

Government Accountability Board

State of Wisconsin

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Recall Status Update

MADISON, WI – The Wisconsin Government Accountability Board has taken several actions in recent days affecting the recall petitions for nine State Senators.

- On Monday, May 23, after providing officeholders and recall petitioners the opportunity to present their cases, the Wisconsin Government Accountability Board voted unanimously to move forward with recall petitions filed against the first three State Senators against whom petitions were filed between April 1 and April 18: Senator Dan Kapanke, District 32; Senator Randy Hopper, District 18; and Senator Luther Olsen, District 14.
- On Tuesday, May 31, after providing officeholders and recall petitioners the opportunity to present their cases, the G.A.B. voted unanimously to move forward with recall petitions filed against three more State Senators: Senator Sheila Harsdorf, District 10; Senator Robert Cowles, District 2; and Senator Alberta Darling, District 8.
- In both its May 23 and May 31 actions, the Board verified that after a careful examination of the signatures and a thorough review of all challenges, each of the six petitions contained enough valid signatures to trigger a recall election. Pending possible court action, recall elections would be held on July 12 in those six Senate districts. This is because, by law, the recall election must be held on the sixth Tuesday from the date a recall petition is found to be sufficient. However, the petitions have not yet been certified, and no elections have been officially ordered.
- On April 29, Judge Markson ordered the G.A.B. to certify sufficiency and call recall elections no later than June 3, 2011. The Board always intended to meet that deadline. However, late last week it became apparent that the volume of work needed to process the remaining three petition challenges and rebuttals was too great to complete by the May 31 meeting. The Board issued a statement May 27 explaining the reasons for the delay.
- Today, the Board filed a motion for an additional extension of time to consider the remaining three recall petitions: Senator Jim Holperin, District 12; Senator Robert Wirch, District 22; and Senator Dave Hansen, District 30. A hearing is scheduled for 1:30 p.m. Friday before Judge Markson in Dane County Circuit Court. G.A.B. staff will have certifications prepared for the first six recall petitions but will await further instruction from Judge Markson on June 3.

- Pending Judge Markson’s approval, the Board is scheduled to consider the remaining three petitions at a meeting on Wednesday, June 8, in Madison. If those petitions are found to be sufficient, the next possible election date would be July 19.
- The Board and its staff have come under criticism for not considering the final three recall petitions at its May 31 meeting. Those criticisms are understandable, but unwarranted. By law, the Board and its staff are non-partisan. The decision on when to consider the petitions was made solely based on the heavy workload of Board staff, not for any political or partisan reason.
- The Board’s staff reviewed the recall petitions for sufficiency in the order in which they were received, and Senator Cowles’ petition was reviewed by staff last. The petitions against Senators Darling, Hansen, Holperin and Wirch were all filed on the same day, prior to Senator Cowles. Only the recall petition against Senator Robert Cowles was reviewed by the Board out of order. That is because Senator Cowles did not challenge one single signature, and his legal challenge was identical to the ones made by the other Republican Senators.
- It was the Board’s intent and desire to review and act on all the petitions simultaneously. In fact, GAB staff conducted simultaneous reviews of roughly 200,000 signatures, as well as challenges, rebuttals and replies offered by the petitioners and Senators. But we have had limited staff resources to deal with an unprecedented volume of work. It has simply taken longer than we anticipated. The Board staff is giving the Democratic recall petitions and challenges the same attention to detail that it gave to the Republican recall petitions and challenges. The Board cannot simply dismiss these challenges without looking at them. In addition, the Board cannot simply dismiss the rebuttal evidence and the numerous correcting affidavits, affecting hundreds of signatures, filed by the Republican petitioners seeking to recall the Democratic Senators.
- The public should know that the Board and its staff are working as hard and fast as they can to complete their legal obligation to thoroughly review the remaining petition challenges. The Board and staff have undertaken this monumental task in a fair and impartial manner and will continue to do so. The challenges and the rebuttals to the Democratic recall petitions deserve a careful review and examination and that is exactly what the G.A.B. is doing.
- Early in the recall process, the Board staff acknowledged that all recall elections may not occur on the same day but hoped to consolidate as many as possible. There are significant efficiencies to holding as many of these elections on the same day. However, the recall statutes determine the election dates. Ultimately, that decision will be up to the courts.

Note: A copy of the motion for an additional extension is available on the Board’s website: <http://gab.wi.gov/node/1885>. All of the petitions and challenges are posted to the Board’s website: <http://gab.wi.gov/elections-voting/recall>.

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The Government Accountability Board (G.A.B.) is responsible for administration and enforcement of campaign finance, elections, ethics and lobbying laws in Wisconsin. The G.A.B. is made up of six non-partisan, former judges and is supported by an agency of non-partisan staff members.