

**WISCONSIN STATE ELECTIONS BOARD  
G.A.R. Memorial Hall, Room 417 North  
State Capitol Building  
Madison, Wisconsin  
November 29, 2006  
9:30 a.m.**

**Minutes**

**Members present:** David Anstaett, Jacob Burns, Kerry Dwyer, Carl Holborn, Sherwin Hughes, Greg Paradise, John Savage,

**Members absent:** Robert Kasieta, John Schober

**Staff present:** George Dunst, Barbara Hansen, Sharrie Hauge, and Kevin Kennedy

**9:40 a.m.** The meeting was called to order by Elections Board Chairperson Savage.

**I. Minutes of Previous Elections Board Meetings**

**A. October 4, 2006 State Elections Board Meetings**

MOTION: TO APPROVE MINUTES OF THE OCTOBER 4, 2006, ELECTIONS BOARD MEETINGS. Motion by Anstaett, second by Dwyer. Motion carried.

Chairperson Savage presented a memorial gavel to outgoing chairperson Carl Holborn for his service as chairperson of the Board during the past year.

**II. Personal Appearances**

**Representative Carol Owens** appeared on behalf of the Owens for Assembly Committee (102315) regarding agenda item III. A. Information relating to her appearance is set out on pages 6-9 of the Elections Board meeting materials for the November 29, 2006 meeting.

Hearing no objection, the Chair took up the item out of order.

MOTION: TO UPHOLD STAFF RECOMMENDATION. Motion by Anstaett, second by Dwyer. Burns abstain. Motion carried.

**Rea Holmes** appeared on behalf of Voter Action Wisconsin regarding agenda item VI. C. Information relating to her appearance is set out on pages 61-77 of the Elections Board meeting materials for the November 29, 2006 meeting. Ms. Holmes also provided a handout setting forth recommendations on the procedure for the Board to follow in addressing the complaint of Voter Action Wisconsin challenging the use of DRE voting equipment in Wisconsin.

**Chris Kliesmet** of Citizens for Responsible Government appeared regarding agenda item V. A. Information relating to his appearance is set out on pages 43-51 of the Elections Board meeting materials for the November 29, 2006 meeting. Kliesmet provided the Board with a copy of a police report of an Election Day incident.

**Joe Cincotta** representing Ann Lohrmann appeared regarding agenda item V. A. Information relating to his appearance is set out on pages 43-51 of the Elections Board meeting materials for the November 29 meeting. The Board's legal counsel had forwarded an email memo from Mr. Cincotta to Board Members the night before the meeting.

**Richard Saks** of Hawks, Quindel, Ehlke & Perry SC of Milwaukee appeared regarding agenda item III. B. Mr. Saks represents the complainants. Information relating to his appearance is set out on pages 10-34 of the Elections Board meeting materials for the November 29, 2006 meeting.

**Kevin St. John** appeared on behalf of All Children Matter regarding agenda item III. B. Information relating to his appearance is set out on pages 10-34 of the Elections Board meeting materials for the November 29, 2006 meeting.

Hearing no objection, the Chair took up the item out of order.

MOTION: FIND THAT THE ALL CHILDREN MATTER AD WAS EXPRESS ADVOCACY AND THAT THERE IS EVIDENCE OF AT LEAST 4 VIOLATIONS OF CHAPTER 11, WIS. STATS., AND PROPOSE A SETTLEMENT OFFER OF \$1,500, RECOGNIZING THAT ALL CHILDREN MATTER WISCONSIN STATE PAC MADE AN EFFORT TO COMPLY AFTER THE AD WAS DISTRIBUTED BY FILING CAMPAIGN FINANCE FORMS WITH THE STATE ELECTIONS BOARD.  
Motion by Anstaett, second by Hughes. Motion withdrawn.

MOTION FIND THAT THE ALL CHILDREN MATTER AD WAS EXPRESS ADVOCACY. Motion by Anstaett, second by Paradise. Motion carried.

Holborn requested that Mr. St. John produce the cancelled check from All Children Matter for payment of the ad. By consensus, action on a proposed settlement offer was held over until the Board's next meeting.

**12:05 p.m.** The Board recessed for lunch.

**12:30 p.m.** The Board reconvened.

### **III. Investigations**

- A. Appeal of Settlement Offers for Violations Identified by Staff Audit**  
(covered earlier in meeting)
- B. Kuzel Complaint against All Children Matter VA PAC Relating to Failure to Register and report Campaign Activity**  
(covered earlier in meeting)

### **IV. Administrative Rules**

- A. EIBd 1.395 Relating to Use of Funds Transferred by a Federal Campaign Committee to a State Committee Restricted**

MOTION: TO ADOPT EIBd 1.395 RELATING TO USE OF FUNDS TRANSFERRED BY A FEDERAL CAMPAIGN COMMITTEE TO A STATE COMMITTEE RESTRICTED WITH MODIFICATIONS AS FOUND ON PAGES 36 AND 37 WITH TEXT ON PAGE 38 OF ELECTIONS BOARD MEETING MATERIALS FOR THE NOVEMBER 29, 2006 MEETING. Motion by Dwyer, second by Hughes.

Roll-call vote:	Anstaett:	No	Burns:	No
	Dwyer:	Aye	Holborn:	Aye
	Hughes:	Aye	Paradise:	No
	Savage:	No		

Motion failed 4-3.

## **V. Opinion Requests**

### **A. Kliesmet Request for Opinion Relating to Circulating Election-Related Petitions within 100 Feet of a Polling Place**

The Board viewed a WYOU news video of polling place activity to allow the Board members to see the impact of someone walking through a polling place with a video camera. The consensus of Board Members was that the activities of the WYOU camera person were disruptive.

By consensus, the Board adjourned this item to the next meeting.

## **VI. Election Administration**

### **A. Report on Statewide Voter Registration System**

Report was received for information. No action was taken by the Board.

### **B. Election Administration Report**

Report was received for information. No action was taken by the Board.

### **C. Procedures for Review of DRE Electronic Voting Equipment**

Staff was directed to complete the review of information, adjust the deadline with suggestions by Voter Action Wisconsin and schedule a special meeting for Wednesday, April 25, 2007, in Madison.

## **VII. Campaign Finance Administration**

### **A. Report of Campaign Finance and Agency Operations Director**

Report was received for information. No action was taken by the Board.

### **B. Staff Report on Collection of Settlement Offers**

Report was received for information. No action was taken by the Board.

## VIII Legislation

### A. Proposed Legislative Changes

By consensus, Board directed the Executive Director to work with the Legislature and other interested parties including local election officials to secure the proposed legislative changes.

Hearing no objections, the Chair took up the decision on the location of the next meeting out of order.

MOTION: THE NEXT MEETING OF THE STATE ELECTIONS BOARD IS SCHEDULED TO BE HELD ON WEDNESDAY, JANUARY 17, 2007 IN BROOKFIELD. Motion by Dwyer, second by Hughes.

Roll-call vote:	Anstaett:	No	Burns:	No
	Dwyer:	Aye	Holborn:	Aye
	Hughes:	Aye	Paradise:	No
	Savage:	Aye		

Motion carried 4-3.

## IX. Litigation

### A. Report of Legal Counsel

Report was received for information. No action was taken by the Board.

### B. Closed Session to Confer with Legal Counsel Concerning Litigation Strategy Pursuant to S. 19.85 (1)(g), Wis. Stats.

**1:50 p.m.** MOTION: ENTER INTO CLOSED SESSION TO CONFER WITH LEGAL COUNSEL CONCERNING LITIGATION THE BOARD MAY BE INVOLVED IN PURSUANT TO SECTION 19.85 (1)(g) WIS. STATS. Moved by Dwyer, second by Anstaett.

Roll-call vote:	Anstaett:	Aye	Burns:	Aye
	Dwyer:	Aye	Holborn:	Aye
	Hughes:	Aye	Paradise:	Aye
	Savage:	Aye		

Motion carried 7-0.

**2:05 p.m.** MOTION: RETURN TO OPEN SESSION. Moved by Paradise, second by Anstaett.

Roll-call vote:	Anstaett:	Aye	Burns:	Aye
	Dwyer:	Aye	Holborn:	Aye
	Hughes:	Aye	Paradise:	Aye

Savage: Aye

Motion carried 7-0.

**X. Agency Administration**

**A. Report of Executive Director**

Report was received for information. No action was taken by the Board.

**B. Adoption of Administrative and Operating Policies**

MOTION: THAT THE BOARD CHAIRPERSON APPOINT A SUBCOMMITTEE OF THREE TO DEVELOP RECOMMENDATIONS FOR CONSIDERATION BY THE BOARD ON ADMINISTRATIVE AND OPERATING POLICIES. Motion by Paradise, second by Anstaett.

AMENDMENT TO MOTION: TO INCLUDE ALL ITEMS FROM THE LIST ON PAGE 94 OF ELECTIONS BOARD MEETING MATERIALS FOR THE NOVEMBER 29, 2006 MEETING. Amendment by Burns, Paradise and Anstaett accepted the proposed amendment as friendly amendment. Motion as amended carried.

Chairperson Savage appointed Paradise, Anstaett and Burns as a subcommittee to develop recommendations on administrative and operating policies in coordination with the Executive Director.

MOTION: ADJOURN. Moved by Paradise, seconded by Hughes. Motion carried.

**2:10 p.m.** The State Elections Board meeting adjourned.

The next meeting of the State Elections Board is scheduled for Wednesday, January 17, 2007, in the Brookfield City Hall, Brookfield, Wisconsin.