

WISCONSIN STATE ELECTIONS BOARD
Brookfield City Hall, Common Council Chambers
2000 North Calhoun Road
Brookfield, Wisconsin
March 10, 2004
9:30 a.m.

Minutes

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

Staff Members Present: Kevin Kennedy, George Dunst, Sharrie Hauge

9:37 a.m. The meeting was called to order by Elections Board Chair Shane Falk

I. Minutes of Previous Elections Board Meetings

A. January 14, 2004 Elections Board Meeting

MOTION: APPROVE MINUTES OF THE JANUARY 14, 2004 ELECTIONS BOARD MEETING. Motion by John Savage, second by Don Goldberg. Motion carried.

II. Personal Appearances

John Jorgensen appeared to appeal the settlement offer for Citizens for Jorgensen for Judge (103370) for the late filing of the Pre-Primary Spring Report. Information relating to his appearance is set out at page 4 and pages 16-20 of the Elections Board meeting materials.

MOTION: TAKE AGENDA ITEM III. A. OUT OF ORDER. Motion by John Savage, second by Martha Love. Motion carried.

III. Investigations

A. Appeal of Settlement Offer for Violation Identified by Staff Audit

MOTION: REDUCE THE SETTLEMENT OFFER TO CITIZENS FOR JORGENSEN FOR JUDGE (103370) TO \$75 FOR THE LATE FILING OF THE PRE-PRIMARY SPRING REPORT. Motion by John Savage, second by Martha Love. Motion carried.

II. Personal Appearances (continued)

Linda Hansen appeared on behalf of the Republican Party of Crawford County (300030) to appeal the settlement offer of \$300 for the non-payment of the 2003 annual filing fee. Information relating to her appearance is set out at page 5 and pages 21-23 of the Elections Board meeting materials.

III. Investigations (continued)

A. Appeal of Settlement Offer for Violation Identified by Staff Audit

MOTION: AMEND SETTLEMENT OFFER TO \$150 FOR THE REPUBLICAN PARTY OF CRAWFORD COUNTY (300030) FOR THE NON-PAYMENT OF THE 2003 ANNUAL FILING FEE. THE SETTLEMENT OFFER SHALL BE DEPOSITED IN THE FILING FEE ACCOUNT. Motion by Gordon Myse, second by John Savage. Motion carried.

II. Personal Appearances (continued)

Matt O'Neil appeared on behalf of Judge Yamahiro and the committee to Retain Judge Yamahiro (104215) for the late filing of the January 2004 Electronic Continuing report. Information relating to his appearance is set out at page 4 and pages 6-15 of the Elections Board meeting materials.

III. Investigations (continued)

A. Appeal of Settlement Offer for Violation Identified by Staff Audit

MOTION: EXTEND SETTLEMENT OFFER OF \$125 TO THE COMMITTEE TO RETAIN JUDGE YAMAHIRO (104215) FOR THE LATE FILING OF THE JANUARY 2004 ELECTRONIC CONTINUING REPORT. Motion by Shane Falk, second by Gordon Myse. Motion carried.

II. Personal Appearances (continued)

Catherine M. Lawton appeared to appeal the settlement offer for Frnds of Cathy Lawton for Assembly (104073) for the late filing of the January 2003 continuing report. Information relating to her appearance is set out at pages 27-40 of the Elections Board meeting materials.

III. Investigations (continued)

B. Lawton Request for Reconsideration of a Reconsidered Settlement Offer

MOTION: DISMISS THE SETTLEMENT OFFER FOR FRNDS OF CATHY LAWTON FOR ASSEMBLY (104073) FOR THE LATE FILING OF THE JANUARY 2003 CONTINUING REPORT. Motion by John Schober, second by Kirby Brant. Motion carried.

II. Personal Appearances (continued)

Kim Warkentin appeared on behalf of the Democratic Party of Wisconsin to comment on the proposed statement of policy relating to linking to or listing a government website or e-mail address in registrant communications. Information relating to her appearance is set out at pages 62-65 of the Elections Board meeting materials.

Gary Tefft appeared to discuss election and campaign finance law guidelines.

Ralph Lindgren appeared on behalf of the Recall Doyle committee to comment on the Request for Opinion from the Recall Doyle Committee relating to the 60-day circulation requirement. Mr. Lindgren withdrew his request for an opinion. Information relating to his appearance is set out at pages 54-61 of the Elections Board meeting materials.

Mike Maistelman appeared on behalf of Governor Jim Doyle and Doyle for Wisconsin regarding the Request for Opinion from the Recall Doyle Committee relating to the 60-Day circulation requirement. Mr. Maistelman asked the Board to accept the opinion of legal counsel and issue that as the opinion of the Board. Information relating to his appearance is set out at pages 54-61 of the Elections Board meeting materials.

Mike McCabe appeared on behalf of the Wisconsin Democracy Campaign to address the proposed enforcement policy for registrants who submit campaign finance reports missing

information required by section 11.06, Wis. Stats. as well as issue ad rulemaking. Information relating to his appearance is set out at pages 45-50 and pages 90-109 of the Elections Board meeting materials.

Matt O'Neil appeared on behalf of WEAC to comment on the draft proposed rule regarding issue advocacy. WEAC is in opposition to rule making. Information relating to his appearance is set out at pages 90-109 of the Elections Board meeting materials.

11:32 a.m. The Board chair called for a break.

12:00 noon The Board chair called the meeting back to order.

IX. Administrative Rules

A. Status Report on Proposed Changes to Definition of Political Purpose in ElBd 1.28, Wis. Adm. Code.

MOTION: SUSPEND THE BOARD'S RULE MAKING ACTIVITIES WITH RESPECT TO THE DEFINITION OF POLITICAL PURPOSE UNTIL THE END OF THE LEGISLATURE'S SESSION. Motion by John Savage, second by Kirby Brant.

AMENDMENT: TERMINATE THE RULE MAKING PROCESS. THE BOARD CAN REVIEW THE SUBJECT AGAIN DEPENDING UPON WHAT THE LEGISLATURE AND THE COURTS DO. Amendment by John Savage, second by Kirby Brant. After discussion:

AMENDMENT: SUSPEND THE RULE MAKING PROCESS UNTIL SEPTEMBER. Amendment by John Savage. Kirby Brant withdrew his second and Patrick Hodan seconded it. Motion as amended failed on a roll call vote.

Roll call:

Yes: Brant, Savage, Hodan, Schober

No: Goldberg, Love, Falk, Holborn, Myse

MOTION: DIRECT STAFF TO DEVELOP PROPOSED ADMINISTRATIVE RULES PRESENTING OPTIONS FOR WHAT FORM THE RULE MAY TAKE. STAFF REPORT SHOULD INCLUDE A DISCUSSION ON HOW THE PROPOSED RULE WOULD AFFECT CORPORATE PARTICIPATION OR OTHER ENTITIES' PARTICIPATION IN THE POLITICAL PROCESS AND WHAT CHANGES THERE ARE TO THE EXISTING STATUS COMPARED TO THE CURRENT SITUATION. Motion by Gordon Myse, second by Shane Falk. Motion carried on a roll call vote.

Roll call:

Yes: Goldberg, Love, Falk, Holborn, Myse

No: Brant, Savage, Hodan, Schober

III. Investigations

A. Appeal of Settlement Offer for Violation Identified by Staff Audit

MOTION: REDUCE THE SETTLEMENT OFFER TO MILW FIRE CHIEF OFFICERS ASSN (500114) TO \$150 FOR THE NON-PAYMENT OF THE 2003 ANNUAL FILING

FEE. THE SETTLEMENT OFFER SHALL BE DEPOSITED IN THE FILING FEE ACCOUNT. Motion by John Savage, second by Carl Holborn. Motion carried.

C. Memo on Settlement Offer Extended to Eric Edming for Assembly Committee (104074)

MOTION: BECAUSE CANDIDATE WAS ELIGIBLE FOR EXEMPT STATUS, DISMISS VIOLATIONS ALLOWING ERIC EDMING FOR ASSEMBLY COMMITTEE (104074) TO TERMINATE. Motion by John Savage, second by John Schober. Motion carried.

D. Proposed Enforcement Policy for Registrants Who Submit Campaign Finance Reports Missing Information Required by Section 11.06, Wis. Stats.

MOTION: PREPARE A RULE THAT REQUIRES COMMITTEES TO EITHER RETURN A CONTRIBUTION OR FOREFEIT A CONTRBUTION TO THE COMMON SCHOOL FUND IF THE INFORMATION REQUIRED IS NOT AVAILABLE OR SUBMITTED WITHIN 45 DAYS AFTER THE REPORT IS DUE. Motion by Gordon Myse, second by John Savage. Motion carried.

IV. Litigation

A. Report of Legal Counsel

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

V. 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.

VII. Legislation

A. Legislative Status Report

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

VI. Opinion Requests

A. Request for Opinion from Recall Doyle Committee Relating to 60-Day Circulation Requirement

Mr. Ralph Lindgren withdrew his request for an opinion. Staff will send a follow-up letter indicating no action is being taken.

B. Proposed Statement of Policy Relating to Linking to or Listing a Government Website or E-mail Address in Registrant Communications

MOTION: DIRECT LEGAL COUNSEL TO DRAFT A FORMAL OPINION STATING THAT A PUBLIC EMPLOYEE MAY NOT USE GOVERNMENT RESOURCES TO PROVIDE A CONTRIBUTION OR A POLITICAL SERVICE AND A COMMITTEE, ORGANIZATION OR INDIVIDUAL MAY NOT ENCOURAGE OR FACILITATE THE USE OF GOVERNMENT RESOURCES TO PROVIDE A CONTRIBUTION OR A POLITICAL SERVICE BY LINKING TO A GOVERNMENT E-MAIL ADDRESS OR LISTING GOVERNMENT CONTACT INFORMATION. THE OPINION SHOULD MAKE CLEAR THAT A LISTING OF ELECTED OFFICIALS' NAMES AND CONTACT INFORMATION DOES NOT VIOLATE S. 11.36, WIS. STATS. Motion by Gordon Myse, second by Don Goldberg. Motion carried.

VIII. 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.

X. Agency Administration

A. Report of Executive Director

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

MOTION: ELECTIONS BOARD ADJOURN. Motion by Don Goldberg, second by John Savage. Motion carried.

The Elections Board meeting adjourned at 1:42 p.m.

The next meeting of the State Elections Board will be held on Wednesday, May 19, 2004 beginning at 9:30 a.m. in G. A. R. Memorial Hall, Room 417 North at the State Capitol Building in Madison.