

WISCONSIN STATE ELECTIONS BOARD
G.A.R. Memorial Hall, Room 417 North
State Capitol
Madison, Wisconsin
August 3, 2005
9:30 a.m.

Minutes

Members present: David Anstaett, Kirby Brant, Shane Falk, Carl Holborn, Sherwin Hughes, Robert Kasieta, John Savage, John Schober

Members absent: Patrick Hodan

Staff present: George Dunst, Barbara Hansen, Sharrie Hauge, Kevin Kennedy, Diane Lowe, Olivia Manke, Christy Martinson, Sutton Meagher, Richard Rasmussen and Kyle Richmond

9:40 a.m. The meeting was called to order by Elections Board Vice Chair Falk.

I. Election of Officers

Nominations for Chairman. Savage nominated Holborn. Brant nominated himself.

ROLL CALL VOTE:

For Holborn: Anstaett, Falk, Holborn, Hughes, Kasieta, Schober, Savage

For Brant: Brant

Holborn was elected chairman, 7-1.

Nominations for Vice Chairman. Falk nominated Kasieta. There were no other nominations. Kasieta was elected vice chairman by unanimous consent.

Nominations for Secretary. Falk nominated Brant. Brant declined. Falk then nominated Hodan. There were no other nominations. Hodan was elected secretary by unanimous consent.

II. Minutes of Previous Elections Board Meetings

A. May 18, June 7, and July 20 Elections Board meetings

MOTION: APPROVE MINUTES OF THE THREE PREVIOUS ELECTIONS BOARD MEETINGS. Moved by Falk, seconded by Savage. Motion carried.

Out-going Chairman Schober received an honorary gavel from the Board.

III. Personal Appearances

1. **Chuck Dinkel** appeared regarding agenda item VI. B. representing himself. Information relating to his appearance is set out at pages 89-94 of the Elections Board meeting materials for the August 3, 2005 meeting.

MOTION: TAKE AGENDA ITEM VI. B. OUT OF ORDER. Moved by John Savage, seconded by Falk. Motion carried

MOTION: EXTEND SETTLEMENT OFFER TO MR. DINKEL FOR \$1675, EXTENDED FOR 60 DAYS. Moved by Falk, seconded by Savage. Motion carried

2. **Jerome Gundersen** appeared regarding agenda item VI. B. representing himself. Information relating to his appearance is set out at pages 89-94 of the Elections Board meeting materials for the August 3, 2005 meeting.

MOTION: TAKE AGENDA ITEM VI. B. OUT OF ORDER. Moved by Savage, seconded by Falk. Motion carried

MOTION: REAFFIRM SETTLEMENT OFFER TO MR. GUNDERSEN FOR \$1000. Moved by Savage, seconded by Falk. Motion carried

3. **Scott Nelson and Vicky Ostry** appeared representing the Wauwatosa Republican Club regarding agenda item V. A. to request reconsideration of the settlement offer recommendation. Information relating to their appearance is set out at pages 39-47 of the Elections Board meeting materials of Aug. 3, 2005.

MOTION: TAKE AGENDA ITEM V. A. OUT OF ORDER. Moved by Savage, seconded by Falk. Motion carried.

MOTION: WAIVE THE SETTLEMENT OFFER OF \$375 TO THE WAUWATOSA REPUBLICAN CLUB. Moved by Savage, seconded by Brant. Motion carried.

ROLL CALL VOTE:

Yes: Brant, Falk, Kasieta, Savage, Schober
No: Anstaett, Holborn, Hughes

Motion passed, 5-3.

4. **Michael Maistelman and John Weishan, Jr.** appeared representing complainants regarding agenda item V. B.

John Hiller appeared representing respondents.

Information relating to their appearance is set out at pages 55-85 of the Elections Board meeting materials of Aug. 3, 2005.

MOTION: TAKE AGENDA ITEM V. B. OUT OF ORDER. Moved by Brant, seconded by Savage. Motion carried.

MOTION: TO DECLINE JURISDICTION IN THE COMPLAINT. Moved by Brant, seconded by Schober.

ROLL CALL VOTE:

Yes: Brant, Schober

No: Anstaett, Falk, Holborn, Hughes, Kasieta, Savage

Motion failed, 2-6.

MOTION: TO EXTEND SETTLEMENT OFFER OF \$.50 X 10,000
TELEPHONE CALLS, OR \$5,000, TO RESPONDENT. Moved by Falk,
seconded by Kasieta.

ROLL CALL VOTE:

Yes: Anstaett, Falk, Holborn, Hughes, Kasieta

No: Brant, Savage, Schober

Motion carried, 5-3.

11:25 a.m. The Chairman called a short recess.

11:37 a.m. The meeting was reconvened.

5. **John Washburn** appeared representing himself regarding agenda item IV. C. and advocating that Populex electronic voting equipment not be certified now.

David Henderson and **Paulette McDermott** appeared representing Populex regarding item IV. C. to present information about the electronic voting equipment.

12:35 p.m. The Board recessed for lunch during which Board members could test the Populex equipment.

1:12 p.m. The meeting was reconvened.

The Chairman took agenda item IV. C. out of order.

MOTION: TO ACCEPT STAFF RECOMMENDATION NOT TO APPROVE
POPULEX AS A VOTING EQUIPMENT VENDOR AT THIS TIME. Moved
by Falk, seconded by Savage. Motion carried.

V. **Investigations**

A. **Appeal of Settlement Offers for Violations Identified by Staff Audit**

MOTION: UPHOLD THE SETTLEMENT OFFER FOR THE SOUTHERN
LAKES UNITED EDUCATORS PAC. Moved by Anstaett, seconded by
Schober. Motion carried.

Action on settlement offer for Friends of Sheldon Wasserman was postponed until a Board meeting to be scheduled in Milwaukee.

VII. Administrative Rules

A. Proposed Administrative Rules Relating to Chief Inspector Training

MOTION: ADOPT PROPOSED RULE ON CHIEF INSPECTOR TRAINING.
Moved by Savage, seconded by Falk. Motion carried.

B. Proposed Administrative Rules Relating to Legibility of Disclaimers

MOTION: ADOPT PROPOSED RULE ON LEGIBILITY OF DISCLAIMERS.
Moved by Falk, seconded by Anstaett. Motion carried.

VIII. Agency Administration

MOTION: CONTINUE CURRENT PRACTICE OF BOARD MEMBERS CONTACT INFORMATION ON THE WEBSITE. Moved by Savage, seconded by Schober. Motion carried.

MOTION: ADJOURN THE ELECTIONS BOARD MEETING UNTIL THE NEXT MEETING SCHEDULED FOR MADISON. Moved by Savage, seconded by Falk.

MOTION: AMEND THE PREVIOUS MOTION TO HOLD THE NEXT MEETING IN BROOKFIELD UNLESS THERE IS VOTING EQUIPMENT TO REVIEW. Moved by Savage, seconded by Schober.

ROLL CALL VOTE:

Yes: Holborn, Hughes, Savage, Schober

No: Anstaett, Brant, Falk, Kasieta

Amendment failed.

ROLL CALL VOTE ON THE ORIGINAL MOTION:

Yes: Anstaett, Brant, Falk, Kasieta

No: Holborn, Hughes, Savage, Schober

Motion failed.

2:40 p.m. The Elections Board meeting adjourned.

The next meeting of the State Elections Board is scheduled for September 28, 2005.