

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

**Minutes**

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

**Members absent:** David Anstaett

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

**9:32 a.m.** The meeting was called to order by Elections Board Chairperson Savage.

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

MOTION: TO APPROVE MINUTES OF THE JULY 19, 2006, ELECTIONS BOARD MEETING. Motion by Schober, second by Hodan. Motion carried.

**II. Personal Appearances**

**Jack Voight**, State Treasurer, appeared regarding agenda item VI. D. Information relating to his appearance is set out on pages 174-177 of the Elections Board meeting materials for the August 30, 2006 meeting.

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

**MOTION: TO ALLOW CANDIDATE TO REINSTATE HIS GRANT APPLICATION.** Motion by Schober, second by Kasieta. Motion carried.

**Beverly Speer** appeared on behalf of the Wisconsin Democracy Campaign regarding agenda item IV. A. Information relating to her appearance is set out on pages 63-83 of the Elections Board meeting materials for the August 30, 2006 meeting. Written testimony was distributed to Board members.

**Don Millis** appeared on behalf of the Green for Wisconsin campaign regarding agenda item IV. A. Information relating to his appearance is set out on pages 63-83 of the Elections Board meeting materials for the August 30, 2006 meeting.

**10:05 a.m.** Mr. Burns arrived.

**Pamela Porter** appeared on behalf of Voter Action Wisconsin regarding agenda item V. D. Information relating to her appearance is set out on pages 124-160 of the Elections Board meeting materials for the August 30, 2006 meeting.

**Bill Cording**, Village of Newburg Clerk, appeared regarding agenda item V. D. Information relating to his appearance is set out on pages 124-160 of the Elections Board

meeting materials for the August 30, 2006 meeting. Elections Director Kris Frederick distributed a related letter from the Brennan Center for Justice to the Board.

**Paul Malischke** appeared on behalf of Fair Elections Wisconsin regarding agenda item V. D. Information relating to his appearance is set out on pages 124-160 of the Elections Board meeting materials for the August 30, 2006 meeting.

**John Washburn** appeared regarding agenda item V. D. Information relating to his appearance is set out on pages 124-160 of the Elections Board meeting materials for the August 30, 2006 meeting. Written testimony was distributed to Board members.

**11:00 a.m.** The Chair asked for a 10 minute recess.

**11:10 a.m.** The Chair reconvened the meeting.

Hearing no objections, the Chair took up agenda item IV. A. out of order.

Mr. Hodan recused himself from participation due to his law partnership with Mr. Millis.

MOTION: TO ORDER THE GREEN FOR WISCONSIN COMMITTEE TO WITHIN 10 DAYS OF THIS DATE DIVEST ITSELF OF ALL AMOUNTS RECEIVED FROM PACS THAT WERE NOT REGISTERED IN WISCONSIN IN COMPLIANCE WITH APPLICABLE LAW, INCLUDING BUT NOT LIMITED TO CHAPTER 11 OF STATE STATUTES AND EMERGENCY RULE 1.395. Moved by Kasieta, second by Holborn.

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

Motion passed, 5-2-1.

MOTION: WITH RESPECT TO THE PREVIOUS MOTION, THE FACTS ALLEGED IN THE WISCONSIN DEMOCRACY CAMPAIGN'S FILINGS WITH THE BOARD ARE ACCEPTED AS TRUE AND CORRECT AND THE AMOUNT TO BE DIVESTED IS \$467,844.60. Moved by Holborn, second by Hughes.

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

Motion passed, 5-2-1.

MOTION: TO ORDER THE GREEN FOR WISCONSIN COMMITTEE TO DIVEST ITSELF OF ALL PAC MONEY RECEIVED IN EXCESS OF THE PAC LIMIT OF \$485,190 INCLUDING AMOUNTS RECEIVED FROM HIS FEDERAL CAMPAIGN FUND, AS SUCH AMOUNTS ARE IN VIOLATION OF EMERGENCY RULE 1.395,

CHAPTER 11 OF WISCONSIN STATUTES, AND OTHER APPLICABLE  
WISCONSIN LAW. Moved by Dwyer, second by Burns.

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

Motion passed, 5-2-1.

MOTION: DIRECT THE EXECUTIVE DIRECTOR TO RETAIN COUNSEL IN  
ANTICIPATION OF A LAWSUIT FILED BY THE GREEN FOR WISCONSIN  
COMMITTEE REGARDING THE ISSUE OF DIVESTMENT OF CAMPAIGN  
FUNDS. Moved by Holborn, second by Dwyer.

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

Motion passed, 5-2-1.

**12:08 p.m.** The Board recessed for lunch.

**12:25 p.m.** The Board reconvened.

Hearing no objections, the Chair took up section V., Election Administration, out of order.

**V. Election Administration**

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

Report was received for information. No action was taken by the Board. SVRS Project Director Barbara Hansen told the Board she would send a copy of DOA Secretary Bablitch's letter to the Elections Board to Board members.

**B. Election Administration Report**

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

**C. Status Report on Accessible Polling Place and Voting Equipment Compliance**

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

**D. Proposed Electronic Voting System Audit Procedures**

The Executive Director distributed to Board members a proposed motion on audit procedures submitted by Mr. Malischke.

MOTION: ADOPT VOTING EQUIPMENT AUDIT PROCEDURES WITH REVISED PROCEDURES PROVIDED BY MR. MALISCHKE, EXCEPT WHERE IT REQUIRES COUNTY BOARDS OF CANVASS "SHALL" SHOULD BE REPLACED WITH "MAY," FOR USE WITH VOTING SYSTEMS AS DEFINED IN SECTIONS 5.02 (4m) OR 5.02 (24w) WIS. STATS. THE BOARD DIRECTS STAFF TO INCORPORATE THE AUDIT PROCEDURES INTO THE ADMINISTRATIVE CODE. Moved by Holborn, second by Hodan. Motion carried.

### **III. Investigations**

#### **A. Individuals Identified as Exceeding the \$10,000 Annual Limit on Political Contributions**

MOTION: DIRECT MR. CONNELLY TO RETURN \$200 TO THE COMMON SCHOOL FUND. Moved by Dwyer, second by Holborn. Motion carried.

MOTION: ACCEPT STAFF RECOMMENDATION CONCERNING RICHARD BLOMQUIST, AND INSTRUCT THE INDIVIDUAL TO DONATE THE EXCESS TO THE COMMON SCHOOL FUND. Moved by Holborn, second by Hughes. Motion carried.

MOTION: DISMISS THE COMPLAINT CONCERNING KENT CAPERTON. Moved by Holborn, second by Burns. Motion carried.

MOTION: ACCEPT STAFF RECOMMENDATION CONCERNING GEORGE DALTON, AND INSTRUCT THE INDIVIDUAL TO DONATE THE EXCESS TO THE COMMON SCHOOL FUND. Moved by Holborn, second by Hughes. Motion carried.

MOTION: DISMISS THE COMPLAINT CONCERNING GEORGE GIALAMAS. Moved by Holborn, second by Burns. Motion carried.

The Chair tabled action on the complaint against Gregg Steinberg until the next Elections Board meeting at which Mr. Steinberg's attorney can attend.

MOTION: DISMISS THE COMPLAINTS CONCERNING GORDON FAULKNER, DONALD LONG, BEVERLY GREENBERG, TERRANCE WALL AND MARK IRGENS. Moved by Holborn, second by Dwyer. Motion carried.

MOTION: EXTEND SETTLEMENT OFFER OF \$270 TO MARK BRADLEY, AND INSTRUCT THE INDIVIDUAL TO DONATE THE EXCESS TO THE COMMON SCHOOL FUND. Moved by Holborn, second by Dwyer. Motion carried.

MOTION: INSTRUCT STAFF TO SEND A LETTER TO THE WISCONSIN DEMOCRACY CAMPAIGN OUTLINING ELECTIONS BOARD PROCEDURES IN DEALING WITH ENFORCEMENT ACTIONS ON CAMPAIGN FINANCE. Moved by Holborn, second by Hodan. Motion carried.

MOTION: THAT THE AMOUNT THAT CAUSED THE DONOR TO GO OVER THE LIMIT BE RETURNED OR GIVEN TO THE COMMON SCHOOL FUND BY THE RECIPIENT. Moved by Holborn, second by Hughes. Motion carried.

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

Hearing no objections, the Chair postponed action on the settlement offer appeal of the Pierce County Republican Party until the Board's October 4 meeting.

MOTION: AFFIRM THE SETTLEMENT OFFER FOR CITIZENS FOR GRITTON FOR JUDGE. Moved by Holborn, second by Hodan. Motion carried.

**IV. Administrative Rules**

**B. Proposed Administrative Rules on Voter Registration Administration**

MOTION: ADOPT STAFF RECOMMENDATIONS, ADDING CONTACT LANGUAGE TO SECTION 3.04 SIMILAR TO THAT IN SECTION 3.03, AND DELETE SECTION 3.11(3). Moved by Dwyer, seconded by Burns. Motion carried.

**C. Proposed Administrative Rules Relating to Establishing a Fee for Statewide Voter List Data**

MOTION: TO ADOPT STAFF RECOMMENDATION FOR A STATEWIDE VOTER REGISTRATION SYSTEM DATA PRICING STRUCTURE AT 50 PERCENT, TO BE REEVALUATED AT THE AUGUST 2007 ELECTIONS BOARD MEETING: Motion by Holborn, second by Dwyer. Motion carried.

**VI. 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.

**C. Wisconsin Election Campaign Fund Summary**

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.

## **VIII. Agency Administration**

### **A. Report on Proposed 2007-2009 Agency Budget**

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

### **B. Report of Executive Director**

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

MOTION: TO HOLD THE OCTOBER 4, 2006, STATE ELECTIONS BOARD MEETING IN MADISON. Moved by Burns, second by Hughes.

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

Motion failed, 5-3.

MOTION: TO HOLD THE OCTOBER 4, 2006, STATE ELECTIONS BOARD MEETING IN BROOKFIELD. Moved by Dwyer, second by Schober. Motion carried.

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

**3:00 p.m.** The State Elections Board meeting adjourned.

The next meeting of the State Elections Board is scheduled for October 4, 2006 in the Brookfield City Council Chambers, 2000 North Calhoun Road, Brookfield, Wisconsin.