

**WISCONSIN STATE ELECTIONS BOARD
Brookfield City Hall, Common Council Chambers
2000 North Calhoun Road
Brookfield, Wisconsin
November 30, 2005
9:30 a.m.**

Minutes

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

Staff present: George Dunst, Kris Frederick, Barbara Hansen, Sharrie Hauge, Ross Hein, Kevin Kennedy, Olivia Manke, and Kyle Richmond

9:44 a.m. The meeting was called to order by Elections Board Vice Chairperson Kasieta.

Kevin Kennedy introduced staff members of the campaign finance and elections teams present for the meeting.

I. Minutes of Previous Elections Board Meetings

MOTION: TO APPROVE MINUTES OF THE SEPTEMBER 28, 2005, ELECTIONS BOARD MEETING. Moved by Savage, seconded by Brant. Motion carried.

II. Personal Appearances

1. **Assemblyman Sheldon Wasserman** and **David Halbrooks** appeared regarding agenda item III. B. representing The Friends of Sheldon Wasserman Committee (ID#103149). Information relating to their appearance is set out on pages 18-22 of the Elections Board meeting materials for the November 30, 2005 meeting. Mr. Wasserman informed the Board that his campaign had recently acquired new software for tracking campaign finance transactions.

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

MOTION: REMIT SETTLEMENT OFFER FOR EXCEEDING THE 45% CUMULATIVE CONTRIBUTION LIMIT FOR THE 2004 CAMPAIGN PERIOD AND TAKE NO ACTION. Moved by Brant, seconded by Falk. Motion carried.

2. **Heidi Holstad** appeared regarding agenda item IV.A. representing AFT Wisconsin. Information relating to her appearance is set out on pages 39-43 of the Elections Board meeting materials for the November 30, 2005 meeting. Ms. Holstad asked questions concerning the role of additional state employees in administering SVRS.
3. **Dan Bachhuber** appeared regarding agenda item III.A. representing Friends of Peg Lautenschlager (ID#101765). Information relating to his appearance is set out on pages 6-17 of the Elections Board meeting materials for the November 30, 2005 meeting.

Hearing no objections, the Vice Chair took the item out of order.

MOTION: EXTEND A SETTLEMENT OFFER OF \$400 TO THE FRIENDS OF PEG LAUTENSCHLAGER COMMITTEE (#101765) FOR FAILURE TO FILE REPORTS OF LATE CONTRIBUTIONS (FORM EB-3). Moved by Falk, seconded by Savage. Motion carried.

4. **Mike Wittenwyler** appeared regarding agenda item V. B. representing the Association of Wisconsin Lobbyists. Information relating to his appearance is set out on pages 87-102 of the Elections Board meeting materials for the November 30, 2005 meeting.

Hearing no objections, the Vice Chair took the item out of order.

MOTION: DIRECT STAFF TO REWRITE OPINION TO DRAW DISTINCTION BETWEEN PAC AND CONDUIT FUNDRAISING EVENTS IN CONTRAST WITH EVENTS CONDUCTED BY CANDIDATES AND POLITICAL PARTIES. THE REVISED OPINION SHOULD ALSO INCLUDE A DISCUSSION ON THE IMPACT OF REIMBURSING ATTENDEES FOR ATTENDANCE COSTS SUCH AS SALARY, MEALS AND MILEAGE. Moved by Savage, seconded by Falk. Motion carried.

5. **John Washburn** appeared regarding voting equipment and agenda item IV. F. representing himself. Information relating to his appearance is set out on pages 62-72 of the Elections Board meeting materials for the November 30, 2005 meeting.

Also answering questions during this personal appearance were **Frank Wiebe** representing AccuPoll, **Steve Pearson** representing ES&S, and **Jay Bennett** representing Diebold.

12:38 p.m. The Board recessed for lunch.

1:20 p.m. The Board resumed with the agenda.

6. **Paul Malischke** appeared regarding voting equipment and agenda item IV. F. representing Fair Elections Wisconsin. Information relating to his appearance is set out on pages 62-72 of the Elections Board meeting materials for the November 30, 2005 meeting.
7. **Mara Zimmerman** appeared regarding voting equipment and agenda item IV. F. representing Fair Elections Wisconsin. Information relating to her appearance is set out on pages 62-72 of the Elections Board meeting materials for the November 30, 2005 meeting. She recommended that the State Elections Board hire its own independent expert to review voting equipment.

1:36 p.m. Chairperson Holborn arrived.

8. **Larry Zins** and **Lee Storbeck** appeared regarding voting equipment and agenda item IV. E. representing Command Central/Sequoia Voting Systems. Information

relating to their appearance is set out on pages 60-61 of the Elections Board meeting materials for the November 30, 2005 meeting.

9. **Anthony Boldin** appeared regarding voting equipment and agenda item IV. E. representing Voting Technologies International. Information relating to his appearance is set out on pages 60-61 of the Elections Board meeting materials for the November 30, 2005 meeting.
10. **Ellen Theisen** appeared regarding voting equipment and agenda item IV. E. representing Vote-PAD. Information relating to her appearance is set out on pages 60-61 of the Elections Board meeting materials for the November 30, 2005 meeting.
11. **Waukesha County Clerk Kathy Nickolaus** appeared regarding voting equipment and agenda item IV. E. representing herself. Information relating to her appearance is set out on pages 60-61 of the Elections Board meeting materials for the November 30, 2005 meeting.

MOTION: TAKE UP ITEM IV. C. Moved by Savage, seconded by Holborn. Motion carried.

IV. Election Administration

C. Request for Listing of PO Box Instead of Home Address on Judicial Nomination Papers

MOTION: APPROVE REQUEST FOR LISTING OF PO BOXES INSTEAD OF HOME ADDRESSES ON JUDICIAL NOMINATION PAPERS. Moved by Savage, seconded by Holborn. Motion carried.

Hearing no objections, the Vice Chair then took item IV. F. out of order.

IV. Election Administration

F. Approval of Electronic Voting Equipment

MOTION: APPROVE ACCU-POLL ELECTRONIC VOTING EQUIPMENT AND DENY APPROVAL FOR DIEBOLD AND ES&S. Moved by Falk, seconded by Savage. Motion carried. The staff was directed to resolve the following issues with respect to the Diebold and ES & S applications:

1. Determine what reports were missing from the Diebold application materials.
2. Determine why the Diebold application contain a date that conflicts with the date of the NASED qualification number.
3. Complete retesting of the ES & S AutoMark and determine what is being submitted for approval by ES & S.

MOTION: APPROVE ES&S ELECTION MANAGEMENT SOFTWARE VERSION 2.4.3 SUBJECT TO 1) COMPLETION OF FUNCTIONALITY TESTING BY THE STATE AND 2) WRITTEN GUARANTEE TO CLERKS

THAT THE SOFTWARE WOULD INTERFACE WITH OLD ES&S EQUIPMENT. Moved by Falk, seconded by Hughes. Motion withdrawn.

MOTION: POSTPONE ALL OTHER AGENDA ITEMS EXCEPT ITEMS III. A. AND IX. UNTIL JANUARY 2006 ELECTIONS BOARD MEETING. Moved by Savage, seconded by Hughes. Motion carried.

III. Investigations

A. Review of Staff Audit Findings for 2002 Statewide Candidates

MOTION: EXTEND SETTLEMENT OFFERS TO CANDIDATES FOR FAILING TO FILE OR LATE FILING REPORTS OF LATE CONTRIBUTIONS (FORM EB-3) IN THE AMOUNT OF \$100 PLUS 10% OF THE AMOUNT NOT REPORTED. IF AN UN-FILED OR LATE REPORT REFLECTED CONTRIBUTIONS FROM THE CANDIDATE, THEN NO SETTLEMENT OFFER FOR THAT REPORT Moved by Falk, seconded by Savage. Motion carried.

MOTION: WAIVE ALL PROPOSED SETTLEMENT OFFERS PERTAINING TO CASH BALANCE DISCREPANCIES. Moved by Hughes, seconded by Savage. The motion carried on a roll call vote:

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

MOTION: TAKE NO ACTION PERTAINING TO MISSING OCCUPATION INFORMATION. Moved by Savage, seconded by Brant. The motion carried on a roll call vote:

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

IX. Legislation

A. Proposed Election and Campaign Finance Related Legislation

B. Legislative Status Report

These reports were received for information. No action was taken by the Board.

VII. Administrative Rules

B. Proposed Administrative Rules on Election Observer Conduct Pp. 130 - 131

Hearing no objections, the Vice Chair then asked staff to begin working on an administrative rule regarding election observer conduct.

MOTION: TO HOLD THE JANUARY STATE ELECTIONS BOARD MEETING IN BROOKFIELD. Moved by Hodan, seconded by Schober. Motion carried.

MOTION: TO ADJOURN THE MEETING. Moved by Hodan, seconded by Falk. Motion carried.

4:45 p.m. The Elections Board meeting adjourned.

The next meeting of the State Elections Board is scheduled for January 18, 2006 in the Common Council Chambers at Brookfield City Hall, Brookfield Wisconsin.