

WISCONSIN STATE ELECTIONS BOARD
Elections Board Conference Room
17 West Main Street, Suite 310
Madison, Wisconsin
January 13, 2005
1:00 p.m.

Minutes

Board Members Present: John Schober, Shane Falk, Kirby Brant, Patrick Hodan (via telephone), Donald Goldberg (via telephone), Carl Holborn (via telephone), John Savage (via telephone), and Martha Love (via telephone).

Board Member Absent: Gordon Myse

Staff Members Present: Kevin Kennedy, George Dunst, Diane Lowe, Sutton Meagher, Christy Martinson

1:15 p.m. The meeting was called to order by Elections Board Chair John Schober.

I. Personal Appearances

Michael Maistelman appeared representing Seth Boffeli in support of Mr. Boffelli's complaint challenging the sufficiency of the nomination papers of Greg Underheim for State Superintendent of Public Instruction. Mr. Maistelman submitted additional documents challenging nomination papers circulated by Joseph Jackson (18 signatures on Pages 131 and 182) and Curtis Moore (14 signatures on Pages 206 and 208)

Seth Boffeli appeared in support of his complaint challenging the sufficiency of the nomination papers of Greg Underheim for State Superintendent of Public Instruction.

Greg Underheim appeared in response to the complaint challenging the sufficiency of his nomination papers for State Superintendent of Public Instruction.

II. Investigations

A. Boffeli Complaint Against Underheim Relating to the Sufficiency of Nomination Papers (Pp. 1 – 8)

Shane Falk pointed out that the signature of Tammy Drinkwater on Page 65, Line 4 should be removed because the challenge and staff investigation established that she was a convicted felon whose civil rights had not been restored at the time she signed the nomination paper. The Elections Board accepted this reduction.

The agency staff pointed out that the nomination papers were certified with 2,062 valid signatures, the initial challenge removed 115 signatures, 68 signatures were rehabilitated in response to the challenge, 16 additional signatures had been rehabilitated that had not been challenged, 1 signature was removed by the Board at the meeting and the documents submitted at the meeting challenged an additional 34 signatures.

Board discussion focused on two issues:

1. Whether the 16 rehabilitated signatures could be counted if they were not identified in the challenge and had not been corrected by the initial deadline of January 7, 2005.
2. Whether the complainant could submit documentation at the meeting challenging an additional 34 signatures.

MOTION: THE ELECTIONS BOARD DENY BALLOT STATUS TO GREG UNDERHEIM ON THE BASIS THAT HE HAS 1,982 VALID SIGNATURES, LESS THAN THE NUMBER REQUIRED FOR BALLOT STATUS. Motion by Donald Goldberg, second by Shane Falk.

In support of the motion the Elections Board findings are that the nomination papers were certified by the agency staff with 2,062 valid signatures, the initial challenge removed 115 signatures, 68 signatures were rehabilitated in response to the challenge, 1 signature was removed by the Board at the meeting and the challenge documents submitted at the meeting removed 34 signatures.

The motion failed on a roll call vote.

Yes: Donald Goldberg, Carl Holborn, Martha Love, Shane Falk

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

MOTION: THE ELECTIONS BOARD REFER JOSEPH JACKSON AND CURTIS MOORE TO THE DISTRICT ATTORNEY FOR INVESTIGATION OF ILLEGAL CIRCULATION OF NOMINATION PAPERS, THE ELECTIONS BOARD CONTACT THE DEPARTMENT OF CORRECTIONS TO DETERMINE THE FELONY STATUS OF CURTIS MOORE AND THE BOARD DEFER ACTION ON THE CHALLENGE UNTIL IT RECEIVES A REPORT ON THE FELONY STATUS OF THE INDIVIDUALS. Motion by Shane Falk, second by Donald Goldberg.

Shane Falk offered a friendly amendment: ADD TAMMY DRINKWATER AND JENNIFER KALTENBERG TO THE REFERRAL AND REMOVE THE LANGUAGE ABOUT THE BOARD DEFERRING ACTION ON THE CHALLENGE. The friendly amendment was accepted.

Motion as amended carried on a roll call vote.

Yes: Donald Goldberg, Carl Holborn, Martha Love, Patrick Hodan, John Savage, Shane Falk, Kirby Brant, John Schober

MOTION: THE ELECTIONS BOARD CERTIFY BALLOT STATUS TO GREG UNDERHEIM ON THE BASIS THAT HE HAS 2,014 VALID SIGNATURES, MORE THAN THE NUMBER REQUIRED FOR BALLOT STATUS. Motion by John Savage, second by Kirby Brant.

In support of the motion the Elections Board findings are that the nomination papers were certified by the agency staff with 2,062 valid signatures, the initial challenge removed 115 signatures, 68 signatures were rehabilitated in response to the challenge and 1 signature was removed by the Board at the meeting.

The motion carried on a roll call vote.

Yes: Patrick Hodan, John Savage, Kirby Brant, John Schober and Shane Falk

No: Donald Goldberg, Carl Holborn and Martha Love

III. Agency Administration

1. Report of Executive Director

No action was taken on this item.

MOTION: THE STATE ELECTIONS BOARD ADJOURN. Motion by Shane Falk and second by John Savage. The motion carried on a roll call vote.

Yes: Donald Goldberg, Carl Holborn, Martha Love, Patrick Hodan, John Savage, Shane Falk, Kirby Brant, John Schober

3:05 p.m. The State Elections Board adjourned.

The next meeting of the State Elections Board has been scheduled for January 26, 2005 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.