

**WISCONSIN STATE ELECTIONS BOARD
Brookfield City Hall, Common Council Chambers
2000 North Calhoun Road
Brookfield, Wisconsin
March 14, 2007
9:30 a.m.**

Minutes

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

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

9:35 a.m. The meeting was called to order by Elections Board Chairperson Savage.

I. Minutes of Previous Elections Board Meetings

A. January 17, 2007 State Elections Board Meeting

B. February 14, 2007 State Elections Board Meetings

MOTION: TO APPROVE MINUTES OF THE JANUARY 17 AND FEBRUARY 14, 2007 STATE ELECTIONS BOARD MEETINGS. Motion by Kasieta, second by Hughes. Motion carried.

MOTION: TO TAKE UP ITEM VIII.B. OF THE AGENDA. Motion by Schober, second by Kasieta. Motion carried.

VIII. Litigation

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

MOTION: TO GO INTO CLOSED SESSION TO CONFER WITH LEGAL COUNSEL CONCERNING LITIGATION STRATEGY PURSUANT TO SECTION 19.85 (1)(g), WIS. STATS.. Moved by Hughes, second by Burns.

Roll call:	Anstaett:	Aye	Burns:	Aye
	Dwyer:	Aye	Holborn:	Aye
	Hughes:	Aye	Kasieta:	Aye
	Paradise:	Aye	Schober:	Aye
	Savage:	Aye		

Motion carried, 9-0.

MOTION: TO RETURN TO OPEN SESSION. Moved by Dwyer, second by Burns.

Roll call:	Anstaett:	Aye	Burns:	Aye
	Dwyer:	Aye	Holborn:	Aye
	Hughes:	Aye	Kasieta:	Aye
	Paradise:	Aye	Schober:	Aye
	Savage:	Aye		

Motion carried, 9-0.

10:20 a.m. Mr. Anstaett and Mr. Paradise left the meeting.

II. Personal Appearances

1. Ruth Weill appeared representing the Wisconsin Green Party regarding the filing fee for the Wisconsin Green Party. Information relating to her appearance is set out on pages 6-19 of the Elections Board meeting materials for the January 17, 2007 meeting.
2. Chris Kliesmet appeared representing the CRG network regarding the filing fee for the CRG Network. Information relating to his appearance is set out on pages 6-19 of the Elections Board meeting materials for the January 17, 2007 meeting.

MOTION: TAKE AGENDA ITEM III.A. OUT OF ORDER. Moved by Kasieta, second by Schober. Motion carried.

III. Investigations

A. Appeal of Settlement Offers for Violations Identified by Staff Audit

MOTION: REDUCE SETTLEMENT OFFER FOR FAILURE TO PAY FILING FEE TO \$100. Moved by Schober, second by Kasieta. Motion failed.

MOTION: DISMISS SETTLEMENT OFFERS. Moved by Burns. Motion failed due to lack of a second.

MOTION: REDUCE SETTLEMENT OFFER TO \$50 FOR BOTH RESPONDENTS. By Burns, second by Schober. Motion failed

MOTION: ENFORCE SETTLEMENT OFFER AGAINST WISCONSIN GREENS. By Hughes, second by Dwyer.

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

Motion failed, 4-3.

MOTION: LEAVE SETTLEMENT OFFERS AS PROPOSED BY STAFF. Moved by Holborn, second by Schober.

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

Motion failed, 4-3.

MOTION: REDUCE SETTLEMENT OFFERS TO THOSE PARTIES WHO FILED JANUARY CONTINUING REPORT TIMELY TO \$150. Moved by Burns, second by Schober.

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

Motion carried, 5-2.

II. Personal Appearances (Continued)

- I. Alfred Matano appeared representing himself regarding agenda item III.D. Information relating to his appearance is set out on pages 105-118 of the Elections Board meeting materials for the March 14, 2007 meeting.
- II. Mike Crooks appeared representing Reverend William Bartz and the Monona Oaks Community Church regarding agenda item III.D. Information relating to his appearance is set out on pages 105-118 of the Elections Board meeting materials for the March 14, 2007 meeting.

MOTION: TAKE ITEM III.D. OUT OF ORDER. Moved by Kasieta, second by Holborn. Motion carried.

III. Investigations

D. Guilfoil and Matano Complaint against Pastor William Bartz and Monona Oaks Community Church Relating to Failure to Register and Report Referenda Campaign Activity ElBd Cpt. 06-23

MOTION: DISMISS COMPLAINT. Moved by Holborn, second by Schober. Motion carried.

II. Personal Appearances (Continued)

- III. Donald Heaney appeared representing the Catholic Diocese of Madison regarding agenda item III.E. Information relating to his appearance is set out on pages 119-123 of the Elections Board meeting materials for the March 14, 2007 meeting.

MOTION: TAKE ITEM III.E. OUT OF ORDER. Moved by Schober, second by Holborn. Motion carried.

III. Investigations

E. Rewey Complaint against Catholic Diocese of Madison Relating to Failure

to Register and Report Referenda Campaign Activity ElBd Cpt. 06-24

MOTION: DISMISS COMPLAINT. Moved by Kasieta, second by Holborn. Motion carried.

II. Personal Appearances (Continued)

- IV. Richard Saks appeared representing Rudy Kuzel, et. al, regarding agenda item III.B. Information relating to his appearance is set out on pages 24-90 of the Elections Board meeting materials for the March 14, 2007 meeting.

11:55 p.m. The Chair called a lunch break.

12:15 p.m. The Chair reconvened the meeting.

II. Personal Appearances (Continued)

- V. Eric McLeod appeared representing All Children Matter, ACM-VA State PAC regarding agenda item III.B. Information relating to his appearance is set out on pages 24-90 of the Elections Board meeting materials for the March 14, 2007 meeting.
- VI. James Bopp, Sr. appeared representing Americans for Choice in Education regarding agenda item III.B. Information relating to his appearance is set out on pages 24-90 of the Elections Board meeting materials for the March 14, 2007 meeting.

MOTION: TAKE AGENDA ITEM III.B. OUT OF ORDER. Moved by Holborn, second by Hughes. Motion carried.

III. Investigations

B. Kuzel Complaint against All Children Matter VA PAC Relating to Failure to Register and Report Campaign Activity ElBd Cpt. 06-19

MOTION: REQUIRE ACM-VIRGINIA PAC TO FILE AS A WISCONSIN REGISTRANT AND DEFER ANY FURTHER ACTION ON THIS MATTER UNTIL OCTOBER 1, 2007. Moved by Holborn, second by Burns. Motion carried.

- VII. Jason Stephany. appeared representing the Democratic Party of Wisconsin and Koehn for Assembly Campaign regarding agenda item III.C. Information relating to his appearance is set out on pages 91-104 of the Elections Board meeting materials for the March 14, 2007 meeting.

MOTION: TAKE ITEM III.C. OUT OF ORDER. Moved by Hughes, second by Dwyer. Motion carried.

III. Investigations

C. **Miler Complaint Against Randy Koehn and Friends of Randy Koehn Relating to Properly Disclose Campaign Activity EIBd Cpt. 06-22**

MOTION: APPROVE SETTLEMENT OF \$125 FOR LACK OF PROPER
DISCLAIMER AND DISMISS THE SECOND PORTION OF THE COMPLAINT.
Moved by Dwyer, second by Schober. Motion carried.

- VIII. Chris Kliesmet appeared representing the CRG Network regarding agenda item IV.A. Information relating to his appearance is set out on pages 124-148 of the Elections Board meeting materials for the March 14, 2007 meeting.

MOTION: TAKE ITEM IV.A. OUT OF ORDER. Moved by Hughes, second by Burns.
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: ISSUE A FORMAL OPINION STATING THE FOLLOWING, "AN
INDIVIDUAL PEACEFULLY ENGAGING IN RIGHT TO PETITION SHALL NOT
BE CONSIDERED TO BE DISRUPTIVE OR PERFORMING ELECTIONEERING."
Moved by Burns. Motion failed for lack of a second.

MOTION: DRAFT A FORMAL OPINION STATING THAT CIRCULATION OF
PETITIONS IS NOT PER SE A VIOLATION OF WIS.STATS. 12.03. Moved by
Dwyer, second by Schober.

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

Motion failed, 4-3.

MOTION: DRAFT A FORMAL OPINION STATING THAT AN INDIVIDUAL
PEACEFULLY ENGAGING IN THE ACT OF PETITIONING SHALL NOT BE
CONSIDERED TO BE ENGAGED IN ELECTIONEERING. Moved by Burns. Motion
failed due to lack of a second.

MOTION: DRAFT A FORMAL OPINION STATING THAT INDIVIDUALS
CIRCULATING PETITIONS RELATING TO ANY ELECTION MAY BE TREATED
AS ELECTIONEERING ACCORDING TO WIS.STATS. SECTION 12.03. Moved by
Holborn, second by Hughes.

Roll call:	Burns:	No	Dwyer:	No
	Holborn:	Aye	Hughes:	Aye
	Kasieta:	No	Savage:	No

Schober: No

Motion failed, 5-2.

MOTION: DRAFT A FORMAL OPINION STATING THAT AN INDIVIDUAL ENGAGING IN PETIONING ON MATTERS NOT RELATED TO THAT DAY'S ELECTION NOT BE CONSIDERED A VIOLATION OF WIS.STATS. 12.03. Moved by Burns, second by Dwyer.

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

Motion carried, 4-3.

- IX. John Washburn appeared on behalf of himself regarding voting equipment audit results and local canvasses.

V. 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. Status Report on Review of DRE Voting Equipment.

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

VI. 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.

VII. Legislation

A. Status of Proposed Government Accountability Board.

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

VIII. Litigation

A. Report of Legal Counsel

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

IX. Agency Administration

A. Report of Committee on Administrative and Operating Policies.

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

B. Report of Executive Director.

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

MOTION: ADJOURN. Moved by Schober, seconded by Burns. Motion carried.

2:52 p.m. The State Elections Board adjourned.

The next meeting of the State Elections Board is scheduled for Wednesday, April 25, 2007, in G.A.R. Memorial Hall, Room 417, North in the State Capitol Building, Madison, Wisconsin beginning at 9:30 am.