 and run through the November 2012 General Election.
- The PIO also spent a considerable amount of time preparing the agency's response to the Legislative Audit Bureau's evaluation of the Contract Sunshine Act, which was released on August 31, 2011.

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.

7. Meetings and Presentations

During the time since the last Board meeting, Director Kennedy has participated in a series of meetings and worked with agency staff on several projects. The primary focus of the staff meetings has been to address legislative and budget implementation issues, including several internal and external meetings on Voter Photo ID implementation.

Considerable time has been spent meeting with attorneys from the Department of Justice on the large number of lawsuits to which the agency is a party, as well as the related court hearings.

Another primary focus has been meeting with staff and special investigators on pending investigations.

On August 9, 2012, the Director visited polling places in the City of Madison and the Villages of Butler and Menomonee Falls to observe the soft implementation of Voter Photo ID and other legislative changes based on 2011 Wisconsin Act 23. In Butler, the Director spent considerable time discussing exit polling issues with members of the Election Defense Alliance (EDA) and Village of Butler officials. The polling place location does not make it easy for media and citizen groups to conduct exit polling. The Village of Butler officials were not willing to make reasonable accommodations suggested by the Director to facilitate EDA's exit polling efforts.

The media has continued to make a number of inquiries on recall, recount, and legislative initiatives, particularly Voter Photo ID and redistricting, as well as the rules and costs associated with recall. This has led to extended interviews with print journalists and a number of radio appearances. These included an August 3, 2011, taping for WIBA radio and an August 9, 2011 interview on the nationally-syndicated Stephanie Miller show. A Fox News request for August 9, 2011 could not be scheduled because of a lack of coordination between the national and local based crews.

On August 11, 12, 2011, Sarah Whitt represented the agency at a meeting sponsored by the Pew Charitable Trusts Center on the States on voter registration modernization. This project has been ongoing since 2009 and the Director has been an active participant along with state and local election officials from several states. The goal is to establish a voter registration data sharing mechanism that will improve state voter registration data quality and facilitate voter registration by eligible citizens.

On August 16 and 17, 2011, the Director took a CERA renewal class and attended the Annual Conference of the Election Center in San Antonio on August 18, 19, 2011. The Director serves on the Professional Education Program Board for the Election Center. The Board oversees the CERA election official training and certification program administered by Auburn University.

On August 21, 2011, the Director participated in a panel presentation on the new photo ID law along with State Senator Chris Larson, a representative of the ACLU and a representative of the League of Women Voters of Wisconsin for the Grassroots North Shore Town Hall meeting in Shorewood. Elections Division Administrator Nat Robinson accompanied the Director. Milwaukee City Election Commission Director Sue Edman was also present at the meeting.

On August 24, 2011, the Director and Elections Division Administrator led a team of Elections Division staff to a presentation at the Annual Conference of the Wisconsin Municipal Clerks Association (WMCA) in Wisconsin Dells. Allison Coakley, the agency training coordinator, put together an excellent program. Ross Hein, Katie Mueller and Sarah Whitt made substantive presentations on Voter Photo ID implementation, MOVE Act legislation and SVRS programs including the Click-and-Mail and redistricting initiatives. On behalf of the WMCA, President Diane Hermann-Brown presented the Director with a Lifetime Membership in recognition of his dedicated service on behalf of Wisconsin Municipal Clerks.

On August 26, 2011, the Director met with Jonathan Simon and Mary Magnuson of the Election Defense Alliance (EDA) to discuss EDA's exit polling initiative and concerns about voting equipment security. On August 27, 2011, the Director attended sessions at the Democracy Convention in Madison on Election Integrity and Democracy in Our Hands: Hand-Counted Paper Ballots NOW. Although the Director attended as an observer, he was asked to respond to a number of questions raised by other participants and citizens following the proceedings online. Links to the

session were shared with Board Members and staff on August 31, 2011. The Director also met with one of the presenters, Sheila Parks of Center for Hand-Counted Paper Ballots, following the session.

Sarah Whitt led a session on voter registration at the Democracy Convention.

On Tuesday, August 30, 2011 Jonathan Simon dropped by our offices and met with Nat Robinson and Mike Hass to discuss his concerns about voting equipment security. He later sent a series of papers on his research into the issues which were forwarded to Board Members on August 31, 2011. Later that day, Professor Sheila Parks also dropped by our office to discuss her concerns and the need for hand-counted paper ballots for all elections.

On September 6, 2011, the Director and Division Administrators Jonathan Becker and Nat Robinson resumed their quarterly meetings with the Senate and Assembly Chief Clerks. This series of scheduled meetings enables the agency management team to share information on legislative and administrative issues that impact the agency and the Legislature.

The agency is fortunate to have the services of two law student interns who have been placed with the agency as part of the University of Wisconsin Law School's Government and Legislative Clinical Program for the Fall semester. Blythe Kennedy, no relation to the Director, and Matthew Giesfeldt each bring a strong and diverse background as well as a keen interest in the work of the agency to their internship. Staff Counsel Mike Hass will be overseeing their work this semester.

Looking Ahead

The staff will continue to complete its review of the issues identified from the statewide recount of the April 5, 2011, spring election for Supreme Court Justice. The staff will also be actively engaged in implementing several provisions of the Voter Photo ID legislation as we prepare for full implementation beginning with the February 21, 2012 spring primary.

Action Items

None identified by staff.

The Board's next meeting is scheduled for Tuesday November 8, 2011, beginning at 9:30 a.m.