

WISCONSIN STATE ELECTIONS BOARD
G.A.R. Memorial Hall, Room 417 North
State Capitol Building
Madison, Wisconsin
November 28, 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, Kyle Richmond, Jonathan Becker of the State Ethics Board

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

I. Minutes of Previous State Elections Board Meeting

A. September 12, 2007 State Elections Board Meeting

MOTION: TO APPROVE MINUTES OF THE SEPTEMBER 12, 2007 STATE ELECTIONS BOARD MEETING. Moved by John Savage, seconded by Kerry Dwyer. Motion carried.

II. Personal Appearances

1. **Edwin Smith** appeared on behalf of Sequoia Voting Systems regarding agenda item IV. C. relating to use of HAVA funds for voting equipment enhancements. Information relating to his appearance is set out on page 65 of the Elections Board meeting materials for the November 28, 2007 meeting.

MOTION: TO TAKE AGENDA ITEM IV. C. OUT OF ORDER. Moved by Savage, seconded by Anstaett. Motion carried.

MOTION: THAT LOCAL GOVERNMENT MAY CONTINUE TO SUBMIT APPLICATIONS FOR REIMBURSEMENT FOR ACQUISITION OF ACCESSIBLE VOTING EQUIPMENT COMPONENTS UNTIL THE BOARD ESTABLISHES A NEW DEADLINE AFTER APPROVING THE USE OF NEW VOTING EQUIPMENT. Moved by Savage, seconded by Anstaett. Motion carried.

2. **Paul Malischke** appeared on his own behalf regarding agenda item V. B. relating to proposed administrative rules relating to security of electronic voting equipment. Information relating to his appearance is set out on pages 71-76 of the Elections Board meeting materials for the November 28, 2007 meeting.

III. Investigations

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

MOTION: EXTEND SETTLEMENT OFFER TO WOMEN'S CHOICE CONDUIT (900126) FOR \$1000; \$300 OF FOR THE NON-PAYMENT OF THE 2006 ANNUAL FILING FEE; \$150 FOR THE LATE FILING OF THE 2006 PREF REPORT AND \$500 FOR FAILURE TO FILE A SPECIAL REPORT OF LATE CONTRIBUTIONS IN A TIMELY MANNER. Moved by Savage, seconded by Schober. Motion carried.

MOTION: EXTEND SETTLEMENT OFFER TO SEIU LOCAL 1 WORKERS FUND (501202) FOR \$475 FOR THE NON-FILING OF THE JULY 2006 AND JULY 2007 CONTINUING REPORTS. Moved by Savage, seconded by Anstaett. Motion carried.

MOTION: EXTEND SETTLEMENT OFFER TO MILWAUKEE FIRE DEPARTMENT CHIEF OFFICERS ASSOCIATION (500114) FOR \$1300 FOR THE NON-FILING OF THE JULY 2005, JANUARY 2006, JULY 2006 AND JULY 2007 CONTINUING REPORTS. Moved by Savage, seconded by Kasieta. Motion carried.

B. Report on Disposition of Delegated Election Complaint Decisions

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

C. Report on Collection of Settlement Offers

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

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.

C. Use of HAVA Funds for Voting Equipment Enhancements

Item previously acted upon.

V. Administrative Rules

A. Proposed Administrative Rules Relating to Election Official Training

MOTION: PROCEED WITH PROMULGATION OF THE PROPOSED ADMINISTRATIVE RULES TO ESTABLISH TRAINING FOR ELECTION INSPECTORS, SPECIAL VOTING DEPUTIES AND SPECIAL REGISTRATION DEPUTIES. Moved by Savage, seconded by Hellman. Motion carried.

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

MOTION: RETURN ADMINISTRATIVE RULE FOR FURTHER STAFF REVIEW AND INCORPORATION OF COMMENTS, AND PROCEED TO PROMULGATION. Moved by Savage, seconded by Dwyer. Motion carried.

VI. Opinion Requests

A. Northwestern Mutual Conduit Request for Opinion Relating to Correcting Reports

MOTION: REMOVE ITEM FROM AGENDA WITHOUT FURTHER DIRECTION TO STAFF. Moved by Savage, seconded by Schober. Motion carried.

B. Habeck Request for Opinion Relating to Redaction of Residential Address Information on Ballot Access Documents

MOTION: CONTINUE PRACTICE OF REQUIRING RESIDENTIAL ADDRESS FOR THE DECLARATION OF CANDIDACY AND ALLOW USE OF OFFICE ADDRESS FOR NOMINATION PAPERS AND CAMPAIGN REGISTRATION STATEMENT. Moved by Savage, seconded by Anstaett. Motion carried.

VII. Litigation

A. Report of Legal Counsel

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

MOTION: APPOINT KEVIN J. KENNEDY ACTING EXECUTIVE DIRECTOR OF THE STATE ELECTIONS BOARD. Moved by Kasieta, seconded by Dwyer. Motion carried.

10:23 a.m. MOTION: TO GO INTO CLOSED SESSION TO CONFER WITH LEGAL COUNSEL CONCERNING CONTRACT NEGOTIATIONS AND LITIGATION STRATEGY PURSUANT TO S. 19.85 (1)(e), (g), WIS. STATS. Moved by Kasieta, seconded by Savage.

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

Motion carried, 6-0.

10:25 a.m. The Chair called a five-minute recess.

10:30 a.m. The meeting reconvened in closed session.

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

11:38 a.m. MOTION: TO RETURN TO OPEN SESSION. Moved by Savage, seconded by Kasieta.

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.

11:48 a.m. The meeting resumed.

V. Administrative Rules (Continued)

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

MOTION: DIRECT STAFF TO BEGIN TO DEVELOP ADMINISTRATIVE RULES FOR PRE-ELECTION TESTING AND PRE-RECOUNT TESTING OF VOTING EQUIPMENT. Moved by Savage, seconded by Schober. Motion carried.

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.

Board Member Dwyer asked about the status of the “All Children Matter” campaign finance matter formerly before the Board.

MOTION: DIRECT ACTING EXECUTIVE DIRECTOR TO TAKE UP THE ALL CHILDREN MATTER CASE WITH THE NEW GOVERNMENT ACCOUNTABILITY BOARD; Moved by Dwyer, seconded by Schober. Motion carried.

IX. Agency Administration

A. Report of Agency Operations Director

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.

The Executive Director thanked the Board members, and said it has been an honor to serve with current and past members of the State Elections Board.

MOTION: MEMBERS OF THE STATE ELECTIONS BOARD THANK ALL ELECTIONS BOARD STAFF MEMBERS IN PARTICULAR KEVIN KENNEDY, GEORGE DUNST, SHARRIE HAUGE AND BARBARA HANSEN. Moved by Savage, seconded by Schober. Motion carried unanimously.

Chairman Kasieta stated that, on perhaps the last in-person meeting of the Board, the State Elections Board has acted in a transparent and responsible fashion during its term of public service. He thanked his fellow Board members for their contributions to the public good.

MOTION: ADJOURN. Moved by Savage, seconded by Dwyer. Motion carried.

12:30 p.m. The State Elections Board adjourned.

The next meetings of the State Elections Board, if necessary, are tentatively scheduled to be conducted by telephone conference before it relinquishes its responsibilities to the new Government Accountability Board in January, 2008.