

**WISCONSIN STATE ELECTIONS BOARD**  
**Brookfield City Hall, Common Council Chambers**  
**2000 North Calhoun Road**  
**Brookfield, Wisconsin**  
**September 1, 2004**  
**9:30 a.m.**

**Minutes**

**Board Members Present:** John Schober, Shane Falk, Patrick Hodan, John Savage, Carl Holborn, Martha Love, Donald Goldberg, Gordon Myse and Kirby Brant

**Staff Members Present:** Kevin Kennedy, George Dunst, Barbara Hansen, Sharrie Hauge

**9:40 a.m.** The meeting was called to order by Elections Board Chair John Schober.

**I. Minutes of Previous Elections Board Meetings**

**A. July 21, 2004 Elections Board Meeting**

MOTION: APPROVE MINUTES OF THE JULY 21, 2004 ELECTIONS BOARD MEETING. Motion by John Savage, seconded by Shane Falk. Motion carried.

**II. Personal Appearances**

1. **Representative Spencer Black** appeared advocating a revision to ElBd 1.28, Wis. Adm. Code. Information relating to his appearance is set out at pages 6-13 of the Elections Board meeting materials.
2. **Matt O'Neill** appeared on behalf of WEAC to oppose the proposed change to ElBd 1.28, Wis. Adm. Code. Information relating to his appearance is set out at pages 6-13 of the Elections Board meeting materials.
3. **Mike McCabe**, Wisconsin Democracy Campaign, appeared to address the regulation of issue ads and promote the enforcement of the requirement to provide the identification of individual contributions. Information relating to his appearance is set out on pages 6-13 and 14-17 of the Elections Board meeting materials.

**III. Administrative Rules**

**A. Proposed Changes to Definition of Political Purpose in ElBd 1.28, Wis. Adm. Code – Regulation of Issue Ads**

MOTION: ADOPT RULE AS PRESENTED IN ITS FINAL VERSION. Motion by Shane Falk, seconded by Donald Goldberg. Motion failed 5 to 4 on a roll-call vote.

Yes: Carl Holborn, Shane Falk, Gordon Myse, Donald Goldberg

No: Kirby Brant, Patrick Hodan, John Savage, Martha Love, John Schober

**11:30 a.m.** Board Chair called for a break.

**11:30 a.m.** Board members Martha Love and Donald Goldberg left the meeting.

**11:43 a.m.** Board Chair called the meeting back to order.

## **II. Personal Appearances (continued)**

4. **Mike Maistelman** appeared in opposition to ElBd 1.46, Wis. Adm. Code. Information relating to his appearance is set out on pages 14-17 of the Elections Board meeting materials.

## **III. Administrative Rules (continued)**

### **B. Proposed Changes Relating to Enforcement of Requirement to Provide Identification of Individual Contributions ElBd 1.46, Wis. Adm. Code**

MOTION: TO REPLACE THE TERM SHALL WITH MAY IN SENTENCE THAT SAYS A REGISTRANT THAT DOES NOT PROVIDE THE REQUIRED INFORMATION OR RETURN THE CONTRIBUTION WITHIN 45 DAYS OF THE REPORT DUE DATE SHALL BE CONSIDERED TO HAVE FAILED TO SHOW GOOD FAITH AND MAY BE CONSIDERED A VIOLATION. Motion by Gordon Myse, seconded by Shane Falk.

FRIENDLY AMENDMENT: BRING THE PROPOSED CHANGES TO ELBD 1.46, WIS. ADM. CODE BACK FOR REVIEW AND APPROVAL AT THE BOARD'S OCTOBER MEETING. Motion by Gordon Myse, seconded by Shane Falk.

Friendly amendment to withdraw the motions above.

MOTION: DIRECT STAFF TO RETURN A DRAFT WITH TWO-OPTIONS WITH RESPECT TO POST 45 DAY DISPOSITIONS AT THE NEXT MEETING. Motion by Gordon Myse, seconded by Patrick Hodan. Motion carried.

12:30 p.m. The Board Chair called for a lunch break.

12:40 p.m. The Board Chair called the meeting back to order.

## **IV. Investigations**

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

MOTION: DENY APPEAL FOR FRIENDS OF JAMES WHITE (104252). ENFORCE SETTLEMENT OFFER OF \$150 FOR THE LATE FILING OF THE JULY 2004 CONTINUING REPORT. Motion by Shane Falk, seconded by John Savage. Motion carried.

MOTION: DISMISS THE SETTLEMENT OFFER TO NELSON FOR ASSEMBLY (104230) FOR THE LATE-FILING OF THE JULY 2004 ELECTRONIC CONTINUING REPORT. Motion by Carl Holborn, seconded by John Savage. Motion carried.

AMEND FILING NOTICE INDICATING PDF FILES WILL NOT BE ACCEPTED. Motion by Gordon Myse, seconded by Shane Falk. Motion carried.

### **B. Staff Report on Collection of Settlement Offers**

This report was presented for information. No action was taken by the Board.

## **VI. Election Administration**

**A. Report on Statewide Voter Registration System**

Shane Falk gave a status report on the Statewide Voter Registration System project. He shared his concerns with Board members and asked staff to develop an Action Plan for the Board's next meeting identifying how the issues presented are being addressed.

MOTION: HOLD THE NEXT ELECTIONS BOARD MEETING IN BROOKFIELD.

Motion by John Savage, seconded by Patrick Hodan. Motion carried.

**B. Report of Elections, Training and Information Technology Director**

This report was presented for information. No action was taken by the Board.

**V. Litigation**

**A. Report of Legal Counsel**

This report was presented for information. No action was taken by the Board.

**VII. Campaign Finance Administration**

**A. Report of Campaign Finance and Agency Operations Director**

This report was presented for information. No action was taken by the Board.

**B. Report on Status of Campaign Finance Audits**

MOTION: DIRECT LEGAL COUNSEL TO DRAFT A PROPOSAL FOR RAISING THE LIMITS FOR REPORTING FROM \$20 TO \$100; RAISE THE LIMITS FOR EXEMPTION TO \$2,500 AND RAISE THE LIMITS FOR A SINGLE CONTRIBUTION OF \$250 FOR REPORTING EMPLOYMENT AND OCCUPATION INFORMATION.

Motion by Shane Falk, seconded by Gordon Myse. Motion carried.

2:15 p.m. John Savage and Patrick Hodan left the meeting.

**C. Report on Wisconsin Election Campaign Fund**

This report was presented for information. No action was taken by the Board.

**VIII. Agency Administration**

**A. Report of Executive Director**

This report was presented for information. No action was taken by the Board.

MOTION: ADJOURN THE ELECTIONS BOARD MEETING. Motion by Gordon Myse, seconded by Carl Holborn. Motion carried.

The Elections Board meeting adjourned at 2:40 p.m.

**The next meeting of the State Elections Board is scheduled for Wednesday, October 6, 2004 beginning at 9:30 a.m. The meeting will be held in the Common Council Chambers at the Brookfield City Hall, 2000 North Calhoun Road, Brookfield, Wisconsin.**