

**WISCONSIN STATE ELECTIONS BOARD
Brookfield City Hall, Common Council Chambers
2000 North Calhoun Road
Brookfield, Wisconsin
December 10, 2003
9:30 a.m.**

Minutes

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

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

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

I. Minutes of Previous Elections Board Meetings

A. October 8, 2003 Elections Board Meeting

MOTION: APPROVE MINUTES OF THE OCTOBER 8, 2003 ELECTIONS BOARD MEETING. Motion by John Savage, second by Martha Love. Motion carried.

FRIENDLY AMENDMENTS: TO INCLUDE JOHN SCHOBBER'S NAME AS ATTENDING THE OCTOBER 8, 2003 BOARD MEETING AND REVISE GORDON MYSE'S MOTION ON THE BRENT PICKENS SETTLEMENT TO ADD: ALLOW THE OBLIGATION TO BE DISCHARGED AT THE RATE OF \$1,000 PER YEAR WITH NO INTEREST APPLIED SO LONG AS PAYMENTS ARE TIMELY MADE.

II. Personal Appearances

Steve Adamczyk and Thomas P. Burant appeared regarding the late filing of Taxpayers for Adamczyk (103882) EB-3, Special Report of Late Contributions. Information relating to their appearance is set out at page 147 of the Elections Board meeting materials.

MOTION: TAKE THE AGENDA ITEM FOR TAXPAYERS FOR ADAMCZYK (103882) CAMPAIGN COMMITTEE OUT OF ORDER. Motion by John Savage, second by Kirby Brant. Motion carried.

III. Investigations

D. Appeal of Settlement Offers for Violations Identified by Staff Audit

MOTION: FIND A VIOLATION AND EXTEND A SETTLEMENT OFFER OF \$200 FOR THE TAXPAYERS FOR ADAMCZYK COMMITTEE (103882) FOR THE LATE FILING OF EB-3'S. Motion by John Savage, second by Donald Goldberg. Motion carried.

II. Personal Appearances (continued)

Mike McCabe from the Wisconsin Democracy Campaign appeared regarding his complaints against Doyle for Wisconsin and Friends and Neighbors of John Gard Relating to Failure to Disclose Occupation and Employment Information on Contributions from Individuals. ElBd Cpt. 03-65 and ElBd Cpt. 03-64. Information relating to his appearance is set out in pages 5-118 of the Elections Board meeting materials.

Mike Maistelman appeared on behalf of Governor Jim Doyle and Doyle for Wisconsin Campaign Committee regarding the complaint filed against the Doyle for Wisconsin Campaign Committee Relating to Failure to Disclose Occupation and Employment Information on Contributions from Individuals. ElBd Cpt. 03-65. Information relating to his appearance is set out in pages 5-89 of the Elections Board meeting materials.

Rick Wiley appeared on behalf of Speaker John Gard and Friends and Neighbors of John Gard Relating to Failure to Disclose Occupation and Employment Information on Contributions from Individuals. ElBd Cpt. 03-64. Information relating to his appearance is set out in pages 90-118 of the Elections Board meeting materials.

III. Investigations (continued)

A. McCabe Complaint Against Doyle for Wisconsin Relating to Failure to Disclose Occupation and employment Information on Contributions from Individuals. ElBd Cpt. 03-65.

B. McCabe Complaint Against Friends and Neighbors of John Gard Relating to Failure to Disclose Occupation and Employment Information on Contributions from Individuals. ElBd Cpt. 03-64.

MOTION: DISMISS THE MCCABE COMPLAINTS AGAINST DOYLE FOR WISCONSIN AND FRIENDS AND NEIGHBORS OF JOHN GARD FOR FAILURE TO DISCLOSE OCCUPATION AND EMPLOYMENT INFORMATION ON CONTRIBUTIONS FROM INDIVIDUALS. Motion by Donald Goldberg, second by John Savage. Motion carried.

MOTION: INSTRUCT STAFF TO EXAMINE THE QUESTION OF COMPLIANCE AND TO RECOMMEND WAYS TO INCREASE COMPLIANCE. PRESENT RECOMMENDATIONS TO THE BOARD AT THE MARCH, 2004 MEETING. ANNOUNCE "GOOD FAITH" STANDARDS IN ADVANCE SO THAT CAMPAIGNS WILL BE ON NOTICE. Motion by Gordon Myse, second by Kirby Brant. Motion carried.

II. Personal Appearances (continued)

Rick Wiley appeared in support of his complaints against the Democratic Party of Wisconsin Relating to Soliciting Services for a Political Purpose from a Government Employee. ElBd Cpt. 03-59. He also appeared in support of his complaint against Foeckler and Friends of Al Foeckler Relating to Failure to List a Disclaimer on Campaign Materials. ElBd Cpt. 03-56. Information relating to his appearance is set out in pages 169-185 and pages 151-156 of the Elections Board meeting materials.

Brad Hueschen appeared on behalf of the Democratic Party of Wisconsin regarding the Wiley Complaint Against the Democratic Party of Wisconsin Relating to Soliciting Services for a Political Purpose from a Government Employee. ElBd Cpt. 03-58. Information relating to his appearance is set out in pages 169-185 of the Elections Board meeting materials.

Milele A. Coggs, J.D. appeared on behalf of Barbara L. Toles Regarding the Toles Complaint Against Sigl Relating to Sufficiency of Nomination Papers. ElBd Cpt. 03-68.

Senator G. Spencer Coggs appeared regarding the challenge to the validity of the signatures filed by James A. Sigl for the 17th Assembly District.

James A. Sigl appeared on behalf of himself regarding the Toles Complaint Against Sigl Relating to Sufficiency of Nomination Papers. ElBd Cpt. 03-68.

III. Investigations

I. Toles Complaint Against Sigl Relating to Sufficiency of Nomination Papers. ElBd Cpt. 03-68

MOTION: UPHOLD THE TOLES COMPLAINT AGAINST SIGL (ELBD CPT. 03-68) AND REMOVE JAMES A. SIGL FROM THE BALLOT FOR THE 17TH ASSEMBLY DISTRICT. Motion by John Savage, second by Martha Love. Motion carried.

12:10 p.m. The Board chair adjourned the meeting for lunch.

12:20 p.m. The Board chair called the meeting back to order.

F. Wiley Complaint Against Foeckler and Friends of Al Foeckler Relating to Failure to List a Disclaimer on Campaign Materials. ElBd Cpt. 03-59.

MOTION: DISMISS THE COMPLAINT OF RICHARD J. WILEY AGAINST AL FOECKLER. Motion by Gordon Myse, second by Kirby Brant. Motion carried.

G. Warkentin Complaint Against Honadel and Honadel for Assembly Relating to Failure to List a Disclaimer on Campaign Materials. ElBd Cpt. 03-59.

MOTION: DISMISS THE COMPLAINT OF KIM WARKENTIN AGAINST MARK HONADEL AND FRIENDS. Motion by Gordon Myse, second by Donald Goldberg. Motion carried.

H. Wiley Complaint Against the Democratic Party of Wisconsin Relating to Soliciting Services for a Political Purpose from a Government Employee. ElBd Cpt. 03-58.

MOTION: DISMISS THE COMPLAINT OF RICHARD J. WILEY AGAINST THE DEMOCRATIC PARTY. Motion by Gordon Myse, second by Don Goldberg. Motion carried on a roll-call vote.

ROLL CALL:

Aye: Goldberg, Love, Holborn, Schober, Myse, Falk
No: Savage, Hodan, Brant

MOTION: DIRECT LEGAL COUNSEL TO PREPARE AN OPINION PRECLUDING A POLITICAL REGISTRANT FROM LINKING TO OR LISTING A PUBLIC EMPLOYEE'S GOVERNMENT E-MAIL ADDRESS OR TELEPHONE NUMBER IN POLITICAL COMMUNICATIONS. 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.

III. Investigations (continued)

C. Eisenberg Request for Reconsideration of Settlement Offer

MOTION: AUTHORIZE LEGAL COUNSEL TO TAKE ENFORCEMENT ACTION AS NECESSARY AND GIVE NO FURTHER EXTENSIONS. Motion by Don Goldberg, second by Shane Falk. Motion failed.

ROLL CALL:

Aye: Goldberg, Love, Falk
No: Savage, Hodan, Brant, Schober, Myse
Abstain: Holborn

MOTION: WILL ENTERTAIN THE RECONSIDERATION OF THE SETTLEMENT OFFER TO ALAN D. EISENBERG AND ALAN EISENBERG FOR GOVERNOR/WI COMMITTEE (103996) FOR THE LATE FILING OF THE JANUARY 2003 CONTINUING ELECTRONIC CAMPAIGN FINANCE REPORT WITH OR WITHOUT MR. EISENBERG'S APPEARANCE AT THE BOARD'S JANUARY 14, 2004 MEETING. Motion by Gordon Myse, second by Patrick Hodan. Motion carried.

D. Appeal of Settlement Offers for Violations Identified by Staff Audit

By consensus Board members upheld the staff settlement offer recommendation of \$150 to the Friends of Cathy Lawton for Assembly (104073) for the late filing of the election-related January 2003 Continuing report.

MOTION: REDUCE SETTLEMENT OFFER TO \$50 FOR THE BAYFIELD CO REPUBLICAN PARTY (300155) FOR THE LATE FILING OF THE JULY 2003 CONTINUING REPORT. Motion by Shane Falk, second by John Savage. Motion carried.

MOTION: UPHOLD THE STAFF'S SETTLEMENT OFFER RECOMMENDATION OF \$125 FOR HONADEL FOR ASSEMBLY (104183) FOR THE LATE FILING OF THE POST ELECTION SPECIAL ELECTRONIC REPORT. Motion by Gordon Myse, second by Shane Falk. Motion carried.

E. Violations Identified by Staff Audit

Per the staff's recommendation, the Board took no action against Biskupic for District Attorney General (102549) for the late filing of EB-3's (Special Report of Late Contributions).

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 Ballot Format Issues

This report was presented for information. The Board concurred with the ballot format recommendations made by the staff.

C. Report on Ballot Access for 17th Assembly District Special Election

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.

VI. Legislation

A. Legislative Status Report

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: THE ELECTIONS BOARD ADJOURN AND SCHEDULE THE JANUARY 14, 2004 MEETING IN BROOKFIELD. Motion by John Savage, second by Don Goldberg. Motion carried.

The Elections Board meeting adjourned at 1:57 p.m.

The next meeting of the State Elections Board has been scheduled for January 14, 2004 beginning at 10:00 am at the Brookfield City Hall, Common Council Chambers in Brookfield, Wisconsin.