

WISCONSIN STATE ELECTIONS BOARD
Waukesha County Courthouse, Room 155
515 Moreland Road
Waukesha, Wisconsin
September 12, 2007
9:30 a.m.

Minutes

Members present: David Anstaett, Kerry Dwyer, Dan Hellman, Robert Kasieta, John Savage, John Schober

Members absent: Carl Holborn

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

9:37 a.m. The meeting was called to order by State Elections Board Vice Chairperson Hellman.

I. Selection of New Chairperson

Vice Chairperson Hellman asked for nominations for Board Chairperson. John Savage nominated Robert Kasieta, John Schober seconded the nomination. There were no other nominations.

MOTION: CLOSE NOMINATIONS AND ELECT ROBERT KASIETA ELECTIONS BOARD CHAIRPERSON. Moved by John Savage, second by John Schober. Motion carried unanimously.

II. Minutes of Previous State Elections Board Meetings

A. July 18, 2007 State Elections Board Meeting

MOTION: TO APPROVE MINUTES OF THE JULY 18, 2007 STATE ELECTIONS BOARD MEETING. Moved by John Savage, second by Kerry Dwyer. Motion carried.

III. Personal Appearances

1. **Mike Wittenwyler** appeared on behalf of Charles Johnson regarding Agenda Item IV. B. relating to excess contributions by individuals to state political committees.

Without objection the Board Chair decided to take Agenda Item IV. B. out of order.

IV. Investigations

- B. Wisconsin Democracy Campaign Allegations of Excess Contributions by Individuals to State Political Committees**

MOTION: USE THE STANDARD SETTLEMENT OFFER SCHEDULE FOR ALL INDIVIDUALS THAT EXCEEDED THE 2006 CONTRIBUTION LIMITS. Moved by John Savage, second by Dan Hellman. Motion carried.

III. Personal Appearances (continued)

2. **Paul Malischke**, appeared on behalf of Fair Elections Wisconsin, regarding Agenda Item VI. C. rules related to security of electronic voting equipment.
3. **Bob Spindell**, appeared regarding ballot security. Need to make sure the integrity of the ballots is kept. Rules need to include security for the ballot.
4. **Kathy Nickolaus**, Waukesha County Clerk, appeared requesting a change in Election official qualifications. Ms. Nickolaus suggested the staff emphasize in training the review of Inspectors' Statements.
5. **John Washburn**, appeared regarding his complaint against the Milwaukee City Board of Election Commissioners, Village of Germantown and Village of Menomonee Falls relating to post-election forms (Agenda Item IV. A.). Mr. Washburn recommended the Board develop a post election review of Inspectors' Statements.
6. **Susan Edman**, appeared on behalf of the City of Milwaukee Elections Commission, regarding the complaint (Agenda Item IV. A.) against the Milwaukee City Board of Election Commissioners.
7. **Bob Spindell** appeared to ask the Board to clarify rules for observers so poll workers permit observers to watch the Election Day registration process. He also asked for the Board to provide a report writer function for SVRS for Milwaukee City Election Commission staff to use.

Kevin Kennedy explained the limitations of the SVRS application with respect to preparing the types of reports Milwaukee wants and the impact of the contract dispute on addressing Mr. Spindell's concerns.

IV. Investigations

- A. **Washburn Complaint Against the Milwaukee City Board of Election Commissioners, Village of Germantown and Village of Menomonee Falls Relating to Post-Election Forms**

MOTION: DIRECT STAFF TO CONSULT WITH APPROPRIATE INDIVIDUALS TO DEVELOP RECOMMENDATIONS FOR A SAMPLE AUDIT OF INSPECTORS' STATEMENTS FOR THE 2008 ELECTIONS, DEVELOP RECOMMENDATIONS FOR ADDITIONAL TRAINING COMPONENTS FOCUSING ON THE COMPLETION OF ELECTION FORMS. Moved by David Anstaett, second by John Savage. Motion carried unanimously.

Board members suggest staff recommend using the greeter to handle provisional ballots.

Without objection the Board Chair decided to take Agenda Item VI. C. out of order.

VI. Administrative Rules

C. Proposed Administrative Rules Relating to Security of Electronic Voting Equipment

MOTION: STAFF CONTINUE TO WORK ON ADMINISTRATIVE RULES RELATING TO SECURITY OF ELECTRONIC VOTING EQUIPMENT INCORPORATING MR. MALISCHKE AND MR. SPINDELL'S SUGGESTIONS AND CONSULT WITH LOCAL ELECTION OFFICIALS. Moved by Kerry Dwyer, second by John Savage. Motion carried.

The Board Chair decided to take Agenda Items VII. B and IX. A. out of order.

12:15 p.m. The Board took a 5 minute recess.

12:20 p.m. Meeting called back to order by the Board chairperson.

MOTION: TO GO INTO CLOSED SESSION TO CONFER WITH LEGAL COUNSEL CONCERNING LITIGATION STRATEGY AND CONTRACT NEGOTIATION PURSUANT TO S.19.85 (1)(e), (g), Wis. Stats. Moved by John Savage second by David Anstaett.

Roll call:	Anstaett:	Aye	Dwyer:	Aye
	Hellman:	Aye	Kasieta:	Aye
	Savage:	Aye	Schober:	Aye

Motion carried, 6-0.

VII. Litigation

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

MOTION: TO RETURN TO OPEN SESSION. Moved by Robert Kasieta, second by John Savage.

Roll call:	Anstaett:	Aye	Dwyer:	Aye
	Hellman:	Aye	Kasieta:	Aye
	Savage:	Aye	Schober:	Aye

Motion carried, 6-0.

The State Elections Board took no action in closed session.

1:55 p.m. The Board came out of closed session and took a short break.

2:10 p.m. Meeting called back to order by the Board chairperson.

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.

VI. Administrative Rules

A. Review of SVRS Data Pricing Rule ElBd 3.50

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

B. Proposed Administrative Rules Relating to Municipal Clerk Training

MOTION: PROCEED WITH PROMULGATION OF THE PROPOSED
ADMINISTRATIVE RULES TO ESTABLISH MUNICIPAL CLERK TRAINING.

Moved by John Savage, second by Dan Hellman. Motion carried.

VII. Litigation

A. Report of Legal Counsel

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

VIII. Legislation

A. Legislative Status Report

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

B. Status of Government Accountability Board

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

IX. Agency Administration

A. Review of Proposed Campaign Finance Software Application

MOTION: PROCEED WITH THE INTENT TO AWARD AND CONTRACT
NEGOTIATIONS FOR THE CAMPAIGN FINANCE INFORMATION SYSTEM
AS RECOMMENDED BY THE EVALUATION COMMITTEE. Moved by John
Savage, second by Dan Hellman. Motion carried.

B. Report of Campaign Finance and Agency Operations Director

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

C. Report of Executive Director

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

MOTION: ADJOURN. Moved by John Savage, seconded by Dan Hellman. Motion carried.

2:47 p.m. The State Elections Board adjourned.

The next meeting of the State Elections Board is tentatively scheduled for Wednesday, October 17, 2007 at 9:00 a.m., by telephone. The following Board meeting is scheduled for November 28, 2007 in Madison. Meeting site to be determined.