

**WISCONSIN STATE ELECTIONS BOARD  
G.A.R. Memorial Hall, Room 417 North  
State Capitol Building  
Madison, Wisconsin  
July 19, 2006  
9:30 a.m.**

**Minutes**

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

**Members absent:** Bob Kasieta

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

**9:45 a.m.** The meeting was called to order by Elections Board Chairperson Holborn.

**I. Election of Officers**

Kerry Dwyer nominated John Savage as chairperson, Sherwin Hughes as vice chairperson, and John Schober as secretary. Sherwin Hughes nominated Kerry Dwyer as vice chairperson. There were no other nominations.

Hearing no further nominations, Chairman Holborn declared nominations closed and Mr. Savage elected chairperson and Mr. Schober elected secretary.

Sherwin Hughes withdrew his nomination for vice chairperson. Hearing no further nominations, Chairman Holborn declared nominations closed and Kerry Dwyer elected vice chairperson. Mr. Holborn then passed the gavel to Chairman Savage.

**II. Recognition of State Elections Board Partners**

Chairman Savage, Executive Director Kevin Kennedy and SVRS Director Barbara Hansen presented recognition plaques to people and organizations who contributed to the creation of the SVRS public service announcement about voter registration in Wisconsin:

- Rob Hagger, President, Hagger Audio Productions
- Valerie Hesslink, Video Editor, Charter Media
- John Laabs and Michelle Vetterkind, Wisconsin Broadcasters Association
- Winnie Losenegger, Town of Primrose Clerk (Dane County)
- Tim Pederson, National Sales Manager, Charter Media
- Richard A. Zillman, President, Zillman Advertising

**III. Minutes of Previous Elections Board Meetings**

MOTION: TO APPROVE MINUTES OF THE MAY 17, JUNE 23 AND JULY 5, 2006, ELECTIONS BOARD MEETINGS. Motion by Anstaett, second by Holborn. Motion carried.

#### IV. Personal Appearances

**Jon D. Seifert** and a **U.S. Postal Service representative** appeared regarding agenda item V. A. Information relating to their appearance is set out on page 22 of the Elections Board meeting materials for the July 19, 2006 meeting.

MOTION: TO TAKE AGENDA ITEM V. A. OUT OF ORDER. Motion by Schober, second by Dwyer. Motion carried.

MOTION: TO PLACE MR. SEIFERT'S NAME ON THE BALLOT. Motion by Holborn, second by Burns. Motion carried.

#### IV. Personal Appearances (continued)

**Rick Wiley** appeared on behalf of the Republican Party of Wisconsin, **Michael Maistelman** appeared on behalf of the Democratic Party of Wisconsin, and **Tom Stafford** appeared on behalf of the University of Wisconsin System regarding agenda item V. C. Information relating to their appearance is set out on pages 37-49 of the Elections Board meeting materials for the July 19, 2006 meeting.

Hearing no objections, the Chairman took up the agenda item out of order.

MOTION: TO DISMISS THE COMPLAINT. Motion by Holborn, second by Dwyer.

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

Motion failed, 4-4.

MOTION: TO DISMISS THE COMPLAINT ON THE BASIS THAT THE UNIVERSITY HAD CORRECTED THE SITUATION. Motion by Anstaett, second by Hughes. Motion carried.

#### IV. Personal Appearances (continued)

**Joey White** appeared on behalf of the Paul R. Nelson for Congress, Paul R. Nelson and himself, and **Michael Maistelman** appeared on behalf of Wanda Brown, regarding agenda item V. D. Information relating to their appearance is set out on pages 50-59 of the Elections Board meeting materials for the July 19, 2006 meeting.

Hearing no objections, the Chairman took up the agenda item out of order.

MOTION: TO DISMISS THE COMPLAINT. Motion by Anstaett, second by Schober.

Motion carried.

#### IV. Personal Appearances (continued)

**Jo Ellen Storz, David Halbrooks** representing **Jo Ellen Storz, Representative Samantha Kerkman** and **Representative Mark Gundrum** appeared regarding agenda item V. B. Information relating to their appearance is set out on pages 24-36 of the Elections Board meeting materials for the July 19, 2006 meeting.

Hearing no objections, the Chairman took up the agenda item out of order.

MOTION: TO ACCEPT THE SIGNATURE, ITEM 12 OF THE COMPLAINT. Motion by Dwyer, second by Burns. Motion carried.

MOTION: TO ACCEPT THE SIGNATURE, ITEM 16 OF THE COMPLAINT. Motion by Holborn, second by Hughes. Motion carried.

MOTION: TO ACCEPT THE SIGNATURE, ITEM 34 OF THE COMPLAINT. Motion by Dwyer, second by Burns. Motion carried.

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

Motion failed, 4-4.

MOTION: TO ACCEPT THE SIGNATURE, ITEM 38 OF THE COMPLAINT. Moved by Dwyer, seconded by Hodan. Motion carried.

The Chairman tabled this item while calculations continued.

#### IV. Personal Appearances (continued)

**Karen Anderson** and **Jill Latham**, representing the Republican Party of Wisconsin, appeared regarding agenda item V. B. Information relating to their appearance is set out on pages 24-36 of the Elections Board meeting materials for the July 19, 2006 meeting.

Hearing no objections, the Chairman took up the agenda item out of order.

MOTION: TO DISMISS THE COMPLAINT WITH RESPECT TO ISSUE #1. Motion by Dwyer, second by Burns. Motion carried.

MOTION: TO DISMISS THE COMPLAINT WITH RESPECT TO ISSUE #2. Motion by Anstaett, second by Holborn. Motion carried.

MOTION: TO DISMISS THE COMPLAINT AS A WHOLE. Motion by Hughes, second by Schober. Motion carried.

Elections Board staff informed the Board that the complaint of Herr against Hall was withdrawn.

Hearing no objection, the Chair took up agenda item V. E. out of order.

## V. Investigations

### E. Latham Complaint Against State Senate Democratic Committee et al. relating to Use of Campaign Funds for a Non-Political Purpose

**Rick Wiley** appeared on behalf of the Republican Party of Wisconsin, **Michael Maistelman** appeared on behalf of the Democratic Party of Wisconsin. Information relating to their appearance is set out on pages 60-82 of the Elections Board meeting materials for the July 19, 2006 meeting.

The complaint was withdrawn by the complainant.

## VIII. Election Administration

### C. Approval of Electronic Voting Equipment

**Michael Maistelman** appeared on behalf of Voting Technologies International, **Jamie Feuerhelm** appeared on behalf of Pierce County, and **Donna Berling** appeared on behalf of Voting Technologies International (VTI), regarding agenda item VIII. C. Information relating to their appearance is set out on pages 105-116 of the Elections Board meeting materials for the July 19, 2006 meeting.

MOTION: TO APPROVE THE VTI APPLICATION CONTINGENT UPON RECEIPT OF A NASED NUMBER. Moved by Hughes, seconded by Schober.

MOTION: TO AMEND THE PRIOR MOTION TO MAKE APPROVAL APPLY ONLY TO MUNICIPALITIES WITH POPULATIONS OF 30,000 OR LESS. Moved by Burns. Motion failed for lack of a second.

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

Motion passed, 5-2-1.

**12:24 p.m.** The Board recessed for lunch.

**12:45 p.m.** The Board reconvened.

The Board removed from the table the challenge to the nomination papers of Jo Ellen Storz.

MOTION: TO DENY BALLOT STATUS TO MS. STORZ BASED ON LACK OF SUFFICIENT SIGNATURES. Moved by Dwyer, seconded by Schober. Motion carried.

MOTION: TO TAKE ITEM VI. A. OUT OF ORDER. Moved by Anstaett, seconded by Schober. Motion carried.

## **VI. Administrative Rules**

The Chair took up item VI. B. while waiting on staff consultation with a Department of Justice attorney.

### **B. Proposed Administrative Rules Relating to Voter Registration**

**Michael Quieto**, **Andrea Kaminsky** on behalf of the Wisconsin League of Women Voters, and **Beverly Speer** on behalf of the Wisconsin Democracy Campaign, appeared regarding agenda item VI. B. Information relating to their appearance is set out on pages 86-93 of the Elections Board meeting materials for the July 19, 2006 meeting.

MOTION: TO POSTPONE ACTION ON ITEM VI. B. Moved by Dwyer, seconded by Burns. Motion carried

### **A. Proposed Emergency Rules Relating to Failure to List A Driver's License Number on An Election Day Voter Registration Application**

MOTION: TO APPROVE THE SECOND STAFF-PROPOSED EMERGENCY RULE RELATING TO FAILURE TO LIST A DRIVER'S LICENSE NUMBER ON AN ELECTION DAY VOTER REGISTRATION APPLICATION WITH THE FOLLOWING PROVISIONS:

- THAT AN APPLICANT WITH A SUSPENDED OR REVOKED DRIVER'S LICENSE MAY NOT HAVE THAT LICENSE COUNTED AS "CURRENT AND VALID";
- THAT AN APPLICANT WITH A STATE ISSUED IDENTIFICATION MAY PROVIDE EITHER THE STATE ISSUED IDENTIFICATION NUMBER OR THE LAST 4 DIGITS OF THE APPLICANT'S SOCIAL SECURITY NUMBER; AND
- FOR AN APPLICANT WHO CASTS A PROVISIONAL BALLOT, LOCAL ELECTIONS OFFICIALS MAY COLLECT THE DRIVER'S LICENSE NUMBER THE NEXT DAY BY E-MAIL, TELEPHONE, FAX OR IN PERSON.  
Motion by Anstaett, second by Holborn.

MOTION: TO REPLACE THE WORD "PROVISIONAL" WITH "CHALLENGED" IN THE ORIGINAL MOTION. Motion by Burns. Motion failed for lack of a second.

Original motion carried.

**2:00 p.m.** Mr. Anstaett left the meeting.

## **V. Investigations (continued)**

### **B. Challenges to Nomination Papers**

**Representative Leon Young** and **David Halbrooks** appeared on behalf of Mr. Young, and **Andrew Parker** on behalf of himself, regarding agenda item V. B. Information relating to their appearance is set out on pages 24-36 of the Elections Board meeting materials for the July 19, 2006 meeting.

MOTION: TO LIMIT CONSIDERATION TO THE ORIGINAL COMPLAINT. Motion by Dwyer, second by Hughes. Motion carried.

MOTION: TO DISMISS THE COMPLAINT. Motion by Burns, second by Hughes.

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

Motion carried, 4-3.

## **VI. Administrative Rules**

### **C. Proposed Administrative Rules Relating to Establishing a Fee for Copies of the Statewide Voter Registration List or Portion of the List**

**Joel Gratz** appeared regarding agenda item VI. C. Information relating to his appearance is set out on pages 94-97 of the Elections Board meeting materials for the July 19, 2006 meeting.

The Board took no action.

## **VI. Investigations (continued)**

### **A. Staff Report on Ballot Access Issues for the Fall Elections**

MOTION: APPROVE LIST OF CANDIDATES CERTIFIED FOR PLACEMENT ON THE BALLOT WITH STAFF AMENDMENTS. Motion by Holborn, second by Hodan. Motion carried.

## **VII. Litigation**

### **A. Report of Legal Counsel**

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

## **VIII. Election Administration**

### **A. Report on Statewide Voter Registration System**

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

**B. Election Administration Report**

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

**IX. 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. Proposed Change to Settlement Offer Schedule Establishing An Amount for Use of Government Resources for a Political Purpose**

The Board directed staff to bring this matter back at a future meeting.

**X. Agency Administration**

**A. Report of Executive Director**

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

MOTION: ADJOURN. Moved by Holborn, seconded by Dwyer. Motion carried.

**3:35 p.m.** The State Elections Board meeting adjourned.

The next meeting of the State Elections Board is scheduled for August 30, 2006 in the Brookfield City Council Chambers, 2000 North Calhoun Road, Brookfield, Wisconsin.