

**WISCONSIN STATE ELECTIONS BOARD**  
**G. A. R. Memorial Hall, Room 417 North**  
**State Capitol Building**  
**Madison, Wisconsin**  
**July 21, 2004**  
**9:30 a.m.**

**Minutes**

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

**Board Members Present By Telephone:** John Schober

**Board Members Absent:** Donald Goldberg

**Staff Members Present:** Kevin Kennedy, George Dunst, Diane Lowe, Faith Edgren, Sutton Meagher, Teresa Gerhards

**9:45 a.m.** The meeting was called to order by Elections Board Chair Shane Falk

**I. Election of Officers**

John Savage nominated John Schober to serve as State Elections Board Chair.

MOTION: NOMINATIONS BE CLOSED AND A UNANIMOUS BALLOT BE CAST FOR JOHN SCHOBER TO SERVE AS STATE ELECTIONS BOARD CHAIR. Motion by John Savage, seconded by Martha Love. Motion carried.

Carl Holborn nominated Shane Falk to serve as State Elections Board Vice Chair.

MOTION: NOMINATIONS BE CLOSED AND A UNANIMOUS BALLOT BE CAST FOR SHANE FALK TO SERVE AS STATE ELECTIONS BOARD VICE-CHAIR. Motion by John Savage, second by Martha Love. Motion carried.

John Savage nominated Kirby Brant to serve as State Elections Board Secretary. Mr. Brant declined.

John Savage nominated Judge Gordon Myse to serve as State Elections Board Secretary.

MOTION: NOMINATIONS BE CLOSED AND A UNANIMOUS BALLOT BE CAST FOR GORDON MYSE TO SERVE AS STATE ELECTIONS BOARD SECRETARY. Motion by Shane Falk, seconded by Martha Love. Motion carried.

Vice Chair Falk conducted the meeting for Chair Schober who was participating by telephone.

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

**A. May 19, 2004 Elections Board Meeting**

MOTION: APPROVE MINUTES OF THE MAY 19, 2004 ELECTIONS BOARD MEETING. Motion by John Savage, seconded by Kirby Brant. Motion carried.

**III. Personal Appearances**

1. **Mark Gundrum & Mary Lazich** appeared on behalf of Senator Lazich's challenge to Brian Barnstable's nomination papers for the Fall 2004 election.

2. **Brian Barnstable** appeared in response to Senator Lazich's challenge to his nomination papers for the Fall 2004 election.

MOTION: TO FIND BRIAN BARNSTABLE HAS 388 VALID SIGNATURES AND DENY BALLOT ACCESS. Motion by John Savage, seconded by Kirby Brant. Motion carried.

3. **Damien Jones** appeared to affirm the validity of his nomination papers based on the staff report on the use of a Green Party symbol rather than spelling out the name of his political party on his nomination papers.

MOTION: TO UPHOLD THE STAFF ACTION TO ACCEPT DAMIEN JONES' NOMINATION PAPERS FOR BALLOT ACCESS. Motion by Gordon Myse, seconded by John Savage. Motion carried.

4. **Richard Lewandowski** and **Gary Kohlenberg** appeared on behalf of Gary Kohlenberg's challenge to the validity of the nomination papers of Bryan Kennedy, a candidate for Congress.

John Savage asked that Mr. Lewandowski review Bryan Kennedy's response to the challenge before proceeding.

5. **Ellen Voie** appeared in support of her challenge to the nomination papers of Bill Lorge.
6. **Bill Lorge** appeared in response to Ellen Voie's challenge to his nomination papers.

The Elections Board reviewed the issues raised in the challenge and made the following findings with respect to individual signatures, which are refelected in the motions set out below:

Page 22, line 10 – count  
Page 33, line 3 – do not count  
Page 33, line 4 – do not count  
Page 36, line 1 –count  
Page 38, line 6 – count  
Page 37, line 4 – do not count  
Page 25, line 3 – do not count  
Page 35, line 4 – do not count  
Page 3, line 9 – count  
Page 31, line 6 – do not count  
Page 31, line 7 – do not count  
Page 31, line 5 – count  
Page 6, line 9 – do not count  
Page 6, line 8 – count  
Page 28, line 9 – count  
Page 28, line 10 – do not count  
Page 43, line 6 – count  
Page 43, line 7 – do not count  
Page 43, line 8 – do not count

MOTION: REMOVE 5 SIGNATURES FROM MR. LORGE'S NOMINATION PAPERS. Motion by Shane Falk, seconded by John Savage. Motion carried.

MOTION: TO RECONSIDER STRIKING ALL SIGNATURES WHERE ONE PERSON SIGNED FOR OTHERS. Motion by Shane Falk, seconded by John Savage. Motion carried.

MOTION: TO COUNT THE FIRST SIGNATURE OF EACH SET OF SIGNATURES WHERE ONE PERSON SIGNED FOR OTHERS. Motion by Shane Falk, seconded by John Savage. Motion carried.

MOTION TO FIND 397 VALID SIGNATURES ON MR. LORGE'S NOMINATION PAPERS. Motion by John Savage, seconded by Martha Love. Gordon Myse abstained. Motion carried.

MOTION: TO ALLOW 7 LATE SIGNATURES NOT RECEIVED BY THE FILING DEADLINE DUE TO FAILURE OF THE OVERNIGHT DELIVERY SERVICE. Motion by Kirby Brant, seconded by Gordon Myse. Motion fails.

MOTION TO COUNT THE SIGNATURE ON PAGE 3 LINE 9 OF BILL LORGE'S NOMINATION PAPERS AFTER CONSULTING WITH THE MUNICIPAL CLERK. Motion by John Savage, seconded by Patrick Hodan. Motion carried.

7. **Richard Lewandowski** and **Gary Kohlenberg** reappeared on behalf of Mr. Kohlenberg's challenge to the validity of Bryan Kennedy's nomination paper signatures.

MOTION: TO CERTIFY MR. KENNEDY QUALIFIES FOR BALLOT ACCESS WITH AN EXCESS OF 1,000 SIGNATURES. Motion by Gordon Myse, motion withdrawn.

8. **Jeralyn Wendelberger** and **William Elliot** appeared on behalf of Bryan Kennedy requesting the Elections Board find 1,158 valid signatures.

MOTION: TO DISMISS THE CHALLENGE ON THE BASIS THAT MR. KENNEDY HAS IN EXCESS OF 1,000 VALID SIGNATURES. Motion by Gordon Myse, seconded by Kirby Brant. Motion carried.

9. **Carol Ann Rittenhouse** appeared in response to a staff determination she had an insufficient number of nomination signatures. Information relating to her appearance is set out at pages 8-12 of the Elections Board meeting materials.

MOTION: TO APPROVE THE AFFIDAVITS SUBMITTED TO STAFF THAT CORRECT THE DEFICIENCY. Motion by Gordon Myse, seconded John Savage. Motion carried.

MOTION: TO FIND THE CANDIDATE HAS SUFFICIENT NUMBER OF SIGNATURES TO QUALIFY FOR BALLOT ACCESS. Motion by Shane Falk, seconded by Gordon Myse. Motion withdrawn.

MOTION: TO FIND MS. RITTENHOUSE HAS 1,017 SIGNATURES AND IS CERTIFIED FOR THE BALLOT. Motion by Carl Holborn, seconded by John Savage. Motion carried.

Break for lunch at 12:35 p.m.

Meeting resumed at 12:58 p.m.

10. **Marc Gumz** appeared to request the Board place him on the ballot. Mr. Gumz also requested that the criteria for statewide ballot access be amended to apply the same criteria used for the presidential preference ballot.

11. **Scott Manley** appeared on behalf of Richard Wiley's challenge to the nomination papers of Roy Leyendecker.
12. **Tamara Kiewit** appeared on behalf of Andrew Sellinger in response to staff finding his nomination paper signatures were discounted due to the missing date of the election in the heading on all nomination papers.

MOTION: THE ABSENCE OF THE ELECTION DATE ON NOMINATION PAPERS, WHERE THE INDICATION "GENERAL ELECTION" IS MADE, SUBSTANTIALLY COMPLIES WITH THE REQUIREMENT TO LIST THE DATE OF THE ELECTION.

Motion by Kirby Brandt, seconded by Carl Holborn. Motion carried. Gordon Myse requests that his opposition to the motion be noted.

MOTION: FIND 405 SUFFICIENT SIGNATURES ON CANDIDATE ROY LEYENDECKER'S NOMINATION PAPERS. Motion by Kirby Brant, seconded by Shane Falk. Motion carried.

MOTION: AFFIRM THAT MARC GUMZ DOES NOT HAVE ENOUGH VALID SIGNATURES FOR BALLOT ACCESS. Motion by Gordon Myse, seconded by John Savage. Motion carried.

#### **IV. Investigations**

##### **B. Challenges to Nomination Papers**

Challenge of Walter Love by Friends of Tamara D. Grigsby (Cpt. 2004-09)

MOTION: DISMISS CHALLENGE TO NOMINATION PAPERS. Motion by Shane Falk, seconded by Carl Holborn. Martha Love abstained. Motion carried.

##### **A. Staff Report on Ballot Access Issues for the Fall Elections**

MOTION: FIND TIMOTHY HELMBERGER'S CORRECTIVE AFFIDAVITS ARE SUFFICIENT AND DETERMINE HE HAS A SUFFICIENT NUMBER OF SIGNATURES TO QUALIFY FOR THE BALLOT. Motion by Gordon Myse, second by Patrick Hodan. Motion carried.

MOTION: TO CERTIFY THE LIST OF CANDIDATES PREPARED BY THE ELECTIONS BOARD STAFF FOR BALLOT STATUS IN THE FALL 2004 PARTISAN PRIMARY. Motion by Gordon Myse, seconded by John Savage. Motion carried.

#### **V. Administrative Rules**

##### **A. Proposed Administrative Rule Establishing Certification and Training Program for Chief Election Inspectors**

MOTION: APPROVE GOING FORWARD WITH THE PROMULGATION OF THE RULE. Motion by John Savage, seconded by Kirby Brant. Motion carried.

#### **VI. Litigation**

##### **A. Report of Legal Counsel**

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

**VII. Election Administration**

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

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

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

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

**C. Election Systems & Software Request for Approval of Unity 2.4.2 Election Administration Support Software**

MOTION: APPROVE THE ELECTION SYSTEMS & SOFTWARE UNITY 2.4.2 SOFTWARE APPLICATION ON CONDITION THAT IT CAN PRODUCE A COUNTY CANVASS REPORT THAT CAN BE INCORPORATED INTO THE ELECTIONS BOARD CANVASS APPLICATION. Motion by Gordon Myse, seconded by Kirby Brant. Motion carried.

**VIII. Campaign Finance Administration**

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

This report was presented for information. Board members asked for an explanation for the number of outstanding settlement offers. Board members also asked for a status report on the number of outstanding audits. The Executive Director was directed to provide the information to Board members before the next meeting.

**X. 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 John Savage, seconded by Carl Holborn. Motion carried.

MOTION: HOLD THE NEXT ELECTIONS BOARD MEETING IN BROOKFIELD. Motion by John Savage, seconded by Carl Holborn. Motion carried.

The Elections Board meeting adjourned at 2:24 p.m.

**The next meeting of the State Elections Board will be held on Wednesday, September 1, 2004 beginning at 9:30 a.m. in Brookfield.**