

WISCONSIN STATE ELECTIONS BOARD
Brookfield City Hall, Common Council Chambers
2000 North Calhoun Road
Brookfield, Wisconsin
April 22, 2005
8:30 a.m.

Minutes

Board Members Present: John Savage, Patrick Hodan, Kirby Brant, Carl Holborn, Martha Love, John Schober, Shane Falk and Gordon Myse (by telephone)

Board Members Absent: Donald Goldberg.

Staff Members Present: Kevin Kennedy, George Dunst,

8:40 a.m. The meeting was called to order by Elections Board Chair John Schober.

I. Personal Appearances

1. **Jim Zahorik** appeared in support of his request for the State Elections Board to issue a formal opinion on the effect of filing a petition for direct legislation. Information relating to his appearance is set out at pages 87-123 of the Elections Board meeting materials.

9:05 a.m. Shane Falk arrived.

2. **J. Timothy Lovett** appeared on behalf of the City of Delafield in response to the request for the State Elections Board to issue a formal opinion on the effect of filing a petition for direct legislation. Information relating to his appearance is set out at pages 87-123 of the Elections Board meeting materials. Mr. Lovett distributed additional materials for the Board's consideration
3. **Michael R. Christopher** appeared on behalf of the City of Delafield in response to the request for the State Elections Board to issue a formal opinion on the effect of filing a petition for direct legislation. Information relating to his appearance is set out at pages 87-123 of the Elections Board meeting materials.

9:40 a.m. John Savage arrived.

4. **Tom Kelley** appeared in support of the request for the State Elections Board to issue a formal opinion on the effect of filing a petition for direct legislation. Information relating to his appearance is set out at pages 87-123 of the Elections Board meeting materials.

IV. Opinion Requests

**B. Request for Opinion Related to Filing of Petition for Direct Legislation In Delafield
Pp. 87 - 123**

MOTION: THE STATE ELECTIONS BOARD ISSUE A FORMAL OPINION THAT THE DATE OF FILING A PETITION FOR DIRECT LEGISLATION ESTABLISHES THE POINT IN TIME WHEN THE PROPOSED LEGISLATION AMENDS OR REPEALS EXISTING LEGISLATION. Motion by Gordon Myse and seconded by John Savage. The motion carried unanimously on a voice vote – Patrick Hodan abstained.

MOTION: THE STATE ELECTIONS BOARD MAKES NO FINDING ON WHETHER THE COMMON COUNCIL HAS THE AUTHORITY TO ACT IN THE SAME AREA ONCE A PETITION

FOR DIRECT LEGISLATION IS FILED. Motion by Gordon Myse and seconded by John Savage. The motion carried unanimously on a voice vote – Patrick Hodan abstained.

I. Personal Appearances (continued)

5. **Senator John Erpenbach** appeared on behalf of his personal campaign committee, John Erpenbach Senate Committee, in response to the proposed State Elections Board action related to the committee making a contribution in excess of the statutory limit. Information relating to his appearance is set out at pages 1-5 of the Elections Board meeting materials.
6. **Michael Maistelman** appeared on behalf of State Senate Democratic Committee in response to the proposed State Elections Board action related to the State Senate Democratic Committee accepting a contribution in excess of the statutory limit. Information relating to his appearance is set out at pages 1-5 of the Elections Board meeting materials.
7. **Jason Childress** appeared on behalf of State Senate Democratic Committee in response to the proposed State Elections Board action related to the State Senate Democratic Committee accepting a contribution in excess of the statutory limit. Information relating to his appearance is set out at pages 1-5 of the Elections Board meeting materials.

II. Investigations

A. Review of Campaign Finance Violations Pp. 1 – 5

MOTION: THE STATE ELECTIONS BOARD EXTEND A SETTLEMENT OFFER OF \$500 TO THE JOHN ERPENBACH SENATE COMMITTEE FOR EXCEEDING CAMPAIGN CONTRIBUTION LIMITS AND \$1100 TO THE STATE SENATE DEMOCRATIC COMMITTEE FOR ACCEPTING A CONTRIBUTION IN EXCESS OF CONTRIBUTION LIMITS AND DIRECT THE STATE SENATE DEMOCRATIC COMMITTEE TO RETURN THE EXCESS CONTRIBUTION TO THE JOHN ERPENBACH SENATE COMMITTEE WITHIN THIRTY DAYS. Motion by Shane Falk and seconded by Gordon Myse.

MOTION: AMEND THE MOTION THE STATE ELECTIONS BOARD EXTEND A SETTLEMENT OFFER OF \$1000 TO THE JOHN ERPENBACH SENATE COMMITTEE FOR EXCEEDING CAMPAIGN CONTRIBUTION LIMITS AND \$2200 TO THE STATE SENATE DEMOCRATIC COMMITTEE FOR ACCEPTING A CONTRIBUTION IN EXCESS OF CONTRIBUTION LIMITS AND DIRECT THE STATE SENATE DEMOCRATIC COMMITTEE TO RETURN THE EXCESS CONTRIBUTION TO THE JOHN ERPENBACH SENATE COMMITTEE WITHIN THIRTY DAYS. Motion by Gordon Myse and seconded by John Savage. Motion failed on a roll call vote.

ROLL CALL VOTE

Yes: Patrick Hodan, John Schober, John Savage, Gordon Myse
No: Martha Love, Shane Falk, Kirby Brant, Carl Holborn

The original motion carried on a roll call vote.

ROLL CALL VOTE

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

I. Personal Appearances (continued)

8. **Marcia Vandercook** appeared on behalf of the office of the Director of State Courts in support of its request for the State Elections Board to issue a formal opinion on the commencement of the term of a municipal judge. Information relating to her appearance is set out at pages 75-86 of the Elections Board meeting materials.
9. **Karla Baumgartner** appeared on behalf of the office of the Director of State Courts in support of its request for the State Elections Board to issue a formal opinion on the commencement of the term of a municipal judge. Information relating to her appearance is set out at pages 75-86 of the Elections Board meeting materials.

III. Opinion Requests

- A. **Request for Opinion Related to Commencement of Term of Ferryville Municipal Judge Pp. 75 – 86**

MOTION: THE STATE ELECTIONS BOARD ISSUE A FORMAL OPINION THAT THE TERM OF OFFICE FOR THE FERRYVILLE MUNICIPAL JUDGE COMMENCES FOLLOWING THE APRIL 2005 ELECTION. Motion by Gordon Myse and seconded by Shane Falk. The motion carried unanimously on a voice vote.

II. Investigations (continued)

- B. **Elections Board Compliance Review of the Town of Monticello, Lafayette County Failure to Hold a Town Election, EIBd Cpt. 2005- Pp. 6 - 10**

MOTION: IN THE EVENT THAT THE GOVERNOR'S EXECUTIVE ORDER IS CHALLENGED ,THE STATE ELECTIONS BOARD DELEGATE THE AUTHORITY TO ITS EXECUTIVE DIRECTOR TO ISSUE AN ORDER PURSUANT TO SECTION 5.06 WIS. STATS DIRECTING THE TOWN OF MONTICELLO TO CONDUCT THE ELECTION IT SHOULD HAVE HELD ON APRIL 5, 2005. Motion by Gordon Myse and seconded by Shane Falk. The motion carried unanimously on a voice vote.

I. Personal Appearances (continued)

10. **John Washburn** appeared to offer comments on the proposed State Election Administration Plan. Information relating to his appearance is set out at pages 11-47 of the Elections Board meeting materials.

III. Election Administration

- A. **Approval of Proposed State Election Administration Plan Pursuant to Section 5.05 (10), Wis. Stats. Pp. 11 - 47**

MOTION: THE STATE ELECTIONS BOARD ADOPT THE PROPOSED STATE ELECTION ADMINISTRATION PLAN. Motion by John Savage and seconded by Martha Love. The motion carried unanimously on a voice vote.

I. Personal Appearances (continued)

11. **Keith O. Fair** appeared to comment on the State Elections Board procedures for enabling voting rights for homeless citizens. Information relating to her appearance is set out at pages 48-74 of the Elections Board meeting materials.
12. **Michael Maistelman** appeared to comment on the State Elections Board procedures for enabling voting rights for homeless citizens. Information relating to her appearance is set out at pages 48-74 of the Elections Board meeting materials.
13. **Craig Oliver Sr.** appeared to comment on the State Elections Board procedures for enabling voting rights for homeless citizens. Information relating to her appearance is set out at pages 48-74 of the Elections Board meeting materials.

III. Election Administration

B. Review of State Elections Board Procedures for Enabling Voting Rights for Homeless Citizens Pp. 48 - 74

MOTION: THE STATE ELECTIONS BOARD APPROVE ITS CURRENT PROCEDURES FOR ENABLING VOTING RIGHTS FOR HOMELESS CITIZENS. Motion by John Savage and seconded by Martha Love. The motion carried unanimously on a voice vote.

VI. Agency Administration

A. Report of Executive Director

The Executive Director informed Board members of a request from the Assembly Committee on Campaigns and Elections to explain why the agency had not requested any funding from the Joint Committee on Finance to assist Green County with the transition from punch card voting as authorized by 2001 Wisconsin Act 16, Section 76ab. Board members directed the Executive Director to work with the Assembly Committee on Campaigns and Elections and the Joint Committee on Finance to secure a satisfactory resolution of the issue.

MOTION: THE STATE ELECTIONS BOARD ADJOURN. Motion by John Savage, seconded by Patrick Hodan. Motion carried.

11:30 a.m. The Elections Board adjourned.

The next meeting of the State Elections Board is scheduled for Wednesday, May 18, 2005 beginning at 10:00 a.m. The meeting will be held in the Common Council Chambers at the Brookfield City Hall, 2000 North Calhoun Road, Brookfield, Wisconsin.