

Government Accountability Board

State of Wisconsin

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FOR IMMEDIATE RELEASE:
January 31, 2012

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Recall Petition Update 4

Madison, WI – The Government Accountability Board today announced plans for public release of copies of recall petitions for Governor Walker.

“In the interest of full transparency, the Board has always planned to release copies of recall petitions to anyone who requested them, and to post them online,” said Kevin Kennedy, director and general counsel. “However, we recently heard from a number of people who are concerned about their personal safety if their names and addresses are made public. As a result, our staff had to do a thorough analysis under Wisconsin’s Public Records Law. These are serious issues which must be given thorough consideration and addressed in light of the Statutes and the responsibilities of the Board.”

Kennedy said the staff has concluded, and Judge David Deininger, the Board chairperson, has concurred, that the petitions will be released under Wisconsin law, as well as a recent U.S. Supreme Court decision, *Doe v. Reed*, involving the release of referendum petitions in Washington State. That position is also supported by the Wisconsin Department of Justice. Unlike an elector’s vote, which is private and confidential, the signing of recall petition is a public process.

In addition to providing copies to requestors, the G.A.B. will continue its past practice, and put all 153,335 pages of PDF copies of the petitions online later today, Kennedy said. The PDF copies are not computer-searchable.

Kennedy said the agency conducted a balancing test, as required by the Public Records Law, and determined:

Weighing all of these concerns and public interests, we have concluded that the balancing test of the Public Records Law favors disclosure of the entire recall petition without redaction of information on a recall petition, even when individual signers have expressed a concern arising from prior abuse or violence committed against them by a person who is now subject to a restraining order. During recall elections in 2011, the Board posted the entire petitions in PDF format on its website, and has followed the same practice with the recall petitions currently pending against four State Senators.

Few processes in the electoral system or elsewhere are more public than the signing of recall petitions against state elected officials. Petition signers chose to participate in the public process of initiating a recall election of the Governor as well as other

officeholders, and any concerns regarding their personal safety and privacy may not have been considered when signing a petition. In addition, officeholders and the public have a right to view the petitions, not only for the legal process of filing challenges to signatures, but to help ensure the transparency and accountability of the petition review process, and of Wisconsin's electoral system.

A copy of the Board staff's analysis is attached.

“The electoral process is the means our society has chosen to select leaders, establish public policy and hold public officials accountable without resort to intimidation or violence,” Kennedy said. “While individuals with an interest in vetting these petitions have every right to do so, we expect that they will continue to do so in a respectful, lawful manner. All Wisconsin residents ought to agree that we can ensure the rights of individuals to participate in the political process without endangering their safety or giving up their right to personal security.”

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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.