

WISCONSIN STATE ELECTIONS BOARD
Brookfield City Hall, Common Council Chambers
2000 North Calhoun Road
Brookfield, Wisconsin
January 14, 2004
10:00 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 (via telephone)

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

10:15 a.m. The meeting was called to order by Elections Board Chair Shane Falk

I. Minutes of Previous Elections Board Meetings

A. December 10, 2003 Elections Board Meeting

MOTION: APPROVE MINUTES OF THE DECEMBER 10, 2003 ELECTIONS BOARD MEETING. Motion by John Savage, second by Patrick Hodan. Motion carried.

II. Personal Appearances

Alan Eisenberg appeared to appeal the settlement offer for the Alan Eisenberg for Governor/WI Committee (103996) for the late filing of the Electronic January 2003 Continuing report. Information relating to his appearance is set out at pages 12-13 of the Elections Board meeting materials.

III. Investigations

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

MOTION: EXTEND \$125 SETTLEMENT OFFER OF COMPROMISE TO ALAN EISENBERG FOR GOVERNOR/WI (103996) COMMITTEE FOR AN ADDITIONAL 10-DAY PERIOD. IF NO PAYMENT IS RECEIVED WITHIN THAT 10-DAY PERIOD THE ELECTIONS BOARD DIRECTS LEGAL COUNSEL TO FILE AN ENFORCEMENT ACTION. Motion by Gordon Myse, second by Donald Goldberg. Carl Holborn abstained from the vote. Motion carried.

Patrick Hodan recommended staff review the settlement offer letter to avoid using the terms "fine" and "forfeiture."

II. Personal Appearances (continued)

James T. Conway appeared on behalf of himself to request that his name be placed on the ballot for Rock County Circuit Court Judge, Branch 3 on the April 6 Election. Information relating to his appearance is set out at pages 6-11 of the Elections Board materials.

III. Investigations

A. Ballot Access Challenges for State, Federal, and Local Offices

MOTION: SUSTAIN THE DECISION OF THE STAFF DENYING MR. CONWAY BALLOT STATUS BECAUSE HE IS INELIGIBLE TO HOLD THE OFFICE OF ROCK

COUNTY CIRCUIT JUDGE, BRANCH 3. Motion by John Savage, second by Martha Love. Motion carried.

II. Personal Appearances (continued)

Mike McCabe from the Wisconsin Democracy Campaign appeared to address Agenda Item VII-A. Report on Application of McConnell v. FEC to Regulation of State Campaigns. Information relating to his appearance is set out at pages 36-107 of the Elections Board materials.

Mike Wittenwyler appeared on behalf of WMC and others objecting the request to adopt issue advocacy regulations. Information relating to his appearance is set out at pages 36-107 of the Elections Board materials.

VII. Campaign Finance Administration

A. Report on Application of McConnell v. FEC to Regulation of State Campaigns

MOTION: DIRECT LEGAL COUNSEL TO COMMENCE THE ADMINISTRATIVE RULEMAKING PROCESS TO MODIFY THE CURRENT RULE DEFINING POLITICAL PURPOSE, ELBD 1.28. STAFF SHOULD SOLICIT COMMENTS ON PROPOSED CHANGES AND PROVIDE A REPORT ON WHETHER THE AGENCY MAY APPROPRIATELY ACT IN THIS AREA. Motion by Gordon Myse, second by Shane Falk. Motion carried on a roll call vote, 5-4.

ROLL CALL VOTE

YES: Goldberg, Love, Falk, Holborn, Myse

NO: Savage, Hodan, Brant, Schober

12:40 p.m. The Board chair called for a lunch break. The meeting resumed at 12:55 p.m.

III. Investigations

A. Ballot Access Challenges for State, Federal and Local Offices

The Board members set aside January 26 in the morning for a potential Board meeting to discuss possible ballot access issues.

The next Board meeting will be scheduled for Wednesday, March 10, 2004.

MOTION: HOLD THE MARCH 10, 2004 MEETING IN BROOKFIELD. Motion by John Savage, second by Patrick Hodan. 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 of Elections, Training and Information Technology Director

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

B. Report on Statewide Voter Registration System

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

C. Report on Ballot Access for 2004 Spring Election

MOTION: AFFIRM THE BALLOT STATUS OF MR. JAY KRANS NIXON, CANDIDATE FOR RACINE COUNTY CIRCUIT COURT JUDGE, BRANCH 4.
Motion by John Savage, second by Martha Love. Motion carried.

MOTION: APPROVE THE STAFF'S DETERMINATIONS OF BALLOT STATUS FOR THE SPRING PRIMARY AND ELECTION. Motion by Shane Falk, second by Carl Holborn. Motion carried.

VI. Legislation

A. Legislative Status Report

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

VII. Campaign Finance Administration

B. Report of Campaign Finance and Agency Operations Director

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

VIII. Agency Administration

A. Delegation of Specific Authority to Executive Director

MOTION: THE ELECTIONS BOARD DELEGATE THE SPECIFIC AUTHORITY DESCRIBED IN THE STAFF MEMORANDUM TO EXECUTIVE DIRECTOR AS RECOMMENDED BY THE STAFF. Motion by John Savage, second by Patrick Hodan. Motion carried.

B. Report of Executive Director

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

MOTION: ELECTIONS BOARD MEETING ADJOURN. Motion by John Savage, second by Carl Holborn. Motion carried.

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

The next meeting of the State Elections Board has been scheduled for March 10, 2004 beginning at 9:30 a.m. at the Brookfield City Hall, Common Council Chambers in Brookfield, Wisconsin.