

**WISCONSIN STATE ELECTIONS BOARD
Brookfield City Hall, Common Council Chambers
2000 North Calhoun Road
Brookfield, Wisconsin
January 17, 2007
9:30 a.m.**

Minutes

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

Staff present: George Dunst, Sharrie Hauge, Kevin Kennedy, and Kyle Richmond

9:34 a.m. The meeting was called to order by Elections Board Chairperson Savage.

I. Minutes of Previous Elections Board Meetings

A. November 30, 2006 State Elections Board Meeting (Pp. 1-5)

MOTION: TO APPROVE MINUTES OF THE NOVEMBER 29, 2006, ELECTIONS BOARD MEETING. Motion by Dwyer, second by Schober. Motion carried.

II. Personal Appearances

1. Jeffrey Norman, candidate for Milwaukee Municipal Judge, appeared on behalf of himself, regarding filing procedures for the spring ballot. Mr. Norman was advised that he would first have to receive a decision from the Milwaukee Election Commission before appealing to the Elections Board.
2. John Washburn appeared on behalf of himself regarding CIBER Test Labs' failure to attain accreditation under the U.S. Election Assistance Commission's interim rules. His presentation included a hand-out distributed to Board members.

9:45 a.m. Mr. Paradise arrived.

3. Richard Saks appeared representing Rudy Kuzel, et. al. regarding agenda item III. A. Information relating to his appearance is set out on pages 6-19 of the Elections Board meeting materials for the January 17, 2007 meeting.

9:50 a.m. Mr. Anstaett arrived.

4. Eric McLeod appeared representing All Children Matter (Virginia State PAC) regarding agenda item III. A. Information relating to his appearance is set out on pages 6-19 of the Elections Board meeting materials for the January 17, 2007 meeting.

III. Investigations

- A. **Kuzel Complaint against All Children Matter VA PAC Relating to Failure to Register and Report Campaign Activity. ElBd Cpt. 06-19 (Pp. 6-19)**

The Board requested further information from the parties and instructed staff to put the matter on its March meeting agenda.

II. Personal Appearances (continued)

5. Matthew Lerner and David Halbrooks appeared on behalf of Milwaukee Alder Michael McGee, Jr., and Mr. McGee appeared on behalf of himself regarding agenda item III. B. Information relating to their appearance is set out on page 20 of the Elections Board meeting materials for the January 17, 2007 meeting and in supplemental materials submitted to the Board after printing of its agenda.
6. Linda Burke, deputy city attorney for the City of Milwaukee, appeared on behalf of the City of Milwaukee Election Commission regarding agenda item III. B. Information related to her appearance is set out page 20 of the Elections Board meeting materials for the January 17, 2007 meeting and in supplemental materials submitted to the Board after printing of its agenda.

12:30 p.m. The Chairman called a lunch break.

12:45 p.m. The Chairman reconvened the meeting.

7. Allen E. Campos, Victoria Toliver and Robert Spindell, City of Milwaukee Election Commissioners, appeared regarding agenda item III. B. Information related to their appearances is set out page 20 of the Elections Board meeting materials for the January 17, 2007 meeting and in supplemental materials submitted to the Board after printing of its agenda.
8. Thomas Simon appeared on behalf of ViAnna Jordan and Ms. Jordan appeared on behalf of herself regarding agenda item III. B. Information relating to their appearances is set out on page 20 of the Elections Board meeting materials for the January 17, 2007 meeting and in supplemental materials submitted to the Board after printing of its agenda.
9. Neil Albrecht, assistant director of the Milwaukee Elections Commission, appeared regarding agenda item III. B. Information relating to his appearance is set out on page 20 of the Elections Board meeting materials for the January 17, 2007 meeting and in supplemental materials submitted to the Board after printing of its agenda.

MOTION: TO TAKE ITEM III. B. OUT OF ORDER. Moved by Paradise, second by Kasieta. Motion carried.

III. Investigations

B. McGee Appeal of Decision of Milwaukee City Board of Election Commissioners Setting Recall Election. (Pp. 20)

MOTION: TO REMAND THE ISSUE TO THE CITY OF MILWAUKEE ELECTION COMMISSION IN ORDER TO REVIEW THE CERTIFICATION

OF SUFFICIENCY IN VIEW OF THE ELECTION COMMISSIONERS' TESTIMONY TO THE BOARD. Moved by Hughes, second by Anstaett.

Motion rescinded.

MOTION: TO FIND THAT THE CITY OF MILWAUKEE ELECTION COMMISSION ABUSED ITS DISCRETION IN ISSUING A CERTIFICATE OF SUFFICIENCY FOR THE RECALL PETITION BECAUSE IT CONSIDERED AND DELIBERATED OVER INDIVIDUAL SIGNATURES IN CLOSED SESSION. Moved by Paradise, second by Hughes.

Roll call:	Anstaett:	Aye	Burns:	Aye
	Dwyer:	Aye	Holborn:	No
	Hughes:	Aye	Kasieta:	Aye
	Paradise:	Aye	Schober:	No
	Savage:	No		

Motion carried, 6-3.

MOTION: DIRECT THE MILWAUKEE ELECTION COMMISSION TO CERTIFY WHETHER THE PETITION IS SUFFICIENT OR INSUFFICIENT ACCORDING TO LAW. Moved by Dwyer, second by Anstaett. Motion carried.

IV. Opinion Requests

A. Kliesmet Request for Opinion Relating to Circulating Election-Related Petitions within 100 Feet of Polling Place (Pp. 21-22)

MOTION: POSTPONE UNTIL MARCH MEETING. Moved by Holborn, second by Burns. Motion carried.

V. Election Administration

A. Report on Statewide Voter Registration System. (Pp. 23-26)

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

B. Election Administration Report. (Pp. 27-29)

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

C. Status Report on Review of DRE Voting Equipment. (Pp. 30-33)

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

D. Report on Election Related Contingency Planning. (Pp. 34-76)

MOTION: SUBMIT REPORT TO THE LEGISLATURE. Moved by Dwyer, second by Schober. Motion carried.

VI. Campaign Finance Administration

A. Report of Campaign Finance and Agency Operations Director. (Pp. 77-78)

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

B. Staff Report on Collection of Settlement Offers. (Pp. 79-87)

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

VII. Legislation

A. Status of Proposed Government Accountability Board. (Oral Report)

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

VIII. Litigation

A. Report of Legal Counsel (Oral Report)

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

IX. Agency Administration

A. Report of Committee on Administrative and Operating Policies. (Pp. 88-91)

Hearing no objection, Chairman postponed item until March agenda.

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

B. Delegation of Authority to Executive Director. (Pp. 92-96)

MOTION: DELEGATE AUTHORITY TO EXECUTIVE DIRECTOR AS REQUESTED. Moved by Paradise, second by Dwyer. Motion carried.

C. Report of Executive Director. (Pp. 97-99)

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

MOTION: HOLD THE NEXT ELECTIONS BOARD MEETING IN MADISON.
Moved by Burns, second by Anstaett.

Roll call:	Anstaett:	Aye	Burns:	Aye
	Dwyer:	No	Holborn:	No
	Hughes:	No	Kasieta:	Aye
	Paradise:	Aye	Schober:	No
	Savage:	No		

Motion failed, 5-4.

MOTION: HOLD THE NEXT ELECTIONS BOARD MEETING IN BROOKFIELD.

Moved by Holborn, second by Dwyer. Motion carried.

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

3:00 p.m. The State Elections Board adjourned.

The next meeting of the State Elections Board is scheduled for Wednesday, March 14, 2007, in the Brookfield City Hall, Brookfield, Wisconsin.

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