

WISCONSIN STATE ELECTIONS BOARD
Brookfield City Hall, Common Council Chambers
2000 North Calhoun Road
Brookfield, Wisconsin
May 17, 2006
9:30 a.m.

Minutes

Members present: David Anstaett, Jacob Burns, Kerry Dwyer, Patrick Hodan, Carl Holborn, Sherwin Hughes, Bob Kasieta, John Savage, John Schober

Members absent: None.

Staff present: George Dunst, Kris Frederick, Barbara Hansen, Sharrie Hauge, Kevin Kennedy, Kyle Richmond

9:38 a.m. The meeting was called to order by Elections Board Chairperson Holborn.

I. Minutes of Previous Elections Board Meetings

- A. March 22, 2006 Elections Board meeting
- B. April 26, 2006 Elections Board meeting

MOTION: APPROVE MINUTES OF APRIL 26, 2006, AND MARCH 22, 2006 MEETINGS WITH THE FOLLOWING CORRECTIONS: KERRY DWYER AND BOB KASIETA, PRESENT; SHANE FALK, NOT PRESENT. Motion by Savage, seconded by Dwyer. Motion carried.

II. Personal Appearances

- 1. **Barry Ashenfelter** appeared regarding agenda item IX. A. (Report of Executive Director) representing Wisconsin Voter Lists. Information related to his appearance is set out on pages 335-336 of the Elections Board meeting materials for the May 17, 2006, meeting.
- 2. **Sandy Morganstein** appeared regarding agenda item IV. C. (Approval of Electronic Voting Equipment) representing Populex Corporation. Information related to his appearance is set out on pages 157-167 of the Elections Board meeting materials for the May 17, 2006, meeting.

Without objection, the Chair took agenda item IV. C. out of order.

MOTION: APPROVE POPULEX DIGITAL PAPER BALLOT VERSION 2.3 AND RELATED SYSTEM COMPONENTS. THIS APPROVAL IS CONTINGENT UPON THE SUBMISSION OF THE FINAL INDEPENDENT TESTING AGENCY (ITA) REPORTS TO THE WISCONSIN STATE ELECTIONS BOARD AND THE ASSIGNMENT OF A SYSTEM IDENTIFICATION NUMBER BY THE NATIONAL ASSOCIATION OF STATE ELECTION DIRECTORS (NASED). Motion by Savage, seconded by Hodan. Motion carried.

3. **Virginia Borman** appeared regarding agenda item III. C. (Appeal of Settlement Offers for Violations Identified by Staff Audit) representing the Wisconsin Greens Party. Information related to her appearance is set out on pages 101-123 of the Elections Board meeting materials for the May 17, 2006, meeting.

Without objection, the Chair took agenda item III. C. out of order.

MOTION: WAIVE SETTLEMENT OFFER EXTENDED TO WISCONSIN GREEN PARTY DUE TO EXTENUATING CIRCUMSTANCES. Motion by Kasieta, seconded by Burns. Motion carried.

4. **Bill Benning** and **Anthony Boldin** appeared regarding agenda item IV. C. (Approval of Electronic Voting Equipment) representing Voting Technologies International. Information related to their appearance is set out on pages 157-167 of the Elections Board meeting materials for the May 17, 2006, meeting.

Without objection, the Chair took agenda item IV. C. out of order.

Mr. Schober arrived.

The Board viewed a demonstration of the VTI electronic voting equipment.

MOTION: APPROVE VOTING TECHNOLOGIES INTERNATIONAL ELECTRONIC VOTING EQUIPMENT CONTINGENT UPON RECEIVING THE NATIONAL ASSOCIATION OF STATE ELECTION DIRECTORS (NASED) NUMBER AND PROCEDURES COVERING BALLOT RECOUNTS. Motion by Savage. Motion failed for lack of a second.

MOTION: DENY APPROVAL FOR VOTING TECHNOLOGIES INTERNATIONAL ELECTRONIC VOTING EQUIPMENT BASED ON STAFF RECOMMENDATIONS. Motion by Dwyer, seconded by Hughes.

Mr. Burns moved to amend the motion, but withdrew his amendment.

Ms. Dwyer and Mr. Hughes withdrew their motion.

Voting Technologies International withdrew its application for voting equipment approval.

5. **Michael Maistelman** and **Mike Murphy** appeared regarding agenda item IV. B. (Treatment of Driver's License Issues and Election Day Registration) representing the Democratic Party of Wisconsin. Information related to their appearance is set out on pages 129-156 of the Elections Board meeting materials for the May 17, 2006, meeting.

Additional materials received from Congressman Mark Green and Attorney Maistelman were distributed to Board members.

12:00 noon The Chair called a 30-minute break for lunch.

12:33 p.m. The Chair reconvened the meeting.

Without objection, the Chair took agenda item IV. B out of order.

MOTION: FOR THE PURPOSES OF SAME-DAY VOTER REGISTRATION, THE WISCONSIN DRIVER'S LICENSE NUMBER, WISCONSIN-ISSUED IDENTIFICATION CARD NUMBER OR THE LAST FOUR DIGITS OF THE SOCIAL SECURITY NUMBER SHALL BE ACCEPTED INTERCHANGABLY FROM THE REGISTRANT. IF THE VOTER HAS NOT BEEN ISSUED A WISCONSIN DRIVER'S LICENSE, A WISCONSIN IDENTIFICATION CARD OR A SOCIAL SECURITY NUMBER, THE REGISTRANT SHALL SO ATTEST ON THE VOTER REGISTRATION FORM. Motion by Hughes, seconded by Anstaett.

Roll-call vote:	Anstaett:	Aye	Burns:	Aye
	Dwyer:	Aye	Hodan:	No
	Holborn:	Aye	Hughes:	Aye
	Kasieta:	Aye	Savage:	No
	Schober:	No		

Motion carried, 6-3.

III. Investigations

C. Appeal of Settlement Offers

MOTION: RESCIND SETTLEMENT OFFER TO SIEFERT FOR JUDGE COMMITTEE (104423) AND DISMISS MATTER. Motion by Savage, seconded by Burns. Motion carried.

The Board took no other action concerning settlement offer appeals.

IV. Election Administration

A. Report on Statewide Voter Registration System

Report was received for information. No action was taken by the Board.

D. Voting Equipment Approval Status Report

Report was received for information. No action was taken by the Board.

E. Draft Proposed Electronic Voting System Security Measures

Report was received for information. No action was taken by the Board.

G. Use of Vote-PAD with Optical Scan Tabulating Equipment

Report was received for information. No action was taken by the Board.

H. Election Administration Report

Report was received for information. No action was taken by the Board.

F. Use of AutoMARK with non-ES&S Optical Scan Tabulating Equipment

The Board took no action.

I. Process for Enforcement of Accessible Polling Place and Voting Equipment Compliance

MOTION: GIVE EXECUTIVE DIRECTOR AUTHORITY TO ISSUE COMPLIANCE ORDERS AND COMMENCE ENFORCEMENT ACTIONS AGAINST NON-COMPLIANT MUNICIPALITIES. Moved by Savage, seconded by Anstaett. Motion carried.

V. Campaign Finance Administration

A. Report of Campaign Finance and Agency Operations Director

Report was received for information. No action was taken by the Board.

B. Staff Report on Collection of Settlement Offers

Report was received for information. No action was taken by the Board.

VI. Administrative Rules

A. Proposed Administrative Rules on Voter Registration Issues

Report was received for information. No action was taken by the Board.

VII. Litigation

A. Report of Legal Counsel

Report was received for information. No action was taken by the Board.

B. Closed Session to Confer with Legal Counsel Concerning Litigation Strategy Pursuant to S. 19.85 (1)(g), Wis. Stats.

Discussion postponed until the next Elections Board meeting.

VIII. Legislation

A. Legislative Status Report

Report was received for information. The Board also was advised that an advisory referendum on the death penalty will be added to the November general election ballot.

B. Enacted Campaign Finance and Election Administration Provisions

Report was received for information. No action was taken by the Board.

IX. Agency Administration

A. Report of the Executive Director

Report was received for information. No action was taken by the Board.

MOTION: TO HOLD THE ANNUAL BALLOT ACCESS MEETING IN MADISON IN JULY, AND ANY SPECIAL MEETING OF THE BOARD BETWEEN NOW AND JULY BE HELD IN BROOKFIELD. Motion by Savage, seconded by Schober. Motion carried.

MOTION: ADJOURN THE MEETING. Motion by Savage, seconded by Dwyer. Motion carried.

2:00 p.m. The State Elections Board meeting adjourned.

The next meeting of the State Elections Board is scheduled for July 19, 2006, beginning at 9:30 a.m. in G.A.R Memorial Hall, Room 417 North in the State Capitol Building located on the Capital Square, in Madison, Wisconsin.