

WISCONSIN STATE ELECTIONS BOARD
Brookfield City Hall, Common Council Chambers
2000 North Calhoun Road
Brookfield, Wisconsin
June 23, 2006
9:00 a.m.

Minutes

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

Members absent: John Savage

Staff present: George Dunst, Kris Frederick, Barbara Hansen, Kevin Kennedy

9:15 a.m. The meeting was called to order by Elections Board Chairperson Holborn.

I. Personal Appearances

1. **Bob Ohlsen.** Mr. Ohlsen is the Dane County Clerk. He appeared regarding agenda item III. E. (Proposed Electronic Voting System Audit Procedures). Information related to his appearance is set out on pages 74-80 of the Elections Board meeting materials for the June 23, 2006, meeting.
2. **Marie Bieber.** Ms. Bieber is the Waukesha City Clerk. She appeared regarding agenda item III. E. (Proposed Electronic Voting System Audit Procedures). Information related to her appearance is set out on pages 74-80 of the Elections Board meeting materials for the June 23, 2006, meeting.
3. **Brenda Jascewski.** Ms. Jascewski is the Washington County Clerk. She appeared regarding agenda item III. E. (Proposed Electronic Voting System Audit Procedures). Information related to her appearance is set out on pages 74-80 of the Elections Board meeting materials for the June 23, 2006, meeting.
4. **Bill Cording.** Mr. Cording is the Village of Newburg clerk. He appeared regarding agenda item III. E. (Proposed Electronic Voting System Audit Procedures). Information related to his appearance is set out on pages 74-80 of the Elections Board meeting materials for the June 23, 2006, meeting.
5. **Kathy Nickolaus.** Ms. Nickolaus is the Waukesha County Clerk. She urged the State Elections Board to establish “drop dead” dates for not implementing voting equipment or the SVRS. She suggested if the local election officials do not have enough time to become acquainted with the new technology, it is better delaying implementation until later.
6. **Paul Malischke.** Mr. Malischke appeared on behalf of Fair Elections Wisconsin regarding agenda item III. E. (Proposed Electronic Voting System Audit Procedures). Information related to his appearance is set out on pages 74-80 of the Elections Board meeting materials for the June 23, 2006, meeting.

Without objection, the Chair directed agenda item III. E. (Proposed Electronic Voting System Audit Procedures) be set over to the August 30, 2006 State Elections Board meeting.

7. & 8. **Anthony Boldin** and **Gary Parish** appeared regarding agenda item III. C. 1. (Approval of Electronic Voting Equipment) representing Voting Technologies International. Information related to their appearance is set out on pages 50-62 of the Elections Board meeting materials for the June 23, 2006, meeting.

Without objection, the Chair took agenda item III. C. 1. out of order.

III. Election Administration

C. Approval of Electronic Voting Equipment

1. Voting Technologies International

MOTION: THE STATE ELECTIONS BOARD GRANTS CONTINGENT APPROVAL TO VOTING TECHNOLOGIES INTERNATIONAL, FIRMWARE RELEASE VERSION 5.0.4.1 AND RELATED SYSTEM COMPONENTS. THE APPROVAL DOES NO INCLUDE THE SCANTRON ABSENTEE SCANNER v.1.0.4e. THIS APPROVAL IS CONTINGENT UPON THE SUBMISSION OF FINAL INDEPENDENT TESTING AUTHORITY (ITA) REPORTS TO THE WISCONSIN STATE ELECTIONS BOARD AND THE ASSIGNMENT OF A SYSTEM IDENTIFICATION M NUMBER BY THE NATIONAL ASSOCIATION OF STATE ELECTION DIRECTORS (NASED). Motion by Schober, second by Hodan.

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

Motion failed 5-3.

9. & 10. **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 1 -39 of the Elections Board meeting materials for the June 23, 2006, meeting.

II. Litigation

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

MOTION: THE STATE ELECTIONS BOARD MOVE INTO CLOSED SESSION PURSUANT TO SECTION 19.85 (1)(G), WIS. STATS., TO CONFER WITH LEGAL COUNSEL CONCERNING LITIGATION STRATEGY. Motion by Anstaett, seconded by Hughes.

Roll-call vote:	Anstaett:	Aye	Burns:	Aye
	Dwyer:	Aye	Hodan:	Aye
	Holborn:	Aye	Hughes:	Aye
	Kasieta:	Aye	Schober:	Aye

Motion carried unanimously.

11:05 am The State Elections Board convened in closed session.

12:25 pm Bob Kasieta left the meeting.

MOTION: THE STATE ELECTIONS BOARD RETURN TO OPEN SESSION.
Motion by Hughes, seconded by Burns.

Roll-call vote:	Anstaett:	Aye	Burns:	Aye
	Dwyer:	Aye	Hodan:	Aye
	Holborn:	Aye	Hughes:	Aye
	Schober:	Aye		

Motion carried unanimously.

12:30 pm The State Elections Board returned to open session.

Without objection, the Chairman directed the State Elections Board recess for lunch.

12:50 pm The State Elections Board resumed business.

II. Litigation

A. Treatment of Driver's License Issues and Election Day Registration

MOTION: INSTRUCT THE STATE ELECTIONS BOARD STAFF TO WORK WITH THE UNITED STATES DEPARTMENT OF JUSTICE (US DOJ) AND THE LEGISLATIVE JOINT COMMITTEE FOR THE REVIEW OF ADMINISTRATIVE RULES (JCRAR) TO FIND A MUTUALLY ACCEPTABLE RESOLUTION THAT ACCOMMODATES THE STATE ELECTIONS BOARD'S CONCERN THAT AN UNDULY RESTRICTIVE INTERPRETATION OF HAVA WILL DISENFRANCHISE OTHERWISE ELIGIBLE VOTERS WHO ATTEMPT TO REGISTER TO VOTE ON ELECTION DAY. Motion by Anstaett, seconded by Dwyer.

Note: the maker and second agreed to substitute the term "unduly restrictive" for the term "erroneous" in the initial motion.

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

Motion carried, 5-2.

MOTION: THE MAY 17, 2006 RESOLUTION OF THE STATE ELECTIONS BOARD WAS NOT INTENDED TO APPLY TO AN UNREGISTERED VOTER WHO SEEKS TO REGISTER AT THE POLLING PLACE ON ELECTION DAY AND WILLFULLY REFUSES TO LIST A DRIVER'S LICENSE NUMBER ON THE REGISTRATION FORM EVEN THOUGH SAID NUMBER IS AVAILABLE TO THAT PERSON AT THE POLLING PLACE. Motion by Anstaett, second by Burns.

Motion withdrawn.

1:10 pm Patrick Hodan left the meeting.

III. Election Administration

C. Approval of Electronic Voting Equipment

2. Diebold Election Systems

11. **Donna Serwas** appeared on behalf of Diebold Election Systems. Information related to her appearance is set out at page 66 of the Elections Board meeting materials for the June 23, 2006, meeting.

MOTION: APPROVE DIEBOLD ELECTION SYSTEMS AccuVote-TSX MODEL D TOUCH SCREEN UNIT FOR USE IN WISCONSIN. THIS MODEL IS ONLY APPROVED FOR USE WITH THE DIEBOLD ELECTRONIC VOTING SYSTEM APPROVED ON MARCH 22, 2006, WHICH INCLUDES THE AccuVote-TSX DRE TOUCH SCREEN AND AccuView PRINTER MODULE WITH FIRMWARE VERSION 4.6.3, THE AccuVote-OS (MODEL D) OPTICAL SCAN WITH FIRMWARE VERSION 1.96.6 AND THE GLOBAL ELECTIONS MANAGEMENT SYSTEM (GEMS) SOFTWARE VERSION 1.18.24. Motion by Sherwin Hughes and second by Kerry Dwyer.

Motion carried.

D. Proposed Electronic Voting System Security Procedures

MOTION: APPROVE THE RECOMMENDED SECURITY PROCEDURES FOR ELECTRONIC VOTING SYSTEMS FOR USE BY ALL MUNICIPALITIES THAT USE AN ELECTRONIC VOTING MACHINE OR ELECTRONIC VOTING SYSTEMS AS DEFINED IN SECTION 5.02 (4m), WIS. STATS. DIRECT STAFF TO INCORPORATE THE SECURITY PROCEDURES INTO THE ADMINISTRATIVE CODE Motion by David Anstaett and second by Sherwin Hughes.

Motion carried.

E. Proposed Electronic Voting System Audit Procedures

Without objection, this item was set over to the August 30, 2006 State Elections Board meeting.

A. Proposed Changes to Contract with Accenture to Develop Statewide Voter Registration System (SVRS)

12. **Kathy Nickolaus.** Ms. Nickolaus is the Waukesha County Clerk. She appeared to share comments on her experiences with SVRS.

This matter was set aside to enable staff to set up a meeting with the agency's contract attorney who works for the Department of Administration and Elections Board members to discuss the contract terms and how they relate to the requested change orders.

2:10 p.m. Kerry Dwyer left the meeting.

B. Proposed Changes to Contract with Deloitte Consulting for Project Management of the SVRS Project

MOTION: AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO AN EXTENSION OF THE PROJECT MANAGEMENT CONTRACT WITH DELOITTE CONSULTING, LLP THROUGH DECEMBER 31, 2006 AT A COST NOT EXCEED \$1 MILLION. Motion by John Schober and second by David Anstaett.

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

Motion carried, 3-2.

F. Report of Statewide Voter Registration System Project Director

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

G. Report of Election Director and HAVA Coordinator

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

IV. Agency Administration

A. Report of the Executive Director

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

MOTION: TO ADJOURN THE STATE ELECTIONS BOARD MEETING. Motion by John Schober , seconded by Sherwin Hughes. Motion carried.

2:55 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.