

**WISCONSIN STATE ELECTIONS BOARD
Brookfield City Hall, Common Council Chambers
2000 North Calhoun Road
Brookfield, Wisconsin
May 16, 2007
9:30 a.m.**

Minutes

Members present: David Anstaett, Kerry Dwyer, Dan Hellman, Carl Holborn, Sherwin Hughes, John Savage, John Schober

Members absent: Robert Kasieta

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. The Chair introduced the new member of the Board, Dan Hellman.

I. Minutes of Previous Elections Board Meetings

A. April 25, 2007 State Elections Board Meeting

MOTION: TO APPROVE MINUTES OF THE APRIL 25, 2007 STATE ELECTIONS BOARD MEETINGS. Moved by Hughes, second by Holborn. Motion carried.

II. Personal Appearances

1. **Douglas Drake** appeared representing the United Steel Workers PAC regarding agenda item III. A. Information relating to his appearance is set out on pages 5-18 of the Elections Board meeting materials for the May 16, 2007 meeting.

Mr. Anstaett arrived.

MOTION: TO TAKE AGENDA ITEM III.A. OUT OF ORDER. Moved by Holborn, second by Dwyer. Motion carried.

MOTION: REFUND \$150 OF SETTLEMENT OFFER TO UNITED STEEL WORKERS DISTRICT #2 PAC. Moved by Holborn, second by Hughes. Motion carried.

2. **William K. Davis** appeared representing himself regarding agenda item III. C. Information relating to his appearance is set out on pages 26-52 of the Elections Board meeting materials for the May 16, 2007 meeting.
3. **James M. Craig** appeared representing himself regarding agenda item III. C. Information relating to his appearance is set out on pages 26-52 of the Elections Board meeting materials for the May 16, 2007 meeting.
4. **Kirby Brant** appeared representing Mr. Craig regarding agenda item III. C. Information relating to his appearance is set out on pages 26-52 of the Elections Board meeting materials for the May 16, 2007 meeting.

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

MOTION: REQUIRE FORFEITURE OF \$200 FOR SETTLEMENT OF COMPLAINTS. Moved by Dwyer, second by Hughes.

MOTION: AMEND PREVIOUS MOTION TO REQUIRE FORFEITURE OF \$50 FOR SETTLEMENT OF COMPLAINTS. Moved by Hellman, second by Anstaett.

Both motions were withdrawn.

MOTION: REQUIRE FORFEITURE OF \$50 FOR SETTLEMENT OF COMPLAINTS. Moved by Anstaett, second by Schober.

Roll call:	Anstaett:	Aye	Dwyer:	Aye
	Hellman:	No	Holborn:	No
	Hughes:	No	Schober:	Aye
	Savage:	No		

Motion failed, 4-3.

MOTION: INSTRUCT STAFF TO INFORM THE RICHLAND OBSERVER THAT IT IS IN VIOLATION OF THE STATUTE AND THAT THE BOARD WILL IMPOSE A FINE OF \$250 UNLESS THE NEWSPAPER RUNS AN AD ONE-QUARTER THE SIZE OF THE ORIGINAL EXPLAINING ITS MISTAKE WITHIN 30 DAYS OF RECEIPT OF THE NOTICE. Moved by Holborn, second by Schober. Motion carried.

Mr. Schober left the meeting.

5. **Anthony Boldin** appeared representing Voting Technologies International regarding agenda item IV. C. Information relating to his appearance is set out on pages 60-64 of the Elections Board meeting materials for the May 16, 2007 meeting.

MOTION: ADOPT ALTERNATIVE STAFF RECOMMENDATION PERMITTING PIERCE COUNTY TO CONTINUE USING ITS VOTWARE DRE SYSTEM. Moved by Holborn, second by Hellman. Motion carried.

The Executive Director placed a conference call to Sequoia Voting Systems personnel.

Ed Smith, Doug Winell and two other IT staff members of Sequoia Voting Systems joined the Elections Board meeting by conference call regarding agenda item IV. D.

6. **John Washburn** appeared representing himself regarding agenda item IV. D. Information relating to his appearance is set out on pages 65-81 of the Elections Board meeting materials for the May 16, 2007 meeting.
7. **Kathy Nickolaus**, Waukesha County Clerk, appeared representing herself regarding agenda item IV. D. Information relating to her appearance is set out on

pages 65-81 of the Elections Board meeting materials for the May 16, 2007 meeting.

11:55 a.m. The Chair recessed the meeting for members to get lunch.

12:05 p.m. The Chair reconvened the meeting.

8. **John Washburn** appeared representing himself regarding the status of his complaint filed with the Elections Board regarding election record-keeping in Milwaukee after the November 2004 election.

III. Investigations

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

MOTION: ADJOURN MARQUETTE UNIVERSITY COLLEGE REPUBLICANS UNTIL NEXT ELECTIONS BOARD MEETING. Moved by Holborn, second by Hughes. Motion carried.

MOTION: ACCEPT STAFF RECOMMENDATIONS FOR SETTLEMENT OFFERS TO REALTORS ASSOCIATION OF NORTHWEST WISCONSIN AND REPUBLICAN PARTY OF SHAWANO COUNTY. Moved by Dwyer, second by Anstaett. Motion carried.

B. Davis Complaint against Bishop Relating to Denial of Voting Rights at the Polling Place ElBd Cpt. 07-01

MOTION: ACCEPT STAFF RECOMMENDATION. Moved by Anstaett, second by Hellman. Motion carried.

IV. 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.

V. 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.

VI. Legislation

A. Status of the Proposed Government Accountability Board

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

B. Legislative Status Report

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

C. Pending Federal Voting Equipment Legislation

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

VII. 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.

12:53 p.m.

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 Anstaett, second by Holborn.

Roll call:	Anstaett:	Aye	Dwyer:	Aye
	Hellman:	absent	Holborn:	Aye
	Hughes:	Aye	Savage:	Aye

Motion carried, 5-0.

12:55 p.m. Mr. Hellman returned.

1:17 p.m. Mr. Schober returned.

1:13 p.m.

MOTION: TO RETURN TO OPEN SESSION. Moved by Anstaett, second by Holborn.

Roll call:	Anstaett:	Aye	Dwyer:	Aye
	Hellman:	Aye	Holborn:	Aye
	Hughes:	Aye	Schober:	Aye
	Savage:	Aye		

Motion carried, 7-0.

VIII. Agency Administration

A. Report of Executive Director

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

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

Roll call:	Anstaett:	Aye	Dwyer:	Aye
	Hellman:	Aye	Holborn:	Aye
	Hughes:	Aye	Schober:	Aye
	Savage:	No		

Motion carried, 6-1.

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

1:35 p.m. The State Elections Board adjourned.

The next meeting of the State Elections Board is scheduled for Wednesday, July 18, 2007, Madison, Wisconsin, beginning at 9:30 a.m.