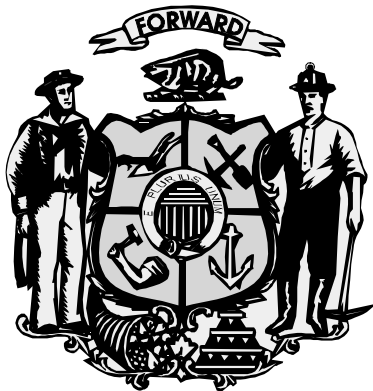


2013-2015  
Biennial Report  
of the  
**Wisconsin  
Government  
Accountability  
Board**



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**Performance Report**

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## Letter from the Director and General Counsel

The past two years at the Wisconsin Government Accountability Board (G.A.B.) have been both challenging and successful. The six-member, non-partisan panel of former judges and staff have worked tirelessly under legislative scrutiny to continue Wisconsin's tradition of clean and open government through the administration of elections and ethics laws throughout the state. As the 2013-2015 Biennium commenced, the G.A.B. began preparing for the 2014 election cycle.

The G.A.B. continues to experience an unprecedented amount of work and challenges relating to both policy and logistics. Numerous policy and law changes have affected the agency in the past two years. The Voter Photo Identification Law increased our workload and our need to reach out to our partners and the public, but was quickly put on hold again by the courts. The agency benefitted from two comprehensive audits conducted by the Legislative Audit Bureau which provided the agency management team with a blueprint for continuing improvement. The Government Accountability Board has been recognized for its outstanding work by several groups. This recognition includes a top national ranking by the Pew Elections Performance Index, an award from Google for the agency's delivery of online information to voters and acknowledgement of the G.A.B.'s continued service to persons with disabilities by Disability Rights Wisconsin.

Since 2013, the G.A.B. has made major improvements to our Eye on Lobbying website, made major improvements to the ways in which we communicate with our local election official partners, launched a new voter information website, improved the voter registration process, implemented redistricting maps, and conducted hundreds of accessibility surveys at polling places across the state. This does not include the daily requirements of the agency such as regularly scheduled elections, monitoring disclosure and compliance of campaign finance, public official's financial interests and lobbying within the state.

The 2015-2017 Biennium will undoubtedly bring more substantive challenges and achievements for the Government Accountability Board. As the biennium closed, Voter ID had been reinstated by the U.S Supreme Court. A complete modernization of the Statewide Voter Registration System is nearing completion and it will be renamed WisVote. Three significant pieces of legislation will likely shape the agency structure and program responsibilities. In addition to a long overdue rewrite of campaign finance regulation, the legislation includes enabling election officials to use technology for online voter registration and electronic poll books as well as a proposed split of the agency into two separate commissions.

The Board Members and agency staff are proud of the agency's continued high level of performance. I hope the following pages help you understand the charge and the challenges to Wisconsin's agency governing campaign finance, elections, ethics and lobbying.



Kevin J. Kennedy  
Director and General Counsel

# Government Accountability Board Overview

## Agency Description

The Wisconsin Government Accountability Board (G.A.B.) is responsible for the administration and enforcement of campaign finance, elections, ethics and lobbying laws. It is comprised of six non-partisan members, each of whom must have formerly been elected to and served as a judge of a court of record in Wisconsin. Members are appointed to six-year terms by the Governor from nominations submitted by the Government Accountability Candidate Committee, which consists of four current Court of Appeals judges, one from each appellate district, who are selected randomly by the Supreme Court Chief Justice.

The non-partisan agency staff is headed by the Director and General Counsel, who also serves as the state's chief election officer. The agency is organized into two divisions: Elections, and Ethics and Accountability, along with the Office of the Director and General Counsel.

In other states, elections and ethics are administered by elected or appointed partisan officials, or by bipartisan boards. The G.A.B. is unique to the United States, in that both the Board members may not hold another state or local public office (except as reserve judge), engage in partisan political activities, become a candidate for state or local elected office, make political contributions, or be a lobbyist or employed by a person who employs a lobbyist. They also have limitations on political activities and certain types of contributions both during and 12 months prior to a member's term. Board staff members must also be nonpartisan.

## Mission

The mission of the G.A.B. is to enhance representative democracy by ensuring the integrity of the electoral process and to further Wisconsin's tradition of clean and open government through its administration and enforcement of Wisconsin's elections and ethics codes, campaign finance and lobbying laws, and dissemination of information to the public.

## History

The Wisconsin Legislature established the G.A.B. in January 2007 through bipartisan passage of 2007 Wisconsin Act 1. Act 1 also abolished the former State Elections Board and State Ethics Board and merged the staffs within the new agency, with the exception of their executive directors.

In accordance with statutes, the Government Accountability Board Candidate Committee was chosen and it sent the names of 12 candidates to Governor Jim Doyle, who appointed the six original members on June 6, 2007. All members were confirmed by either the State Senate or the State Assembly.

## Original G.A.B. Members

Name	City	Term Expiration Date
The Honorable Michael Brennan	Marshfield	May 1, 2014
The Honorable Thomas Cane	Wausau	May 1, 2013
The Honorable David Deininger	Monroe	May 1, 2009 <sup>1</sup>
The Honorable William Eich	Madison	May 1, 2010
The Honorable James Mohr	Eagle River	May 1, 2011 <sup>1</sup>
The Honorable Gerald Nichol	Madison	May 1, 2012

<sup>1</sup> Judges Deininger and Mohr both resigned in April 2008 after it was discovered that even though they were no longer in office, their judicial term of office had not yet expired, which is a statutory requirement.

The original six G.A.B. members met for the first time on August 23, 2007, and after a nationwide search hired a Director and General Counsel, Kevin J. Kennedy, executive director of the Wisconsin State Elections Board, on November 5, 2007. On January 10, 2008, the G.A.B. staff was officially merged and began work as a new agency. During its first year, the Board began a statutorily-required review of formal opinions, administrative rules, guidance and internal operating procedures during which the Board could reaffirm them or allow them to expire. In January 2009, the agency consolidated its offices on the Third Floor of 212 East Washington Avenue, Madison.

The G.A.B.'s first full biennium (July 2009 to June 2011) was a period of transition in which the agency continued to establish itself as a unified agency in dealing with its customers, the Legislature and the public. While the agency had completed its required review of administrative rules, in the previous Biennium, there were numerous legal issues regarding new rules on campaign finance. The agency also embarked on an ambitious five-year election administration plan and a study of early voting procedures. Finally, in early 2011 the Board and its staff began dealing with the first wave of State Senate recall elections and a statewide recount in the election for Supreme Court Justice.

The G.A.B.'s second biennium (July 2011 to June 2013) included a period of turmoil in state government precipitated by efforts to recall Governor Scott Walker, Lt. Governor Rebecca Kleefisch and four State Senators in 2012. Petitioners filed nearly 2 million signatures with the Board in January 2012, requiring establishment of an off-site facility for regular staff and temporary workers to process the petitions. The agency implemented voter photo ID for the low-turnout Spring Primary in February 2012, but courts struck down the law in March 2012. The Governor, Lt. Governor and three Senators survived the recall on June 5, 2012. Wisconsin held its 2012 Partisan Primary in August instead of September to comply with the federal Military and Overseas Voter Empowerment Act. The first six months of 2013 included Board review of voting equipment testing standards, new procedures for voting in nursing homes, and addressing clerks' workload concerns.

## Board Operations

The six members of the G.A.B serve six-year, staggered terms, so a new member is appointed each year. The Board typically holds six regular meetings each year, plus an organizational teleconference meeting in January during which the Board chair is chosen by lot, as required by statute. The vice chair and secretary for that year are also chosen by lot. The Board holds special meetings as needed.

Meetings of the Board are open to the public as required by the Open Meetings Law. At Board meetings, there is a four-vote minimum needed to pass any motion. In addition to acting on matters proposed by

staff, the Board also sets aside time to hear testimony from members of the public on agenda items and other general concerns.

By statute, the Board is required to consider the following matters in closed session:

- Deliberating on requests for advice under the Code of Ethics for Public Officials and Employees, lobbying law, and campaign finance law
- Investigating possible violations of the Code of Ethics for Public Officials and Employees, lobbying law, and campaign finance law
- Conferring with counsel concerning pending litigation, and
- Considering the performance evaluation data of a public employee over which it exercises responsibility.

Between Board meetings, the Director consults regularly with the Board Chair on day-to-day operations and on matters outlined in its annual Delegation of Certain Authority to the Director and General Counsel. Board Members receive regular communications from the staff about news affecting the agency and upcoming issues. At its organizational meetings in both 2014 and 2015, the Board required greater consultation by the Director before taking certain actions and it lowered the threshold for signing of contracts without Board approval.

### Board Members Serving During the 2013-2015 Biennium

Name	City	Term Expiration Date
The Honorable Michael Brennan	Marshfield	May 1, 2014
The Honorable Thomas H. Barland <sup>1,6</sup>	Eau Claire	May 1, 2015
The Honorable David G. Deininger <sup>4</sup>	Monroe	November 4, 2013
The Honorable Timothy L. Vocke <sup>2</sup>	Rhineland	May 1, 2017
The Honorable Gerald C. Nichol <sup>3</sup>	Madison	May 1, 2018
The Honorable Harold Froehlich <sup>5</sup>	Appleton	May 1, 2016
The Honorable Elsa Lamelas	Shorewood	May 1, 2019
The Honorable John Franke	Shorewood	May 1, 2020

<sup>1</sup> Board Chair in 2013

<sup>2</sup> Board Chair in 2014

<sup>3</sup> Board Chair in 2015

<sup>4</sup> Judge Deininger’s appointment was withdrawn by the Governor in November 2013.

<sup>5</sup> Judge Froehlich was appointed in November 2013 to fill the unexpired term of Judge Deininger.

<sup>6</sup> Judge Barland continued to serve after May 2015 absent an appointment of a new Board Member by Governor Walker.

## Legislative Audit Bureau Reports

The Legislative Audit Bureau (LAB) issued two reports based on audits conducted during the biennium.

Report 14-14 (<http://legis.wisconsin.gov/lab/reports/14-14full.pdf>) was issued in December 2014, covered FY 2009-2010 through FY 2013-2014, and examined the overall operations of the Board, with the exception

of some statutorily confidential information regarding complaints and investigations. The Board and staff embraced the audit as an important management tool, and responded swiftly to LAB's recommendations. In April 2015, the Board reported it had corrected all the problems that LAB identified, answered the questions LAB raised, and addressed the issues LAB identified that would require changes in policy and state statutes. ([http://legis.wisconsin.gov/lab/reports/follow-up/14-14\\_GAB.pdf](http://legis.wisconsin.gov/lab/reports/follow-up/14-14_GAB.pdf))

After LAB reported it was unable to examine certain records of complaints and investigations, the Legislature amended statutes to permit the examination. Report 15-13 (<http://legis.wisconsin.gov/lab/reports/15-13full.pdf>) was issued in August 2015, covered the period of FY 2010-2011 through FY 2013-14, and examined the Board's handling of complaints and investigations. The report found no major issues and made two recommendations, which the Board embraced.

In neither report did LAB make any recommendations for structural changes to the Government Accountability Board.

# Board Action Summary 2013 - 2015

## August 12, 2013 – Regular Board Meeting

### *Actions:*

- Conditionally Approved Elections Systems & Software (ES&S) Unity 3401 Voting Equipment
- Authorized Continued Staff Evaluation of the Prime III Voting System
- Received Report on Voting Accessibility for Persons with Disabilities and Elderly Voters
- Approved Final Version of Proposed Chapter GAB 4
- Approved Scope Statements for Administrative Rules GAB 3/12, GAB 5, GAB 6.03/9.03, and GAB 20/21
- Approved Staff Interpretation of Supreme Court Rule Regarding Attorney Disclosures on Statement of Economic Interest
- Approved 2014 Government Accountability Board Meeting Schedule
- Closed Session

Full meeting materials: <http://gab.wi.gov/about/meetings/2013/august>

## October 2, 2013 – Special Board Meeting

### *Action:*

- Considered Nominating Petition Challenge to independent candidate in Assembly District 69 Special Election
- Closed Session

Full meeting materials: <http://www.gab.wi.gov/about/meetings/2013/special-teleconference-october-2>

## October 22, 2013 – Regular Board Meeting

### *Actions:*

- Reaffirmed Approval Conditions for ES&S Unity 3400 and 3401 Systems
- Approved Dominion Voting Systems Ballot Station 4.6.4D and Memory Card Device for the AccuVote-OS
- Approved Staff Interpretation of Election Inspector Nomination Statute
- Closed Session

Full meeting materials: <http://www.gab.wi.gov/about/meetings/2013/october>



## **December 17, 2013 – Regular Board Meeting**

### *Actions:*

- Accepted 2008-2012 Voting Equipment Audit Report
- Heard Interim Report on Use of Electronic Poll Books
- Approved Proposed Administrative Rule GAB 5
- Closed Session

*Full meeting materials:* <http://gab.wi.gov/about/meetings/2013/december>

## **January 14, 2014 – Regular Board Meeting (Teleconference)**

### *Actions:*

- Selected Board Officers
- Delegated Certain Authority to the Director and General Counsel
- Approved Ballot Access Report
- Closed Session

*Full meeting materials:* <http://gab.wi.gov/about/meetings/2014/january>

## **February 25, 2014 – Special Board Meeting**

### *Action:*

- Approved Prime III Voting Pilot Program
- Closed Session

*Full meeting materials:* <http://www.gab.wi.gov/about/meetings/2014/special-teleconference-february-25>

## **March 19, 2014 – Regular Board Meeting**

### *Actions:*

- Declined to Authorize Further Study of Electronic Poll Books
- Discussed Alternative Campaign Fundraising Approaches
- Adopted Board Per Diem Policy
- Closed Session

*Full meeting materials:* <http://www.gab.wi.gov/about/meetings/2014/march>

## **April 17, 2014 – Special Board Meeting**

### *Actions:*

- Approved Nomination Paper Sufficiency Standards

- Received Legislative Status Report
- Closed Session

Full meeting materials: <http://gab.vi.gov/about/meetings/2014/april-special>

## **May 21, 2014 – Regular Board Meeting**

*Actions:*

- Accepted Staff Report on Prime III Pilot
- Approved ES&S 3401 Unity Voting System
- Approved Proposed Guidance on Lobbyists Furnishing
- Approved Opinion on Scheduling Referenda
- Closed Session

Full meeting materials: <http://gab.vi.gov/about/meetings/2014/may>

## **June 10, 2014 – Regular Board Meeting**

*Actions:*

- Approved 17 staff recommendations to grant and deny ballot access to candidates for the Partisan Primary
- Approved three staff recommendations on compliance review appeals.
- Approved staff report on ballot access issues.
- Adopted campaign finance guidelines for lobbyists furnishing
- Approved per-diem payments for meeting preparations
- Closed Session

Full meeting materials: <http://gab.vi.gov/about/meetings/2014/june>

## **July 21, 2014 – Regular Board Meeting**

*Actions:*

- Selected Board Secretary
- Approved Changes to GAB Chapter 4, Election Observers
- Set New Date for August Meeting
- Closed Session

Full meeting materials: <http://gab.vi.gov/about/meetings/2012/august>

## **August 11, 2014 – Special Meeting**

### *Actions:*

- Closed Session

*Meeting notice:* <http://gab.wi.gov/about/meetings/2014/august-teleconference>

## **September 4, 2014 – Regular Board Meeting**

### *Actions:*

- Approved ES&S Request for Approval of EVA 5200 and 5300 Systems
- Approved Decision Items for 2015-2017 Agency Budget
- Deferred Action on Requests for Statement of Economic Interests Disclosure Waiver
- Closed Session

*Full meeting materials:* <http://gab.wi.gov/about/meetings/2014/september>

## **September 19, 2014 – Special Board Meeting**

### *Actions:*

- Closed Session

*Full meeting materials:* <http://gab.wi.gov/about/meetings/2014/september-19-special-teleconference>

## **October 28, 2014 – Regular Board Meeting**

### *Actions:*

- Accepted Award from Wisconsin National Guard
- Approved Advice Regarding Stale Conduit Funds
- Denied Request to Use Common Law Rule in Determining Age to Vote
- Approved Nomination Paper Standard for Printed Name
- Discussed Statement of Economic Interests Disclosure Waiver
- Approved Post-Election Audit Procedures
- Closed Session

*Full meeting materials:* <http://gab.wi.gov/about/meetings/2014/october>

## **December 16, 2014 – Regular Board Meeting**

### *Actions:*

- Directed Staff Response to LAB Audit Report
- Approved Ballot Format for Spring 2015 Election

- Approved Statement of Economic Interests Disclosure Waiver Standards
- Approved Two Disclosure Waivers, Denied One Waiver
- Discussed Rewriting Chapter 11, Wis. Stats
- Approved Revised 2015 Meeting Schedule
- Approved Per Diem Payments for December Board Meeting
- Accepted Director's Reports
- Closed Session

Full meeting materials: <http://gab.wi.gov/about/meetings/2014/december>

## **January 13, 2015 – Regular Board Meeting (Teleconference)**

*Actions:*

- Selected new Board Officers
- Delegated specific statutory authority to Director and General Counsel
- Approved Ethics Guidance for Poll Workers
- Approved Ballot Access Report
- Approved Administrative Rule Scope Statements
- Approved Resolution to Legislature Regarding Campaign Finance Law
- Approved Ethics & Lobbying Legislative Agenda
- Closed Session

Full meeting materials: <http://gab.wi.gov/about/meetings/2015/january>

## **January 21, 2015 – Special Board Meeting**

*Actions:*

- Closed Session

Meeting notice: <http://www.gab.wi.gov/about/meetings/2015/january-21-special-teleconference>

## **March 4-5, 2015 – Regular Board Meeting**

*Actions:*

- Accepted Report on Post-Election Audit of Voting Equipment
- Approved Recommendations from LAB Audit
- Directed Drafting to Letter to Joint Committee on Finance
- Approved Process for Appointing EAC Standards Board Representatives
- Amended Delegation of Certain Duties to Director and General Counsel
- Closed Session

Full meeting materials: <http://www.gab.wi.gov/about/meetings/2015/march>

## **March 13, 2015 – Special Board Meeting**

### *Actions:*

- Closed Session

*Meeting notice:* <http://www.gab.wi.gov/about/meetings/2015/march-13-special>

## **March 25, 2015 – Special Board Meeting**

### *Actions:*

- Approved New Settlement Offer Schedule for Campaign Finance Violations
- Closed Session

*Full meeting materials:* <http://www.gab.wi.gov/about/meetings/2015/march-25-special>

## **April 10, 2015 – Special Teleconference Meeting**

### *Actions:*

- Reviewed Draft Report to Joint Legislative Audit Committee on Compliance with LAB Recommendations
- Directed staff to schedule approval of the scope statement for GAB Ch. 10 for the Board's meeting April 29, 2015
- Closed Session

*Full meeting materials:* <http://www.gab.wi.gov/about/meetings/2015/april-10-special>

## **April 29, 2015 – Regular Board Meeting**

### *Actions:*

- Approved Canvass of Spring 2015 Election
- Issued Decision in G.A.B. Case 2015 EL-8
- Approved Elections Division Legislative Agenda
- Approved Certain Expenditures for Voter ID Implementation
- Approved Policy on SVRS Treatment of Voters Adjudicated Incompetent
- Approved Policy on Electronic Voting Equipment Engineering Change Orders
- Approved Drafting of Administrative Rules Scope Statements
- Approved SVRS-Related Contracts
- Approved Lobbying Forfeiture Settlement Schedule – 15-Day Reporting
- Approved Guideline on Capitol Tours and Use of State Flag
- Closed Session

Full meeting materials: <http://www.gab.wi.gov/about/meetings/2015/april>

## **June 18, 2015 – Regular Board Meeting**

*Actions:*

- Approved Certification of Dominion Voting Equipment
- Approved Request for Attorney General’s Opinion
- Approved Advice Regarding Municipal Court Withdrawal and Proof of Residence
- Approved Drafting of Administrative Rule Scope Statements
- Approved IT-Related Contracts

Full meeting materials: <http://www.gab.wi.gov/about/meetings/2015/june>

# Performance and Operation

## Performance Measures: 2013 and 2014 Goals and Actuals

Performance Measure	Goal 2013	Actual 2013	Goal 2014	Actual 2014
Monitor the number of contacts the public makes.	100,000	475,000	130,000	1,012,000
Monitor public satisfaction with the G.A.B. through the agency's complaint system.	100	125	12	25
Consult with local elections partners to determine voter satisfaction with Wisconsin's electoral processes.	4 consultations	5 consultations	3 consultations	5 consultations
Maintain data and records on the number of educational outreach activities, training and technical assistance provided to local elections partners and the general public.	75 activities	104 activities	220 activities	85activities
Number of contacts relating to requests for campaign finance information by Web site hits to campaign finance section.	25,000 contacts	87,000 contacts	50,000 contacts	100,000 contacts

**Performance Measures: 2013 and 2014 Goals and Actuals (continued)**

<b>Performance Measure</b>	<b>Goal 2013</b>	<b>Actual 2013</b>	<b>Goal 2014</b>	<b>Actual 2014</b>
Customer satisfaction.	Oral and written communications indicate lobbying organizations and officials will be satisfied with reporting mechanisms.	Comments from lobbyists and lobbying organizations have been uniformly positive.	Oral and written communications indicate lobbying organizations and officials will be satisfied with reporting mechanisms.	Comments from lobbyists and lobbying organizations have been uniformly positive.
Customer usage.	Web site usage among legislators, executive branch and citizens will remain high	Web site hits continue to demonstrate high usage (300,000+ page views).	Web site usage among legislators, executive branch and citizens will remain high	Web site hits continue to demonstrate high usage (300,000+ page views).
Impact.	The number and depth of publicity, analysis and commentary on information related to lobbying and financial interests of state officials will remain high	The G.A.B. is constantly in the news.	The number and depth of publicity, analysis and commentary on information related to lobbying and financial interests of state officials will remain high	The G.A.B. is constantly in the news.

Note: Based on fiscal year.



## 2015, 2016 and 2017 Goals

Performance Measure	Goal 2015	Goal 2016	Goal 2017
Monitor the number of contacts the public makes to G.A.B.	750,000	750,000	750,000
Monitor public satisfaction through media coverage through agency's complaint system.	550	250	550
Maintain data and records on the number of educational outreach activities, training and technical assistance provided to local elections partners and the general public.	90 activities	75 activities	90 activities
Number of contacts relating to requests for campaign finance information by Web site hits to campaign finance section.	80,000 contacts	80,000 contacts	80,000 contacts
Customer satisfaction.	Oral and written communications indicate lobbying organizations and officials will be satisfied with reporting mechanisms	Oral and written communications indicate lobbying organizations and officials will be satisfied with reporting mechanisms	Oral and written communications indicate lobbying organizations and officials will be satisfied with reporting mechanisms
Customer usage.	Web site usage among legislators, executive branch and citizens will remain high	Web site usage among legislators, executive branch and citizens will remain high	Web site usage among legislators, executive branch and citizens will remain high

Note: Based on fiscal year.

## Performance and Operation: Program Goals, Objectives and Activities

**Goal:** *Ensure open, fair and transparent elections, by cultivating public confidence in the integrity of the electoral process.*

**Objective/Activity:** Administer state-level election responsibilities and provide educational, training and customer service resources to local elections officials, candidates, voters and the general public.

**Goal:** *Make readily available to voters complete information as to who is supporting or opposing a candidate or cause and to what extent, whether directly or indirectly. The board makes the following information available on the internet and in its office: list of reports filed, summary of data reports, information about late campaign activity and detailed campaign finance report information.*

**Objective/Activity:** Provide educational, training and informational resources to candidates, committees, and treasurers on the requirements of campaign finance laws and on using the Board's electronic filing system (CFIS). Enter campaign finance report data received on paper on the day of receipt, and prepare and post reports on Web site within 24 hours of receipt.

**Goal:** *Identify interests influencing government and identify conflicting interests.*

**Objective/Activity:** Identify for the public the businesses, organizations and individuals attempting to influence governmental decisions, the issues in which they have an interest, and other pertinent information; and provide information about governmental officials' financial interests to confirm for the public the absence of conflicting interests or to identify conflicts meriting attention. Provide for the regular update and enhancement of an interactive Web site, which permits anyone with Internet access capabilities to search for and view data relating to lobbyists, the organizations that employ them, the issues on which they are lobbying, lobbying activity and expenditures for current and past sessions.

**Goal:** *Enforce statutory requirements. This goal fosters the continued high standards of ethical conduct by state government officials, lobbyists and lobbying organizations through independent investigation and reassures the public that the State of Wisconsin is equipped to redress conduct that falls short of statutorily established standards.*

**Objective/Activity:** Investigate possible violations of the ethics code, lobbying law, and campaign finance law and seek appropriate remedies or exoneration as circumstances warrant.

# Elections Division

## 2013-2015 Activities and Accomplishments

### 1. Administration and Management of Elections

#### a. Conducting Elections

The Government Accountability Board administered a total of 12 regular and special elections during the 2013-2015 biennium.

<b>Election</b>	<b>Date</b>
2013 Assembly Districts 21 and 69 Special Partisan Primary	October 22, 2013
2013 Assembly Districts 21 and 69 Special Election	November 29, 2013
2013 Assembly Districts 82 Special Partisan Primary	December 2, 2013
2013 Assembly Districts 82 Special Election	December 17, 2013
2014 Spring Primary	February 18, 2014
2014 Spring Election	April 24, 2014
2014 Fall Partisan Primary	August 26, 2014
2014 Fall General Election	November 4, 2014
2015 Spring Primary and Senate District 20 Primary	February 17, 2015
2015 Spring Election	April 7, 2015
2015 Senate District 20 Special Election	April 7, 2015
2015 Special Primary Election for State Senate District 33	June 23, 2015

In conducting these regular and special elections, the Board's staff worked in partnership with Wisconsin's 1,853 municipal clerks, 72 county clerks, and thousands of election inspectors. In addition, the G.A.B. also provided administrative guidance to local election officials for numerous local special elections. G.A.B. staff processed nomination papers and ballot access documents for candidates for state offices. Staff also provided direction to and support of local election officials regarding functions of the Statewide Voter Registration System (SVRS), processing of candidate filings, preparation of ballots and polling places,

training election inspectors and canvassing and certifying election results. Division staff and legal counsel also processed and resolved several elector complaints regarding decisions of local election officials.

In addition to training and support of local election officials, G.A.B. staff worked with numerous candidates, political committees and other organizations to prepare for the elections. Prior to the November 2014 General Election, staff organized meetings with representatives of the Republican and Democratic parties to discuss issues of concern and preparations.

#### b. Ballot Access Procedures

For the spring nonpartisan elections and the fall partisan elections, G.A.B. staff assisted candidates with the filing of ballot access documents. Staff completed the review of nomination papers submitted by candidates for state and federal offices (52 candidates for the Spring Election and 316 candidates for the General Election) and made recommendations regarding Board certification of candidates or denial of ballot access. Staff also processed and evaluated challenges to nomination papers as well as appeals regarding decisions of local filing officers. The compressed statutory timeline for review of challenges to nomination papers of partisan candidates required extraordinary effort of numerous staff to complete the analysis and recommendations for Board consideration.

#### c. Special Topics Assistance

In December of odd-numbered years, municipal governing bodies are required to appoint election inspectors to a two-year term, beginning January 1. By November 30, county political parties may submit names of election inspector nominees to the municipal governing bodies for appointment in December. Due to the exceptionally high party participation in 2014 and clerks' relative unfamiliarity with receiving names from the parties, staff communicated extensively with party leaders and municipal clerks advising both of their respective responsibilities related to this process. Staff also created a chart which parses the statutes regarding the procedures for inspector nomination and appointment.

Staff created an additional chapter for the Election Administration Manual entitled "Wards, Districts, Reporting Units and Annexations." The "annexation" portion of the new chapter was developed in cooperation with the Wisconsin Department of Administration, Division of Intergovernmental Relations. Staff expects that the information provided will improve clerks' understanding of the relationship of wards to reporting units and districts and also assist with the process of annexing unincorporated property into a city or village. An Annexation Checklist was also developed to further guide clerks through the annexation process.

#### d. Ballot Design

Working toward uniformity and consistency of ballot format, staff worked to design a simpler, easier-to-read template for county clerks to use in preparing ballots. The new design was used successfully for the three special elections in 2013. Staff researched best practices in ballot design and reached out to county and municipal clerks for their comments and suggestions throughout the process. With this assistance, a ballot was developed that incorporated simple and concise instructions, navigational cues, shading to define

office types and titles and readable text. After the staff-designed ballot format for the 2014 General Election was published in July 2014, staff consulted for a half-day with Dana Chisnell, a nationally recognized usability specialist, about ballot design principles during the week she was in Madison consulting with staff about website design. The ballot format recommended by G.A.B. staff for the 2014 General Election was not universally accepted by county clerks, resulting in the use of a variety of ballots throughout the state. In addition, the Senate Majority Leader and the Assembly Speaker filed an unsuccessful civil lawsuit in Waukesha County Circuit Court in September 2014, seeking changes to the ballots. The Board subsequently approved ballot formats for use at the 2015 Spring Primary and Spring Election, and committed to revisiting ballot format before the 2016 Partisan Primary and General Election using a new process to involve more clerks and other stakeholders in ballot design.

e. Extended Office Hours

G.A.B. staff members were available to assist local election officials before and after regular business hours in the days leading up to and after regular elections, as well as during the conduct of recounts. G.A.B. staff was available for 18 hours on each of the days of the Partisan Primary and the General Election to assist with issues ranging from the opening of polling places to the reporting of unofficial results on Election Night. Staff also logged every telephone call received during the three-week period surrounding each election to track the type of issues which arose and the resolution of those issues.

## **2. Maintenance, Modernization and Training for the Statewide Voter Registration System**

The Statewide Voter Registration System (SVRS) is Wisconsin's election management system, which was deployed in 2006 in compliance with the Help America Vote Act of 2002 (HAVA). SVRS is managed by the G.A.B. and its records are maintained in partnership with Wisconsin's municipal and county clerks.

a. SVRS Maintenance

In 2013, G.A.B. staff supported users of SVRS with an updated "SVRS Election Checklist" series for each regularly scheduled election and the special elections held in Assembly Districts 21, 69 and 82. G.A.B. staff monitored local election setup and the progression of election Milestones in SVRS. As part of its post-election activities, the G.A.B. performed cross-system data analysis, comparing election statistics (GAB-190 Form) reported in the Wisconsin Election Data Collection System (WEDCS), Canvass results and voter participation in SVRS. Staff worked with local clerks in reviewing and reconciling these data sources.

G.A.B. staff also continued to provide updates to the system. SVRS version 8.5 was released in October 2013 and included improvements to the mapping features used by clerks in SVRS to help validate that voters are assigned to the correct districts. These improvements make the maps easier for clerks to use, and include additional tools to help clerks identify voters that may need some additional investigation to ensure their district assignment. Clerk feedback on the new mapping features was very positive. SVRS version 8.6, which rolled out in June 2014, included features mandated by new legislation enacted in 2014. Most of these changes involved how Proof of Residence information is tracked in SVRS. The update also resulted in noticeably improved performance by SVRS, which was received very positively by clerks. Additional changes were made after the court injunction barring implementation of the Voter Photo ID Law was lifted,

allowing clerks to track voters who provided a photo ID for mail-in absentee ballots and voters who are exempt from the photo ID requirement. During the time when the law was enjoined, this tracking feature was left active so the process could continue smoothly when the injunction was lifted.

b. SVRS Modernization (WisVote)

In FY 2014, staff made significant progress on efforts to redesign SVRS to take advantage of modern design philosophies and provide greater ease of use and improved data quality. IT staff has created a development server environment with Microsoft Dynamics CRM (2013), which will be the underlying framework for the new system. Staff is using this development server to work on the layout of the new system. Primary navigation systems have been developed, as well as the screen template, which will be used throughout the system. Security roles have been developed to cover a variety of use-case scenarios, and fundamental jurisdictions and districts have been built into the system. Staff met on September 18, 2014 with representatives from Microsoft who reviewed the developments as of that date. The representatives were impressed with what had been developed so far and offered tips and recommendations for staff to consider during the remainder of development. System testing is ongoing and deployment plans are being finalized. Board staff plan on launching the new system in January 2016.

c. SVRS Training

The G.A.B. provides extensive training to SVRS users. During the biennium, staff began transitioning from in-person training using an SVRS portable server-based training environment to a web-based training environment for use in all future SVRS training. Advantages to a web-based environment include a reduction in the number of technical problems encountered during training sessions and a closer representation of the SVRS experience clerks can expect once they start using SVRS in production. The new training server and materials has been used in training sessions since January 2014.

In conjunction with creation of the new training environment, the G.A.B. updated all training materials for use in SVRS training. The new materials include the ability to train up to 40 clerks at the same time, new and updated content to reflect changes to mapping within SVRS. Staff also reformatted materials to make editing and printing easier.

Board staff updated and published new versions of 19 of the 27 chapters in the SVRS Training Manual during 2013. In 2014, staff revised 10 chapters of the SVRS Manual to accommodate legislative revisions. Additionally, two SVRS tutorial videos and companion documents were created to support some of the newly featured tasks within the CRM Election Data website. These new tutorials were integrated into the CRM Election Data website allowing clerks the convenience of watching the videos in conjunction with performing their tasks.

### **3. Voter Identification**

Voter identification provisions of 2011 Wisconsin Act 23 were litigated in state and federal courts during much of the biennium, reaching the Wisconsin Supreme Court and the U.S. Supreme Court. While

implementation of the voter photo ID requirement was enjoined, Elections Division staff spent considerable time, under the guidance of staff counsel, in responding to discovery requests resulting from litigation challenging the legislation and assisting legal counsel at the Department of Justice. In addition, several Division staff members were called to testify at the federal court trial in Milwaukee in 2013, which required additional preparation.

Throughout 2014, G.A.B. staff continued to monitor the status of cases at both the state and federal level. On July 31, 2014, the Wisconsin Supreme Court lifted the circuit court injunction issued by Judge Flanagan, and on September 12, 2014, the 7th Circuit Court of Appeals lifted the federal district court injunction issued by Judge Adelman. G.A.B. staff quickly implemented necessary changes to absentee voting procedures before the September 18, 2014 deadline for municipal clerks to send ballots to voters with an absentee ballot application on file.

Forms were updated and made available to municipal clerks by high-priority communication on September 17. Substantial staff time was then dedicated to updating the Election Administration Manual and the Election Day Manual to reflect both the reinstatement of the Voter Photo ID Law and related legislative changes enacted after the original injunction. High-priority guidance and training was provided to municipal clerks. The 2011 “Bring it to the Ballot” public education campaign, including television, radio and internet ads, was updated with current information and prepared for immediate release. Staff updated both the SVRS system and the MyVote Wisconsin website to reflect that the photo ID requirement was in effect and to provide functions and features to support the photo ID law.

On October 9, 2014, the United States Supreme Court ordered that the photo ID requirement would not be in effect for the November 4, 2014 General Election. Staff immediately notified county and municipal clerks and removed all references to photo ID from the G.A.B. and MyVote Wisconsin websites, posting previous versions of forms and manuals. The public education program was pulled.

Through Election Day, November 4, 2014, staff continued to respond to inquiries regarding the photo ID law and provide guidance and instructions not to implement the blocked law.

Implementing legislative and court developments affecting the photo ID requirement required prompt, focused, flexible and coordinated efforts of the program staff, IT staff, and legal counsel, as well as effective communication and partnership with local election officials.

On March 23, 2015, the U.S. Supreme Court cleared the way for implementation of the law; however, the Wisconsin Attorney General’s office advised the Board not to implement it at the April 7 Spring Election because it was two weeks away. Following the court’s order, G.A.B. staff began working to update the “Bring It to the Ballot” campaign to reflect new Division of Motor Vehicles policies to help people without a birth certificate who need a state ID card for voting purposes. The campaign will be ready for the 2016 election cycle. Staff also worked with local clerks and news media to publicize the photo ID requirement in areas with special elections after April 7, 2015. No significant problems were reported in these elections.

#### 4. **Local Election Official Training**

The G.A.B. provides training to local election officials, including county and municipal clerks, chief inspectors, regular election inspectors, special voting deputies, special registration deputies and local boards of canvassers. This training takes many forms.

##### a. Webinars/Videos

The G.A.B. continued to produce timely election administration training sessions on rapidly changing legislative requirements and procedures, SVRS computer application training, teleconferences and training modules using webinar software. The Elections Division staff has produced 24 educational videos relating to election administration and SVRS topics and processes, including 19 recorded webinar sessions, three videos on accessibility-related topics, and two videos on topical subjects.

##### b. In-person Trainings

The G.A.B. continued to provide initial training classes for new municipal clerks and new chief inspectors using a combination of live webinars conducted by Board staff and in-person training classes conducted by certified clerk-trainers. Staff and clerk-trainers delivered 81 Baseline Chief Inspector training classes and trained more than 2,500 new and current chief inspectors and municipal clerks (current chief inspectors and municipal clerks are allowed to take the course once per 2-year term as a refresher). Trainers also conducted 24 Municipal Clerk Core training classes and trained 520 new municipal clerks and current clerks seeking refresher training. Based on the results of the 2014 SVRS training survey, staff conducted 13 strategically-located regional Application, Election Management/HAVA Interfaces and Absentee Process computer training for 172 municipal and county clerks who provide or self-provide SVRS services. Staff further extended the agency's training reach by conducting a new "Train the Trainer" session whereby staff trained 10 qualified and experienced county and municipal clerks to conduct Baseline Chief Inspector training locally.

##### c. Training Manual Updates

G.A.B. staff updated the Election Day and Election Administration Manuals to reflect new laws approved by the state legislature and changes in the status of the Voter Photo ID Law due to various court decisions. Staff updated the manual regarding Absentee Voting in Residential Care Facilities and Retirement Homes for the second time in two years due to legislative changes, and solicited and incorporated input from legislators, clerks, Special Voting Deputies and interested members of the public in the process. Finally, staff made significant changes in manuals related to agency technology systems, including MyVote Wisconsin, the Voter Felon Audit and the SVRS Provisional Tracker, as well as revising 10 chapters of the SVRS Manual to accommodate legislative revisions.

##### d. Clerk Association Presentations

The G.A.B. continued its successful practice of attending the annual and district conferences of the Wisconsin County Clerks Association, Wisconsin Municipal Clerks Association, Wisconsin Towns



Association, Wisconsin League of Wisconsin Municipalities, Wisconsin Association of School Superintendent Assistants and Wisconsin Municipal Clerks and Treasurers Institute to provide legislative updates, education and training on clerk and local election official duties and to solicit input on pending legislative proposals and other procedures.

e. Clerk Communications

G.A.B. staff continues a commitment to effective and timely communication with local election officials through a series of “Clerk Communications” which are posted to the agency website and categorized according to their urgency and priority. In the 2013-2014 biennium, staff prepared and posted 288 such communications on a variety of topics including legislative changes, election preparations, the status of Photo ID litigation, and required tasks to be completed in SVRS. Complete and accurate communications typically require the drafting and editing work of several staff members.

f. Answering Questions

The G.A.B. also responds to specific requests for information ranging from the thousands of phone calls the agency receives every year to formal requests for guidance. As a significant example, staff developed guidance for “Curbside Voting” in response to an inquiry from the Milwaukee Election Commission. This guidance expands on previous procedures to provide greater security and privacy to the curbside voting process. Some questions recur with sufficient frequency to make them noteworthy. In addition to addressing these questions as they arise, staff notes what questions arise with the greatest frequency and incorporates them into future trainings.

## **5. Voter Services**

The Elections Division provides a variety of services to help clerks serve voters, and to serve voters directly.

a. MyVote Wisconsin Website

2013 marked the first full year of the MyVote Wisconsin website, which replaced the Voter Public Access website. Staff made numerous improvements to the site’s functionality, the information available to voters, and the overall voter experience. G.A.B. staff also received approval from the Federal Voting Assistance Program (FVAP) to reallocate grant funds to facilitate additional consulting to improve website usability and technical capabilities. In early 2013, staff completed the first post-election report for the FVAP grant, which is required after each general election. A highlight from that report was a finding that the average ballot transit time for MyVote Wisconsin ballots was about half of the transit time for ballots transmitted by traditional methods. Board staff also developed a new section of the Election Administration Manual regarding clerks’ duties related to MyVote Wisconsin processes.

The MyVote Wisconsin website underwent several changes in 2014. MyVote version 1.8 was introduced in June to incorporate mandatory changes to accommodate new legislation enacted in 2014. Another update was made in September to improve the online ballot for the Partisan Primary. MyVote version 1.9 was introduced in October to update information regarding the Voter Photo ID law that had recently been put

back into effect. Shortly thereafter, the Voter ID law was enjoined by the U.S. Supreme Court and MyVote Wisconsin was rolled back to version 1.8.1, which included other improvements from 1.9 but removed the Voter Photo ID changes. Staff contracted with nationally recognized elections usability specialist Dana Chisnell to review the MyVote Wisconsin website and determine ways to make it easier for the public to navigate. Ms. Chisnell instructed staff in conducting usability interviews, and then assisted staff in conducting interviews with several members of the public including voters from various areas in Wisconsin and one overseas voter. Staff later conducted more interviews with new staff, using the techniques provided by Ms. Chisnell. The interviews identified areas on the website where voters become confused or are unable to find the information they are looking for. G.A.B. staff is working on ways of addressing these issues and creating a more streamlined, user-friendly interface for the MyVote Wisconsin 2.0 release in 2016.

#### b. Voting Information Project

G.A.B. IT staff began work in 2013 to participate in the national Voting Information Project (VIP), sponsored by the Pew Charitable Trusts. As part of the project, G.A.B. provides election related information such as polling places and sample ballot information so that search engines like Bing and Google can help educate voters on where to vote and what is on the ballot. The project went live for the November 2014 election. As a result of the sustained behind-the-scenes work of G.A.B. staff, Wisconsin voters and media outlets were able to access election information more easily and through the portals that they are accustomed to using. VIP partnered with the Internet Association in 2014 to offer the new GetToThePolls.com website, which attracted almost 8 million visits as of November 11, 2014, with 104,000 of those visits in Wisconsin. Facebook continued to offer its “I Voted” badge which linked to VIP polling place and sample ballot information, with nearly 7 million Facebook users sharing the link. VIP also provided a free Voting Information Tool that could be embedded on any website to allow people to look up polling place and sample ballot information. The tool was used by 12 media and campaign websites in Wisconsin including WXOW-TV, WQOW-18, WAOW, WBAY-FM and the Scott Walker for Governor campaign. Google used its Google Now mobile application to push voting information to voters on their Android phones or tablets as well.

### **6. Legislative Changes to Election Law**

The 2013-2014 Legislative Session saw the adoption of 18 bills affecting the administration of elections, each of which was promptly addressed by G.A.B. staff and incorporated into the G.A.B.’s ongoing Election Official training program and into G.A.B. IT systems including SVRS, MyVote Wisconsin and the Wisconsin Election Data Collection System (WEDCS). Some notable legislative changes administered and implemented by G.A.B. staff include:

- 2013 Wisconsin Act 146: Limiting the times for voting by absentee ballot in person.
- 2013 Wisconsin Act 148: Requiring clerks and the G.A.B. to report statistics regarding the verification postcard audit that is performed on voter registrations received at the polls on Election Day.

- 2013 Wisconsin Act 149: Transferring the responsibility for reviewing the voter registration list and mailing notices to voters from local election officials to the G.A.B., and requiring new statistical reports from the G.A.B.
- 2013 Wisconsin Act 159: Substantially changing absentee voting at residential care facilities.
- 2013 Wisconsin Acts 160 and 174: Requiring nomination signatures to include a legible printed name and changing the number of required signatures for aldermanic districts in second and third class cities, respectively.
- 2013 Wisconsin Acts 177, 178, 179, 180, 181: Collectively requiring substantial changes to the way Chief Inspectors conduct their polling places, the way write-in ballots are counted, and the way Election Inspectors are selected.
- 2013 Wisconsin Act 182: Requiring all non-UOCAVA electors to provide a proof of residence document when registering to vote, regardless of the registration period, and requiring clerks to track information regarding the proof of residence document used.

G.A.B. provided input, testimony and fiscal analysis for numerous state and federal legislative proposals. Staff prepared research and testimony for the Director to present at seven legislative hearings, monitored progress of nearly 70 pieces of legislation, and consulted with clerks and legislators regarding the administrative implications of proposed legislation.

## **7. Voter List Maintenance and Data Request Automation**

Aside from maintaining and improving the core of the Statewide Voter Registration System, G.A.B. staff undertook several major projects related to statutorily-required voter list maintenance tasks.

### **a. 2014-2015 Four-Year Voter Record Maintenance**

On behalf of Wisconsin's 1,853 municipalities, the Board completed the statutorily required biennial voter list maintenance. Wisconsin Statute § 6.50 (1) and (2) mandate the inactivation of voters who have not voted within the past four years. The purpose of the biennial maintenance is to help Wisconsin maintain accurate and quality voter data, and make sure every voter's name and address is correct and current, and to remove names of voters that no longer wish to vote from poll lists. A mailing is required to be sent to registered voters who have been qualified to vote for the past four years but who have not voted. Based upon the information recorded in SVRS, of the 97,981 postcards mailed, 24,963 postcards were returned as undeliverable, 9,427 postcards were returned requesting continuation, and 63,591 postcards were not returned or were not recorded in SVRS.

### **b. Improvements to Deceased Vital Records Matching**

The State Vital Records office in the Department of Health Services (DHS) updated its vital records tracking system which allowed it to use more current technologies when providing death records to the G.A.B. The IT staff was able to redesign the process to import those records into SVRS to make the process more stable and to replace antiquated middleware that was previously used. The death records provided to G.A.B. under the new system also include additional data that improves the quality of the data

matches, and provides additional supporting information to help a clerk determine if a death record and a voter record actually relate to the same person.

#### c. Voter Felon Audit

Wis. Stat. § 6.56(3m) requires the Board to compare the list of voters in an election with the list transmitted to the Board by the Department of Corrections (DOC) containing the names of individuals disqualified from voting due to felony convictions. Due to inherent problems in the procedures previously used, G.A.B. staff developed and implemented a new automated process in 2014 to review the matching of records. Through the G.A.B. Microsoft Dynamics website, clerks identify whether they believe records of a voter and a felony offender relate to the same person and whether a vote was correctly recorded for the voter. Clerks are asked to locate and provide an electronic copy of the poll list page for the voter and the Voter Registration GAB-131 Form. Through the automated process, clerks then assign the record back to G.A.B. staff, which forwards the case to the appropriate District Attorney.

In 2014, G.A.B. staff, in conjunction with clerks and DOC staff, completed the felon audit for the past 17 statewide elections since February 2012. All post-election audits for every election have been completed timely since the implementation of the new process and software application.

#### d. Voter Registrations and Cancellations

Staff received a large quantity of voter registrations in 2014. The GAB-131 Voter Registration form is processed at the local level by municipal clerks. However, some sources, including some national voter registration drives, list the G.A.B. as the recipient. Individuals also find the G.A.B. office address online and send their registration applications into the agency. Processing these forms involves determining what municipality the voter resides in and forwarding the form to that clerk for processing. The G.A.B. received and processed 4,029 of these forms in 2014, requiring a significant investment of staff time. This is significantly more than are received in an odd numbered year. In 2013, for example, only 79 forms were received. Staff created a video tutorial related to the GAB-131 Form and made it available to local election officials on the agency's website highlighting the requirements and the process. This video was then updated when new 2014 legislative changes affected the GAB-131 Form.

G.A.B. staff also receives notices from election officials in other states of voters who have moved from Wisconsin into their state and who have registered to vote there. These voters are then cancelled in SVRS.

#### e. BADGER Voters

On April 25, 2014, the G.A.B. launched a new web portal making it easier to request publicly available voter data, and to significantly reduce staff time required to process these requests. This new website was developed entirely by agency program staff and IT developers, and allows candidates, political parties, and the public to request SVRS voter data online, including voter participation based on jurisdiction or district, participation in a particular election or elections, or absentee voter information. Data request customers can submit their requests, make payments online through US Bank, and download the completed file from this new website. This process was previously done manually, requiring significant staff time for each request.

Since its inception, BADGER Voters has saved significant staff resources and has generated a net benefit of over \$500,000.

f. District Upload Tool

The IT Staff has developed a Geographic Information Systems tool to improve the process for G.A.B. SVRS staff to update districts to account for annexations, school district boundaries and sanitary district boundaries. This uses a step-by-step process to increase the efficiency with which G.A.B. staff can update boundaries received from local Land Information departments into SVRS, and reduces the turnaround time for an annexation to be accurately reflected within SVRS. It also greatly decreases the IT resources required to update district boundaries in SVRS to represent accurately updated changes.

g. Annexation Notification

The G.A.B. has been working to facilitate and improve the process for municipalities to contact the agency upon the completion of annexations. This information is an important part of keeping SVRS accurate and up to date and ensuring electors receive the correct ballot. In the past, there have been complications with receiving this information in a timely manner, but staff has initiated recent improvements.

G.A.B. staff has coordinated with the Department of Administration (DOA) to receive copies of annexation reports provided to it statutorily by the Secretary of State. DOA has offered (but is not required) to send a quarterly list of all the annexations it has received.

Staff has also updated the GAB-100 Annexation Notification Form, improved communication with clerks, and increased interaction with the Wisconsin Land Information Community. The G.A.B. has also worked to facilitate improved communication between annexing municipalities, their County Land Information Departments and County Clerks, and other state agencies concerned with maintaining updated ward and municipal boundary data. Partnerships between G.A.B. and the Wisconsin GIS community are critical to the ongoing support of SVRS and MyVote Wisconsin, and will continue to result in more accurate data for clerks to use to better administer elections for voters.

## **8. Voting Systems: Testing, Approval, Auditing, Standards and Research**

The G.A.B. is responsible for certifying electronic voting systems for use by municipal clerks in Wisconsin, as well as auditing equipment to ensure accuracy.

a. Voting Equipment Testing and Approval

G.A.B. staff worked closely with voting equipment manufacturers and local election officials from pilot municipalities to test several new pieces of voting equipment to be considered for approval by the Board for use in Wisconsin:

- Clemson University – Prime III: The Prime III voting equipment system was first brought to the G.A.B. for approval in 2013. Relying on open-source software and commercial off-the-shelf hardware, the system sought to provide improved functionality and accessibility at substantially

reduced cost. After preliminary testing in 2013 and Board approval on February 25, 2014, a pilot program was created for the April 1, 2014 election with the assistance of the Manitowoc County Clerk and the municipal clerks from the Town of Newton and the Town of Kossuth. An introductory user's video was created for voters and was viewed during the election. Between the two municipalities, 737 voters cast ballots on the Prime III voting system in the April election. Exit polling determined that overall voters were satisfied with the process, citing high confidence in the system and ease of use. However, a number of system issues arose during the day and during staff testing that will require further research by the Clemson team. The Board accepted a report making recommendations to the Clemson team and the U.S. EAC to consider for future development of the Prime III software, but did not endorse or approve the system.

- ES&S – Unity 3.4.0.1: In 2013 the Board granted conditional approval for the use of Election System and Software's (ES&S) Unity 3.4.0.1, which was identical to the Unity 3.4.0.0 voting system already in use in Wisconsin except for the addition of a modem component used to transmit preliminary election results to the county. Preliminary research completed by the G.A.B. staff, as well as field testing conducted by staff in cooperation with representatives from ES&S and municipal clerks, had shown that the successful operation of the equipment depended heavily on the fidelity of the telephone networks between the polling place and the county seat. The conditional approval, therefore, required that those systems purchased be tested in place, along with the telephone networks intended to support them, prior to the election in which they were to be used. At the May 21, 2014 meeting of the Board, staff presented reports collected from county clerks who had used the system subsequent to its conditional approval. Those reports demonstrated that the system worked satisfactorily in a live election. The Board granted final approval to the Unity 3.4.0.1 system, with the condition that municipalities are recommended to test the telephone networks intended to support the Unity 3.4.0.1 system in advance of any election in which it is to be used.
- ES&S – EVS 5.2.0.0 & EVS 5.3.0.0: The G.A.B. Voting Equipment Team conducted a test campaign for ES&S's EVS 5.2.0.0 and EVS 5.3.0.0 voting systems from July 7-16, 2014. A public demonstration was held July 8. A demonstration was held before the Wisconsin Election Administration Council on July 9. The Board accepted the staff's recommendation to approve the two systems for sale and use in Wisconsin, under the condition that the equipment be programmed to automatically reject over-voted ballots and return them to the voter so errors can be corrected.
- Dominion Democracy Suite 4.14-D & 4.14-DS: The Board accepted the staff's recommendation to approve these systems for use in Wisconsin at its June 2015 meeting.

#### b. Voting Equipment Audit

After each General Election, the G.A.B. is required pursuant to Wis. Stat. § 7.08(6) to audit the performance of each type of electronic voting equipment used in Wisconsin and determine whether the error rate of voting systems in counting valid ballots is within acceptable limits established by the federal government. In a public meeting on November 7, 2014, Board staff randomly selected 100 reporting units as a base sample and augmented that sample with additional reporting units until each currently certified voting system used

in the State of Wisconsin was represented by at least five reporting units (except the Populex system which is only used in two reporting units in the state). The final sample set contained 106 reporting units in 78 municipalities. At that same meeting, staff also selected the contests to be audited in addition to the Governor's contest. As a result of random selection, the contests for Attorney General, State Treasurer and Sheriff were included in the audit. The voting equipment audit was completed and found no instances of machine error in reading properly-marked ballots. The Government Accountability Board reviewed and accepted the staff's report on the audit at its March 2015 meeting.

c. Electronic Poll Book Research

Board staff also began researching the possibility of using electronic poll books in Wisconsin. Wisconsin law already permits the use of electronic poll books, but requires that the system be approved by the Board prior to use. In July 2013, a team of Board staff was formed to research a variety of questions related to the use of electronic poll books and to develop standards for testing and approval of an electronic poll book system. The team submitted an interim report to the Board at its December 2013 meeting with a final report submitted in March 2014.

Based upon the experiences and best practices of other states, the report recommended development of a testing and approval process for electronic poll books, should a manufacturer seek approval of a system by the Board. Staff recommended further study and analysis of the costs and benefits of developing an electronic poll book solution. The Board directed staff to discontinue further research and development of electronic poll book standards for the present time. At its June 18, 2015 meeting the Board directed staff to conduct a survey of Wisconsin election officials to gauge their interest in electronic poll books.

d. Revisited Central Count Absentee Policies, Procedures, and Compliance

Board staff surveyed by e-mail and by phone all 72 county clerks in November 2013 to create a current and comprehensive list of municipalities utilizing the central count absentee process under Wis. Stat. § 7.52. This one-question survey requested county clerks to provide a list of municipalities in their county using the central count absentee process. This review identified 12 municipalities with central count absentee ordinances. Board staff has collected and filed copies of these ordinances as well as the procedures used by each municipal board of absentee canvassers. Board staff is reviewing these documents for compliance with central count absentee guidance adopted by the Board at its December 13, 2011 meeting and revisions adopted by the Board at its May 15, 2012 meeting.

e. National Election and Voting System Standards

G.A.B. staff has actively participated in national efforts to define standards for future voting systems and IT systems used to administer elections in the United States.

- IEEE Voting System Standards Committee: The Institute of Electrical and Electronics Engineers (IEEE) formed the Voting Systems Standards Committee (VSSC) at the request of the U.S. Election Assistance Commission (EAC) to develop consensus-based standards for voting system and election administration IT system interoperability using common data formats. G.A.B. staff member Sarah Whitt is chair of the Election Results Reporting working

group which finalized work on a standard for election results reporting. The standard is nearing the end of the balloting process within IEEE at which point it will become an official standard. The standard was developed in coordination with diverse stakeholders including State and county election officials, voting system vendors, the Associated Press, The National Institute of Standards and Technology, and other interested groups. Wisconsin is also participating in other VSSC standards activities including the Election Modeling working group which is developing a comprehensive data model for all of the systems involved in administering elections.

- NASED Voting System Committee: G.A.B. Elections Supervisor Ross Hein serves on the National Association of State Election Directors (NASED) Voting System Certification Sub-Committee, as facilitated by the Bipartisan Policy Center. The Sub-Committee has made several recommendations to the U.S. EAC regarding approval and development of voting equipment standards and certification. Additionally, the Sub-Committee focuses on contingency planning should the certification process at the federal level currently performed by the U.S. EAC be reformed, and what role the federal government should provide in voting equipment standard setting and certification. Elections Supervisor Hein was recently appointed to the Technical Guidelines Development Committee (TGDC) which assists the U.S. EAC in developing the Voluntary Voting System Guidelines with the assistance of the National Institute of Standards and Technology.
- Each state is entitled to appoint one state representative and one local election official to the EAC's Standards Board. The Standards Board is an advisory body which provides input to the EAC regarding the development of voting equipment technical standards as well as EAC guidance and best practices created for local election officials. Because the EAC lacked a quorum for several years, the Standards Board was dormant until the EAC obtained a quorum in early 2015. In March 2015, the Government Accountability Board designated Elections Division Administrator as Wisconsin's state representative to the Standards Board and approved a process for selecting the local election official representative beginning in November 2015. Franklin City Clerk Sandi Wesolowski has served as Wisconsin's local election official representative since the inception of the Standards Board and currently serves as its Vice Chair.

#### f. Voting Equipment Security Checks

The G.A.B.'s Polling Place Accessibility Auditors (see Section 10) also completed brief inspections of voting equipment security. Auditors were trained on the specific pieces of voting equipment they will encounter and the procedures by which the equipment is secured. In the field, auditors verified that all voting equipment seals were in place and unbroken, that they matched what was recorded in the Chief Election Inspector's Incident Log, and that the Chief Inspector was initialed for the pre-election security check, and not pre-initialed the post-election security check. This check was done at each of the 571 polling places audited.



## **9. Election Data Collection**

The G.A.B. collects a great deal of data about elections in Wisconsin, much of it from local election officials. This data is made available to the public and is used in various reports to other government agencies.

### **a. Data Collection and Reports and Improvements to Data Collection and Reconciliation Processes**

In 2013, the G.A.B. completed all federal reporting requirements related to the 2012 Presidential Election on behalf of the State of Wisconsin, all 72 counties, and 1,852 municipalities. This includes the U.S. EAC's Election Administration and Voting Survey (EAVS), the FVAP 2012 Presidential and General Election Survey, and the FVAP grant post-election report (referenced in item three above). The G.A.B. also successfully concluded all MOVE Act Consent Decree Reporting requirements with the U.S. Department of Justice.

Staff made several changes to the WEDCS reporting procedures in response to issues identified by the Clerks' Election Workload Concerns Task Force. Staff standardized the questions for the GAB-190 report into a federal and non-federal version, arranging the questions in a more logical order and making the forms always available online ahead of elections. The GAB-190 Help Guide now includes updated tutorials on completing the forms with more accurate and updated definitions. Thanks to considerable input from municipal and county clerks, the GAB revised election cost reporting into an election-specific report for April and November elections, and an annual report for general costs. The deadline for submitting the cost reports was also extended from 30 to 60 days after the election.

In 2014, municipal clerks completed GAB-190 statistics reports for the Spring Primary (select jurisdictions), Spring Election, Partisan Primary, and General Election. Municipal and county clerks complete the GAB-191 election-specific cost report for the Spring Election and the General Election. By January 31, 2015, clerks also completed the GAB-192 Annual Election Costs Report. All of the data reports are conveyed electronically through the G.A.B.'s Wisconsin Elections Data Collection System (WEDCS). G.A.B. staff invests considerable time and effort in educating local election officials regarding the reporting requirements, obtaining and monitoring compliance with the reporting requirements, and reconciling discrepancies in the data. WEDCS is also being utilized to comply with 2013 Wisconsin Act 148 which requires clerks to report certain statistics related to Election Day Registration address verification postcards. Staff is currently engaged in reconciling WEDCS data internally, as well as with data from SVRS and the Canvass Reporting System, in order to complete multiple federal reporting requirements, including the Election Administration and Voting Statistics report required by the U.S. Election Assistance Commission following each General Election.

### **b. Canvass Reporting System**

G.A.B. staff developed updates to the Canvass Reporting System (CRS) to fix minor issues, and to upgrade the aging software CRS uses to generate reports, allowing for easier export of large files.

The Canvass Reporting System was used by municipalities in four counties to report their Election Night results in 2014. In Barron, Milwaukee, Sheboygan and Waukesha Counties, municipal clerks and county

staff entered election results directly into CRS on election night and ran reports from CRS to post results on their county websites. G.A.B. staff provided additional training and support to these counties to facilitate successful Election Night Reporting using the system. Several smaller counties also generated reports from CRS to facilitate the posting of unofficial Election Night results in 2014. Election Night Reporting is a new and exciting addition to the CRS that could be used by additional municipalities and counties in the future.

## **10. Voting Accessibility**

The G.A.B. provides guidance and resources to local election officials to improve polling place accessibility to people with disabilities, conducts polling place accessibility audits and works with the disability community on voting issues.

### **a. Polling Place Audits**

G.A.B. staff conducted 323 polling place accessibility audits during three elections in 2013. Over the course of four statewide elections in 2014, G.A.B. accessibility auditors completed audits of 571 polling places in 420 municipalities in 33 counties. G.A.B. staff hired and trained fifty temporary workers to conduct onsite accessibility compliance audits, a program that is unique in the nation.

### **b. Improvement of Accessibility Survey**

The onsite compliance audits are conducted using an electronic survey instrument loaded onto a tablet computer. In 2014 the electronic survey received many much-needed upgrades to improve clarity and ease of use. These changes have already proven invaluable in smoother training processes and in reducing confusion in the field.

### **c. Accessibility Online Reporting Portal**

Staff worked with the IT team to develop an online portal that provides local election officials with electronic access to their polling place accessibility audit reports. The system allows staff to customize report findings, include photos taken during a site visit and provide reference materials to assist local election officials with their compliance efforts. Local election officials are able to respond electronically to audit findings and attach supporting documents with their response. Users are also able to use the system to request polling place accessibility-related supplies. The development of this system moved a paper-based process to an electronic platform that allows for easier transmission, review, storage and analysis of audit information and data.

### **d. Analysis of Accessibility Audit Results**

An enhanced effort was made in 2014 to improve data quality and engage clerks and municipal officials in the improvement of polling place accessibility. In 2014, G.A.B. staff has received and processed 252 plans of action for polling places visited by the onsite audit program. Staff continues to work with municipal clerks to ensure accessibility issues are adequately addressed. Staff has worked with agency IT contractors to begin the process of automating the report generation and notification system, which will ultimately reduce costs in staff time as well as paper and postage.

#### e. Accessibility Supplies

In support of clerks' efforts to make polling places more accessible to voters with disabilities, G.A.B. staff has distributed 893 signs and other supplies to 218 municipalities. Additional supplies have been procured in order to continue to address the most common accessibility audit findings.

#### f. Public Education and Outreach Materials

G.A.B. staff created informational material to better serve voters with disabilities and for use by clerks and poll workers. A new section has been added to the agency website with information for clerks including guidance on polling place setup, a list of the most common issues found in onsite audits and easy ways to fix them for Election Day. Staff created two video tutorials demonstrating the AutoMARK ballot-marking device and the AccuVote TSX tabulator. Both are available on the agency's website to view online by the public or to download for use by local election officials.

The G.A.B. worked closely in partnership with the Wisconsin Disability Vote Coalition to produce public education materials for voters with disabilities in advance of the November 2014 General Election. These materials included an update and redistribution of the Voting in Wisconsin: A Guide for Citizens with Disabilities pamphlet. Paper copies of this document were distributed to more than 3,100 community-based residential care facilities across the state and in outreach efforts conducted by the Disability Vote Coalition. A digital version is available to the public on the G.A.B. website.

Also distributed to residential care facilities along with the Voting in Wisconsin guide were informational packets containing voting-related videos, voter registration, and absentee ballot request forms and information sheets on the appropriate manner in which facility staff should talk to residents about voting issues. Facilities that are eligible to be served by Special Voting Deputies also received a copy of the updated Absentee Voting in Residential Care Facilities and Retirement Homes manual. Additionally, a training video for local election officials, *This Is Where We Vote*, was created to teach poll workers and municipal clerks about the issues important to the disability community and the unique challenges they may face in voting. It is available for public viewing on the agency website.

#### g. Accessibility Advisory Committee

The G.A.B.'s Accessibility Advisory Committee was reconvened in 2013 and membership was expanded to include representation from 10 different disability and elderly advocacy groups. Meetings were scheduled to correspond with the fall and spring election cycles with a plan adopted for a similar meeting schedule to continue in 2014. G.A.B. staff and representatives from several of the advocacy groups agreed to collaborate on several public education and public outreach projects for the 2014 election cycle. The committee convened twice in 2014, providing ideas for compliance efforts and communication with the community, and approving changes to the electronic version of the accessibility survey.

#### h. Accessibility Legislative Report

Per requirements in Wis. Stat. § 5.25(4)(d), G.A.B. staff prepared and filed the Impediments to Voting report with the Wisconsin State Legislature. This report was also posted to the agency website and distributed to the media via press release. The report provided a summary of the results from the 1614 polling place accessibility audits conducted during the 2011-2013 filing period. It also outlines G.A.B. efforts to increase accessibility and compared the data from Wisconsin to available national statistics. The report was posted to the Presidential Commission on Election Administration website and the audit program cited as an example of “best practices” for use by election officials to increase physical accessibility of polling places.

## **11. Customer Service**

G.A.B. staff answers phone calls and in-person questions from clerks, candidates, incumbents, media and members of the general public on a variety of subjects.

During the biennium, the front desk had answered 15,181 phone calls and the SVRS Help Desk answered 22,441 and processed 38,969 email inquiries and requests for technical assistants. Help Desk staff supports more than 2,000 municipal SVRS users statewide. Additionally, staff provides voter information through the G.A.B. website, the MyVote Wisconsin website, Facebook and Twitter. The agency Facebook and Twitter accounts each reach over a thousand users, while the MyVote Wisconsin website peaked on November 6, 2014, the day of the General Election, with 132,233 unique users in a single day and totaled 466,235 unique users in 2014.

## **12. Spanish Language Assistance to the City of Milwaukee**

The G.A.B. assisted and advised the City of Milwaukee concerning compliance with its Spanish language designation under Section 203 of the federal Voting Rights Act. For each election, the G.A.B. provides the MEC with a surname analysis report that allows it to determine bilingual poll worker coverage for each election. In 2013, G.A.B. staff also observed a meeting of the M.E.C. Advisory Task Force that was created to solicit feedback on the language program from the Milwaukee community. In 2014, staff participated in conference calls with U.S. Department of Justice representatives and MEC staff concerning the development of the minority language program in the City of Milwaukee.

## **13. Division Staffing and IT Management**

The Elections Division transitioned to new management and absorbed the loss of several key staff due to retirement or other career opportunities. Division management, with the assistance of G.A.B.’s administrative staff, was able to make significant progress in filling vacant staff positions. As part of this recruiting effort, a GIS Elections Specialist position was created and filled, which has helped to ensure the accuracy of GIS boundary, ward, and voter information in SVRS. Currently, there are two positions that are vacant and will be recruited in the near future. In addition, Division staff participated in the restructuring of the management of, and coordination with, agency IT contractors and resources, leading to closer collaboration between program staff and the IT team, as well as more efficient use of IT resources.

# Ethics and Accountability Division

## Introduction

The Ethics and Accountability Division is responsible for the administration and enforcement of campaign finance, lobbying and ethics laws. At the discretion of the Board, division staff investigates and audits groups and individuals under these areas. At the end of FY 2015, the division was fully staffed and comprised of the division administrator, five full-time division staffers and one full-time contract IT developer who works on all IT projects within the division under the supervision of the agency's IT director. Full staffing has allowed the division to focus to perform detailed campaign finance audits, lobbying system enhancements, and in-depth work on investigations and complaint follow-up. All members of the division staff continue to be cross-trained in the areas of law administered by the division.

## Campaign Finance

All state-level candidates, political action committees, and party committees in the state are overseen by the Ethics and Accountability Division. At the heart of the division's work in this area is the Campaign Finance Information System (CFIS), an online database of all state candidates, committees and contributors, as well as their campaign spending, donations and transfers. CFIS contains campaign finance data from July 1, 2008 to the present.

There were 3,371 committees active during the biennium for state candidates, PACs, conduits, county parties, legislative campaign committees, recall committees, referendum committees, sponsoring organizations, and independent disbursement groups. Of these 338 were new committees, of which 218 were candidate committees. From these committees, the G.A.B. campaign finance staff received and reviewed for completeness approximately 9,959 separate campaign finance reports containing 983,331 transactions. In all, these committees reported \$141,533,973.43 in contributions and \$145,361,216.63 in expenditures.

The campaign finance staff conducts the following audits on campaign finance data received through the many reports filed with our office:

- Campaign period contribution limit for individuals
- Campaign period limit for committees
- Lobbyist contributions outside of the allowable window
- Corporate contributions
- Cash balance discrepancies
- Employer information for certain contributions
- Termination audits for non-continuing committees
- Audits of specific committees triggered by a complaint.

Accomplishments of the staff in this area include:

- Provided education, training and information to elections officials, candidates, the Wisconsin electorate and the general public
- Conducted campaign finance law sessions in several locations across the state at the request of political parties and associations on registration, reporting, contribution limits, and duties of the local filing officer
- Completed campaign finance audits and investigations of alleged campaign finance violations outside of the regularly performed audit categories
- Presented material at several conferences to educate the community on campaign finance requirements
- Reviewed campaign finance law to determine how the statutes should be modified or interpreted in light of recent court decisions.

## **Ethics**

The ethics staff has maintained compliance with the collection and processing of various financial disclosure forms required by statute. Each year, state officials are required to file a Statement of Economic Interests (SEI) that details various financial and employment information that assists the public in determining if a material conflict could exist between their job duties and the financial interests they maintain. Statements for these annual filers are due April 30 each year. Gubernatorial nominees to various state boards and commissions that require Senate approval must also file SEIs within 21 days of their nomination or appointment. Candidates for state office as well as municipal judges must file a statement within three days of the deadline for filing nomination papers for that office. In all, approximately 2,500 statements are filed with the G.A.B. each year. Staff enters the financial information from each filer's previous year form and then provides filers a pre-printed form to assist the filer in updating their financial information each year.

Statements of Economic Interests are public documents available upon request; however, statutes require requestors to identify themselves and provide contact information. In addition, they are required to disclose whether they are requesting the information behalf of another person, and identify that person. In turn, the G.A.B. notifies filers about who has viewed their statement. Staff regularly processes these requests – some small and some very large.

The ethics staff is also responsible for the collection of:

- State of Wisconsin Investment Board quarterly transaction reports (four times a year)
- Agency legislative liaison reports (twice a year)
- Solicitation of Funds or Items of Value report filed by the Department of Tourism and the Wisconsin Economic Development Corporation (filed annually).

Accomplishments of the staff in this area include:

- Conducted trainings for newly elected legislators and for legislative staff on standards of conduct for state officials
- Presented ethics training for cabinet secretaries and their key appointees
- Continued to meet or improve the timelines of responses to oral and written requests for advice about the ethics code and lobbying law, and to ensure that the Board's opinions are reasonable and consistent
- Maintained a searchable, online index to the personal financial interests of Wisconsin's governmental officials
- Facilitated state public officials' completion of their Statements of Economic Interests by providing them with forms already containing information they previously filed
- Completed investigations of alleged misconduct by public officials
- Responded to phone calls and emails related to questions of conduct
- Reviewed the ethics code to determine how the statutes should be interpreted to further the purposes of Wisconsin's Ethics Code.

## Lobbying

Similarly to campaign finance, the Ethics and Accountability Division is responsible for overseeing all lobbying at the state level in Wisconsin. Since 1997, the state has maintained an online database of lobbying activities that allows the public to monitor efforts to influence the Legislature in real time. In 2012, G.A.B. staff launched a new and enhanced version of the Eye on Lobbying information system, and during the 2013-2015 biennium the staff has continued to add enhancements to the system based on feedback from the lobbying community, legislative users and the public. In 2015 the staff relaunched FOCUS, a subscription-based service that sends email alerts to subscribers about lobbying activities they are interested in.

For the purpose of complying with Wis. Stat. § 13.685(7), this biennial report incorporates by reference information about lobbyists, lobbying principals (organizations), and state agency liaisons found on the Government Accountability Board's Eye on Lobbying web site, <https://lobbying.wi.gov>, as well as the Board's web page for Statements of Lobbying Expenditures and Activities, <http://www.gab.wi.gov/publications/reports/lobbying>.

### Lobbying by the Numbers

For the 2013-2014 legislative session:

- 746 organizations registered as lobbying principals
- 685 lobbyist licenses were issued
- 1,752 lobbyist authorizations were issued by lobbying principals.

For the 2015-2016 legislative session as of June 30, 2015:

- 644 organizations registered as lobbying principals
- 466 single client lobbyist licenses were issued
- 110 multiple-client lobbyist licenses were issued
- 1,202 lobbyist authorizations were issued by lobbying principals

Accomplishments of the staff in this area include:

- Conducted seven public lobbying training sessions in December 2014 and January 2015 for the 2015-2016 legislative session in addition to numerous one-on-one trainings
- Conducted two live webinars in January and May 2015 focusing on lobbying reporting requirements
- Recorded nine webinars in 2014 and 2015 on various components of lobbying registration and reporting, which can be viewed online anytime: <http://www.gab.wi.gov/lobbying/training/webinars>
- Conducted trainings for legislators, legislative staff and state agency officials on application of lobbying laws and standards of conduct for state officials
- Enhanced dissemination of information about interests in proposed legislation and rules
- Provided feedback on proposed lobbying law changes and how the statutes should be modified.

## Complaints and Investigations

The Ethics Division has broad authority to investigate potential violations of law contained in Chapter 11, Chapter 13, subchapter III, Chapter 19, subchapter III, *Wisconsin Statutes*. These chapters cover campaign finance, lobbying, ethics of public officials, and financial disclosure requirements and deadlines. The majority of investigations conducted by the ethics division are initiated by a complaint from an interested party. By statute, investigative work done by the Ethics Division is by and large confidential. The Ethics and Accountability Division Administrator and other ethics staff members have spent a great deal of time on investigations and complaints.

In 2014 and 2015, the Ethics Division and Elections Division collaborated on creation of a more comprehensive tracking system for complaints received and inquiries undertaken along with a fuller, more transparent series of reports to apprise the Board of the status of this activity.

## Forfeitures

As a result of its investigations and audits, the Ethics Division collected forfeitures during calendar years 2013, 2014, and the first half of 2015 totaling \$96,478.32 for the following violations:

- Late filing of Statement of Lobbying Activities and Expenditures reports
- Late reporting of lobbying interests
- Exceeding the annual aggregate campaign contribution limit
- Cash balance discrepancies



- Improper soliciting of political service via government email
- Improper lobbyist campaign contribution
- Late filing of Statement of Economic Interests
- Accepting campaign contributions over allowable limits

# Office of Director and General Counsel

The Office of Director and General Counsel encompasses the agency's leadership, legal, administrative and public information functions.

## 2013-2015 Activities and Accomplishments

### Director and General Counsel

[Wis. Stat. § 5.05\(1m\)](#) provides that the Board “shall employ outside the classified service an individual to serve as legal counsel who shall perform legal and administrative functions for the Board.” The Board has given its legal counsel the title of Director and General Counsel. The Director and General Counsel serves as Wisconsin's Chief Elections Official.

For details of the Director and General Counsel's activities, see the Board Action Summary 2013-2015, on page 8 of this report for links to Board materials for each meeting, which contain an Administration Report listing activities and accomplishments.

### Highlights

During the 2013-2015 Biennium, the G.A.B. received numerous honors and recognitions:

- Wisconsin was ranked #3 in the nation for election administration during the November 2012 General Election by the Pew Charitable Trusts' Elections Performance Index: <http://www.pewtrusts.org/en/multimedia/data-visualizations/2014/elections-performance-index>.
- The Presidential Commission on Election Administration cited Wisconsin several times in its January 2014 report which addressed common challenges faced by voters and local election officials across the nation and identified best practices to remedy these problems ([PCEA Full Report](#)). The bipartisan committee included a recommendation in its report that states should survey and audit polling places to determine their accessibility to persons with disabilities, and local jurisdictions should gather and report voting-related transaction data for the purpose of improving the voter experience. Both recommendations recognized Wisconsin's national leadership in these areas.
  - “The Wisconsin Government Accountability Board performs a survey and audit of polling places that stands as a model. Its Polling Place Accessibility Survey asks a series of questions regarding parking, pathways, entrances, interior routes, and voting areas,” the report said. “The Board's 2013 Report was derived from 1,614 polling place audits conducted over the course of 16 elections, which required the visiting of 921 municipalities located in 66 Wisconsin counties. The audit was comprehensive and identified shortcomings that deserved

- attention. Following the audit, localities then worked to address the problems the audit revealed.”
- Regarding data collection, the report said: “First, local jurisdictions can learn a lot from the state of Wisconsin, which, despite having the most decentralized election administration system in the country, also has one of the most thorough election data-gathering programs.”
  - Wisconsin was one of seven states that received an award from Google in 2015 for commitment to using new technologies to serve voters, specifically the Voter Information Project, which provides search engines with standardized information for voters about polling places and candidates on the ballot. In 2014, voters nationwide accessed VIP data through the Google Civic Information API approximately 31 million times in the run-up to the general election and on Election Day. In Wisconsin, VIP provided more than 104,000 voters with accurate polling place information.

## Legal

In addition to the Director and General Counsel, the Government Accountability Board has two full-time staff counsel attorney positions that provide legal counsel and support to the Board members and the agency staff. However, for 14 months of the biennium one of those positions was vacant. During the first four months, one staff counsel position was vacant due to a promotion. During the last 10 months, the other staff counsel position was vacant due to a resignation.

Under the general policy direction of the Director and General Counsel, staff counsels are responsible for providing legal advice on the application of campaign finance, election, ethics and lobbying laws to the Board and its staff along with authoritative and timely advice and information to political registrants, state and local election officials, state public officials and the general public. They are responsible for preparing legal opinions, enforcement orders and administrative rules to implement agency policy and authority. They are also responsible for agency investigation and enforcement of campaign finance, election, ethics and lobbying law violations. Finally, they serve as part of the agency enforcement team along with the Director and Division Administrators.

## Highlights

During the 2013-2015 Biennium, the Board members and the agency were defendants in a large number of state and federal lawsuits involving the Voter Photo ID law, recent election law changes, campaign finance regulations and the Board’s authority to conduct investigations. A number of cases involving the Board were subject to appellate review, including the U.S. Supreme Court and the Wisconsin Supreme Court. Staff counsels worked closely with attorneys for the Wisconsin Department of Justice, and with appointed outside counsel, who defended the Board in court. The Board also filed amicus briefs consistent with the Board’s interpretation of law in two cases as noted below. Several of these cases are still ongoing. Cases include:

- *League of Women Voter of Wisconsin Education Network, et al., v. Scott Walker, et al.; Milwaukee Branch of the NAACP et al., v. Scott Walker et al.*, Dane County Circuit Court Case No. 11CV5492 (voter photo ID)
- *Frank et al., v. Walker et al.*, Case No. 11-CV-1128, U.S. District Court for the Eastern District of Wisconsin, (voter photo ID)
- *Bettye Jones, LULAC of WI, et al. v. G.A.B. Board, et al.*, Case No. 12-CV-185, U.S. District Court for the Eastern District of Wisconsin, (voter photo ID)
- *Wisconsin Right to Life PAC v. G.A.B., et al.*, Case No. 09-CV-761, U.S. District Court for the Eastern District of Wisconsin, (Impartial Justice Act)
- *Randy Koschnick v. Kevin Kennedy, et al.*, Case No. 09-CV-767, U.S. District Court for the Eastern District of Wisconsin, (Impartial Justice Act)
- *Wisconsin Right to Life Committee, Inc. et al. v. Gordon Myse, et al.*, Case No. 10-C-669, U.S. District Court for the Eastern District of Wisconsin, (campaign finance)
- *Voces de la Frontera, Inc. et al. v. Brennan, et al.*, Case No. 11-C-1011, U.S. District Court for the Eastern District of Wisconsin, (redistricting)
- *Baldus, et al. v. Brennan, et al.*, Case No. 11-C-562, U.S. District Court for the Eastern District of Wisconsin, (redistricting)
- *Friends of Scott Walker et al. v. G.A.B. et al.*, Case 11CV4195, Waukesha County Circuit Court, (recall)
- *Friends and Neighbors of Robin Vos and Scott Fitzgerald for Senate v. Wisconsin GAB, et al.*, Case. No. 14-CV-1932, Waukesha County Circuit Court (ballot design)
- *Wisconsin Right to Life v. Barland*, Case Nos. 12-2915, 12-3046, 12-3158, U.S. Court of Appeals for the 7th Circuit, (campaign finance)
- *O’Keefe and WiCFG v. G.A.B. and Kennedy*, Case No. 14-CV-1139, Waukesha County Circuit Court (investigation authority)
- *O’Keefe and WiCFG v. Chisholm, et al.*, Case No. 14-C-1822, U.S. Court of Appeals for the 7th Circuit (amicus filing)
- *Three Unnamed Petitioners v. Peterson, et al.*, Case Nos. 2013AP2504-2508-W, *Two Unnamed Petitioners v. Peterson, et al.*, Case No. 2014AP296-OA, *Schmitz v. Peterson*, Case Nos. 2014AP417-421-W (all cases consolidated), Supreme Court of Wisconsin (amicus filing)
- *One Wisconsin Institute et al. v. Nichol et al.*, Case No. 15-CV-324, U.S. District Court for the Eastern District of Wisconsin (election law legislation)
- *Whitford, et al. v. Nichol, et al.*, Case No. 15-CV-421-bbc, U.S. District Court for the Western District of Wisconsin (redistricting)

## Administrative Services

The Government Accountability Board’s Administrative Services Section operates within the Office of the Director and General Counsel. The section consists of seven full time-equivalent employees, headed by the Chief Administrative Officer. The section provides a wide array of administrative support services to the entire agency, including:

1. Financial Management
  - The development of the agency's biennial budget (\$13,069,200)
  - The development and management of the agency's annual operating budget which consists of three General Purpose Revenue appropriations, three Program Revenue appropriations one Program Revenue Federal appropriation and one Segregated Revenue Federal appropriation (see 2013 Wisconsin Act 20 for complete budget breakdown).
2. *State Transforming Agency Resources (STAR) Project*
3. Purchasing/Procurement
  - In FY-14 and FY-15 procured several information technology services contractors to meet G.A.B.'s IT needs utilizing the state's IT Services Contract.
  - In FY-14 and FY-15 procured several temporary staff to conduct Accessibility Audits of polling places throughout the state utilizing the state's temporary services contract.
  - In FY-15 procured the services of an advertising firm to update the ad campaign for Voter ID using an existing state contract.
  - In FY-15 a bid for the agency's Four Year Maintenance was posted and awarded.
4. Information Technology Services/Help Desk
5. Grants Management
6. Liaison to the State Budget Office, State Controllers' Office, DOA Personnel Office and the Legislative Fiscal Bureau
7. Human Resources Management
8. Contract Sunshine program (See separate section below.)
9. Day-to-Day Administrative support
10. Receptionist/Front Desk support
11. Facilities Management

For details of the Administrative Services section's activities, see the Board Action Summary 2013-2015, on page 8 of this report for links to Board materials for each meeting, which contain an Administration Report listing activities and accomplishments.

## **Public Information**

During the 2013-2015 Biennium, the Public Information Officer (PIO) was involved in many of the agency's major events, providing information to the public and news media, as well as maintaining the agency's primary website and working with the divisions on improvements to program specific websites. For details of the PIO's activities, see the Board Action Summary 2013-2015, on page 8 of this report for links to Board materials for each meeting, which contain an Administration Report listing activities and accomplishments.

## Highlights

- Oversaw agency efforts to update the public information and education campaign for implementation of 2011 Act 23, the Voter Photo ID Law. This involved briefly relaunching the Voter Photo ID campaign in September 2014 following a 7<sup>th</sup> Circuit Court of Appeals decision upholding the law before the U.S. Supreme Court issued an order blocking implementation of the law for the November 4, 2014 General Election. After Supreme Court lifted the order in March 2015, the PIO oversaw agency efforts to update the campaign to reflect new Division of Motor Vehicles procedures to help people without birth certificates get state ID cards for voting purposes.
- Oversaw development of a new, website-based training calendar application that has streamlined the process for the Elections and Ethics divisions to hold training sessions when reservations are required.
- Coordinated the agency's written responses to two Legislative Audit Bureau reports.
- Managed the agency's responses to an unprecedented number of complex and sensitive public records requests dealing with investigations.
- Developed an enhanced Voter ID section of the agency website.

## Contract Sunshine

Contract Sunshine was created by the Wisconsin Legislature in 2006. In enacting the Contract Sunshine Act, the Legislature's intention was to enhance citizens' confidence in the State's procurement process by providing a one-stop internet location where citizens, the press, vendors, and others could learn about current procurement activities. The Legislature intended that the Act provide potential vendors of goods and services with ready access to information about the State's purchases and confirm that the State's procurement programs are operating fairly and efficiently.

The Act directs every state office and agency in the executive, legislative, and judicial branches of government to post on the Internet a list identifying each solicitation for bids or proposals and each proposed order or contract of the agency for which bids or proposals will not be solicited that involves an expenditure of \$10,000 or more, or if a contract or order is for continuing purchases, an expenditure of \$10,000 or more in the current fiscal biennium. While agencies are required to report the names of successful vendors, they are not required to report the amounts of those contracts.

In 2009, an administrative services staff person was assigned to focus on the administration of the Contract Sunshine Program. The current website at <http://sunshine.wi.gov> was developed between 2009 and 2011, and is being maintained with minimal upkeep required. To increase consistency of agencies reporting information, a quarterly certification process was developed in September of 2010. Four times per year, all agencies are requested to certify they have reported all information required. Since the January – March 2012 certification period, all agencies required to report to Contract Sunshine have certified they have reported the required information. Despite the development of the certification process, there is no statutory penalty for failure to comply.

Training for agency users is ongoing for any user who requests further information about the system and how to enter data. Most requests for training are from new employees to an agency assigned to enter data, though some training sessions are focused on refreshing users on the requirements associated with reporting data.

During the biennium the Department of Administration developed and launched a spending transparency website called OpenBook Wisconsin (<http://openbook.wi.gov>), which reports all state of Wisconsin expenditures for goods and services. Despite the duplication, of some contract data between Contract Sunshine and OpenBook Wisconsin, there is still a statutory requirement for agencies to report data to Contract Sunshine.

# **Report on Flexible Work Schedules, Permanent Part-Time Positions and Alternative Work Patterns**

The G.A.B. maintains a commitment to providing flexible time and staggered-hour work schedules, job sharing and other alternative work patterns. All employees are allowed to adjust their start and leave times and lunch breaks. Many G.A.B. staff members are issued notebook computers and have access to agency servers through a secure, virtual private network so they may work from other locations when they cannot be in the office. Many of the agency's employees work non-standard hours while providing quality service through a mutually satisfactory arrangement. During the 2013-2015 Biennium, the G.A.B. employed permanent, project, and LTE personnel.



# Organizational Chart

Individuals Employed by the Government Accountability Board during the 2013-2015 Biennium

## Administration Staff

- Kevin J. Kennedy – Director and General Counsel
- Sharrie Hauge – Chief Administrative Officer
- Shane W. Falk – Staff Counsel (resigned August 2014)
- Nathan Judnic – Staff Counsel (transferred from Ethics & Accountability Division)
- Matthew Giesfeldt – Staff Counsel (resigned August 2015)
- Reid Magney – Public Information Officer
- Michael Lauth – Accountant (resigned August 2015)
- Tony Bridges – Office Operations Associate
- Julie Nischik – Financial Specialist II (resigned August 2015)
- Tiffany Schwoerer – Office Operations Associate

## Elections Division Staff

- Michael Haas –Elections Division Administrator
- Juanita Borton – SVRS Trainer
- David Buerger – Elections Specialist – HAVA Compliance
- Sherri Ann Charleston – Elections Specialist – Voting Equipment (resigned May 2014)
- Allison Coakley – Elections Training Coordinator
- Christopher Doffing – Multimedia Training Officer
- Jason Fischer – Elections Specialist (resigned August 2014)
- Marianne Griffin – Elections Specialist
- Ross Hein – Elections Supervisor
- John Hoeth – Help Desk
- Peter James – SVRS Elections Specialist
- Mohideen Kader – Contract IT Developer
- Jodi Kitts – SVRS Elections Specialist
- Matthew Kitzman – Electronic Voting Systems Elections Specialist (resigned September 2015)
- Michael Kukula – Office Operations Associate, Training (resigned March 2015)
- Diane Lowe – Lead Elections Specialist
- Robert Mate – SVRS Elections Specialist (resigned July 2015)
- Mahadeo Matre – Contract IT Developer
- Michael Nelson – SVRS Trainer

- Ann Oberle – SVRS User Acceptance Testing – Lead
- Kamalakar Pasikanti – Contract IT Developer
- Jigar Patel – Contract IT Developer
- Zach Robinson – SVRS GIS Specialist
- Steven Rossman – Help Desk Lead
- Richard Rydecki – Elections Specialist – Accessibility
- Mai Choua Thao – SVRS Elections Specialist
- Lila Walsh – Elections Specialist – SVRS (resigned November 2014)
- Jennifer Webb – Elections Specialist
- Sarah Whitt – SVRS Functional Team Lead
- Meagan Wolfe – Elections Specialist -- Voter Services
- Nicole Woodards - Office Operations Associate, Training
- James Yeo – Contract IT Project Manager

## **Ethics and Accountability Division Staff**

- Jonathan Becker – Ethics and Accountability Division Administrator
- Colleen Adams – Campaign Finance Auditor/Lobbying Specialist (resigned September 2014)
- Brian Bell – Elections & Ethics Specialist (transferred from Elections Division) (resigned October 2015)
- Richard Bohringer – Lead Campaign Finance Auditor
- Kavita Dornala – Contract IT Developer
- Adam Harvell – Campaign Finance Auditor/Ethics Specialist
- Cindy Kreckow – Ethics and Lobbying Program Support (resigned January 2014)
- Kyle Kundert – Ethics and Accountability Specialist (transferred from Elections Division)
- Molly Nagappala – Campaign Finance Auditor/Lobbying Specialist