

WISCONSIN STATE  
LEGISLATURE  
COMMITTEE HEARING  
RECORDS

**2003-04**

(session year)

**Assembly**

(Assembly, Senate or Joint)

**Committee on  
Campaigns &  
Elections  
(AC-CE)**

File Naming Example:

Record of Comm. Proceedings ... RCP

- > 05hr\_AC-Ed\_RCP\_pt01a
- > 05hr\_AC-Ed\_RCP\_pt01b
- > 05hr\_AC-Ed\_RCP\_pt02

*Published Documents*

> Committee Hearings ... CH (Public Hearing Announcements)

> \*\*

> Committee Reports ... CR

> \*\*

> Executive Sessions ... ES

> \*\*

> Record of Comm. Proceedings ... RCP

> \*\*

*Information Collected For Or  
Against Proposal*

> Appointments ... Appt

> \*\*

> Clearinghouse Rules ... CRule

\*\*

> Hearing Records ... HR (bills and resolutions)

> \*\*

> Miscellaneous ... Misc

> **03hr\_AC-CE\_Misc\_pt03**



## WISCONSIN LEGISLATIVE COUNCIL

*Terry C. Anderson, Director  
Laura D. Rose, Deputy Director*

TO: SENATOR JON ERPENBACH  
FROM: Ronald Sklansky, Senior Staff Attorney  
RE: Rule-Making Authority of the Elections Board  
DATE: March 9, 2004

You have asked whether the Elections Board has the authority to promulgate a rule regarding issue advocacy by interpreting the terms “expressly advocates” and “expressly advocate” as used in ss. 11.01 (16) (a) 1. and 11.06 (2), Stats.

The board appears to have the authority to interpret the above-quoted terms through the rule-making process. Section 5.05 (1) (f), Stats., provides that the board may promulgate rules under ch. 227, Stats., applicable to all jurisdictions for purposes of interpreting or implementing the laws regulating the conduct of elections or election campaigns or ensuring their proper administration. Further, s. 227.11 (2) (a), Stats., provides that each agency may promulgate rules interpreting the provisions of any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute. Of course, such rules may not exceed the bounds of correct interpretation. Finally, while not directly so holding, the Wisconsin Supreme Court has implied that the board has this rule-making authority:

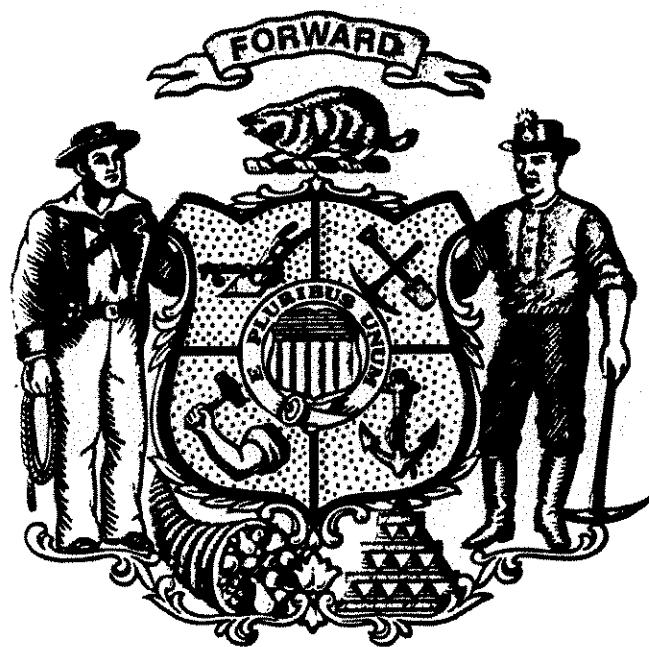
Further, we decline the Board’s invitation to craft a new standard of express advocacy for the state of Wisconsin. The creation of such a standard is properly the role of the legislature and the Board, not this court....

Based on our conclusion that the Board may not regulate WMC under the campaign finance laws in ch. 11 on the basis of the retrospective application of a context-based standard of express advocacy, we affirm the circuit court’s dismissal of the Board’s complaint. We stress that this holding places no restraints on the ability of the legislature and the Board to define further a constitutional standard of express advocacy to be prospectively applied. We encourage them to do so.... [See *Elections*

*Board v. Wisconsin Manufacturers and Commerce*, 227 Wis. 2d 650, 680-682, 597 N.W.2d 721, 736 (1999); citations and footnotes omitted.]

If I can be of any further assistance in this matter, please feel free to contact me

RS:tlu



**Testimony of Kevin J. Kennedy  
Executive Director, State Elections Board**

**In support of Proposed Legislative Changes  
To Implement the Help America Vote Act**

This legislation was developed at the request of the State Elections Board to implement the requirements of the federal Help America Vote Act of 2002, P.L. 107-252 (HAVA). The new federal law imposes significant requirements on the state with respect to the conduct of elections for federal office. HAVA enhances the role that the state plays in the administration of Wisconsin elections. Currently, municipalities have the primary responsibility for the administration and conduct of elections in Wisconsin. This legislation does not alter the allocation of basic responsibilities for election administration in Wisconsin. It is designed to integrate the federal requirements into Wisconsin's current election administration framework. The Help America Vote Act of 2002 provides a unique opportunity to add to Wisconsin's electoral tradition and develop a strong partnership between state and local election officials.

**Statewide Voter Registration System**

HAVA requires the state, acting through the chief state election official, to implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state.

Currently, voter registration is only required in municipalities with a population of more than 5,000. The municipal clerk is responsible for maintaining voter registration records. About 320 of the state's 1,850 municipalities have voter registration. In the other municipalities, the only official record of eligible voters is the poll list that is created on Election Day when individuals appear at the polling place to vote.

This legislation establishes a state voter registration list administered by the State Elections Board. Every municipality will be required to have voter registration. This means every voter must complete a voter registration card certifying that the individual is eligible to vote in Wisconsin.

The standard voter registration card has been changed to reflect the requirements of HAVA. The legislation requires voters to provide their date of birth and Wisconsin driver's license number in addition to their name and address as required by current law. If an individual does not have a Wisconsin driver's license, he or she must provide the last 4 digits of his or her social security number.

This information is used to match the voter list against the list of licensed drivers maintained by the state Department of Transportation. The state voter list will also be matched against vital statistics and Department of Corrections data.

The state list will ensure that a voter is not registered in more than one municipality in the state. Changes to the list will be made in a uniform and nondiscriminatory manner.

Municipal clerks will continue to be responsible for the maintenance of voter records for their municipality. Municipal voter records will be kept on the state list. There will no longer be a separate voter registration list in each municipality. Municipalities will need a computer and internet access to modify voter records, record voter history and prepare voter lists. The legislation permits municipalities to contract with county clerks or other municipalities to maintain the voter records for their municipality.

The list will be accessible to the public. However, only election officials will have access to a voter's date of birth, driver's license number or the last 4 digits of the voter's social security number. The effective date for the development and implementation for the list is January 1, 2006.

### **Voting Equipment**

HAVA establishes standards for voting equipment used in federal elections. Many of the standards are already set out in whole or in part in Wisconsin law. The State Elections Board must monitor the error rates of voting equipment and ensure that voting equipment meets federal standards. The State Elections Board is required to adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each type of voting system.

There are a number of security issues about electronic voting equipment that need to be addressed before the state proceeds with the implementation of accessible voting systems in every polling place. The effective date for the implementation of the voting system standards is January 1, 2006.

### **Accessibility for Persons with Disabilities**

Every polling place shall have a voting system that is accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence as for other voters.

Any individual with a disability who intends to vote at a polling place on election day may request that a specific type of accommodation be provided to facilitate his or her voting. Municipalities must make reasonable efforts to comply with such requests where feasible, but municipalities must still make all polling places accessible to all individuals with disabilities regardless of whether an advance request for accommodation is made.

The effective date for the implementation of accessible voting equipment is January 1, 2006.

### **Provisional Voting**

Wisconsin is exempt from the HAVA requirement for provisional voting because it has a system of election day registration that permits a qualified voter whose name does not appear on the poll list to register at the polling place. The legislation establishes a system of provisional voting for certain voters required to provide identification before voting who are unable to provide the required identification.



This is a federal requirement. Because provisional voting can delay the certification of election results, the legislation is designed to reduce the need for using it. We expect that it will only apply to a very limited number of voters. Most voters will be able to use the current system of election day registration to meet the identification requirements.

### **Voter Identification**

An individual who registers by mail and who has never voted in the state before registering by mail is required to provide specific identification before being permitted to vote. The identification may be a current and valid photo identification or a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. If the voter does not provide the required identification, the individual must vote on a provisional ballot.

An absentee voter subject to this requirement may provide a copy of the identification as part of the absentee voting process. Local election officials will have to track first-time voters and secure the required identification. Individuals can provide the required identification when the voter registers or before election day.

Because the statewide voter list will not be operational until the 2006 elections, from January 1, 2004 until 2006, the identification requirement will apply to voters that register by mail who have not previously voted in the municipality. This temporary change implements the HAVA requirement.

The limited voter identification requirement reflects a Congressional compromise. In Wisconsin voters who register at the polls and the first voter who registers by mail will have to provide identification or proof of residence to vote. Long-time voters and voters who register with a voter registration deputy will not have to provide identification to vote.

### **Voter Information**

The legislation requires the State Elections Board to provide uniform instructions on absentee voting.

Each polling place shall have posted:

- information regarding the date of the election and the hours during which the polling place will be open;
- general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and
- general information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.

The legislation requires the State Elections Board to establish a toll free telephone line for electors to report possible voting fraud and voting rights violations, to obtain general election

information and to access information concerning their registration status, current polling place locations, and other information relevant to voting in elections.

### **Administrative Complaint Procedure**

The legislation establishes a state based administrative complaint procedure. It is modeled on the current compliance review procedure that permits an elector to have the actions of a local election official reviewed by the State Elections Board if it is alleged the local election official acted contrary to law or abused his discretion in administering election procedures. The administrative complaint procedure permits any person who believes there is a violation of the HAVA requirements to file a written sworn complaint with the State Elections Board. The agency must resolve the complaint within 90 days. The complaint procedure can not be sued to challenge the outcome of an election. Under current Wisconsin law the determination of an election can only be reviewed through the recount process.

### **Military and Absentee Voters**

The legislation designates the State Elections Board as the point of contact for the military and overseas electors to facilitate their participation in federal elections. The legislation extends the time for which a military elector is entitled to have a ballot sent automatically. Municipal clerks are required to inform military and overseas electors if their ballot was not counted. Local election officials must also report on the number of military and overseas voters to the State Elections Board. The agency is required to provide this information to the federal Voting Assistance Program.

### **Performance Evaluation Audit**

The legislation directs the Legislative Audit Bureau to perform a performance evaluation audit relating to compliance by state and local governments with election laws and the appropriateness of procedures used to implement those laws. The audit must address compliance with the terms of HAVA resulting from enactment of this bill, including polling place accessibility requirements. The audit must also address the treatment of complaints of electors concerning election law violations, including denial of the right to vote and the right to corroborate registration information for electors, any attempts to require identification that is not authorized by law, any incidence of inadequate availability of ballots, allegations of voter fraud and the treatment of those allegations, and the legality and appropriateness of procedures used to identify ineligible electors whose names may appear on the registration list. The bureau must report its findings within an appropriate time period determined by the bureau upon consultation with the State Elections Board.

### **Federal Funding**

HAVA imposes significant requirements on the state with respect to the conduct of elections for federal office. Two of these requirements carry a significant cost: a statewide computerized voter registration list administered by the state's chief election official and accessible voting equipment that permits voters with disabilities to cast a vote privately and independently.

Congress has authorized almost \$4 billion to enable states to implement the new requirements. Congress has only appropriated a small portion of that amount. In order for Wisconsin to



receive the amount that has been appropriated for Federal Fiscal Year 3 (FFY 3), the state has to appropriate a 5% spending match.

Wisconsin is eligible for an estimated \$15.39 million if it appropriates \$810,000 in matching funds. The state appropriated \$200,000 in December, 2002 to enable the Elections Board to evaluate the design, development and potential costs of a statewide voter registration system (SVRS). This funding can be used as part of the match. The Joint Committee on Finance set aside an additional \$133,000 as part of the 2003-05 budget process. The state needs to appropriate an additional \$477,000 to qualify for the initial requirements payment of \$15.39 million.

Congress is poised to appropriate additional funding in the next federal fiscal year. This will also require a 5% state spending match. Based on the current status of the legislation, the state would need to contribute \$468,000 to receive an additional \$8.8 million in federal funds. A detailed description of the proposed HAVA budget for Wisconsin is set out in Section Six of the State Plan.

A copy of the proposed HAVA budget is attached to this testimony. As we gather more information on the costs associated with the major spending requirements, the HAVA spending plan will be revised.

### Questions

For additional background on the implementation of the Help America Vote Act of 2002 and the Statewide Voter Registration System please review the report on the Statewide Voter Registration System Project which is available from the State Elections Board offices and the Wisconsin State Plan which is available at:

<http://elections.state.wi.us/HAVA/Final%20State%20Plan.pdf>.

Kevin J. Kennedy, Executive Director  
Wisconsin State Elections Board  
17 West Main Street, Suite 310  
PO Box 2973  
Madison, WI 53701-2973

608-266-8087  
608-267-0500 (Fax)

kevin.kennedy@seb.state.wi.us  
<http://elections.state.wi.us>

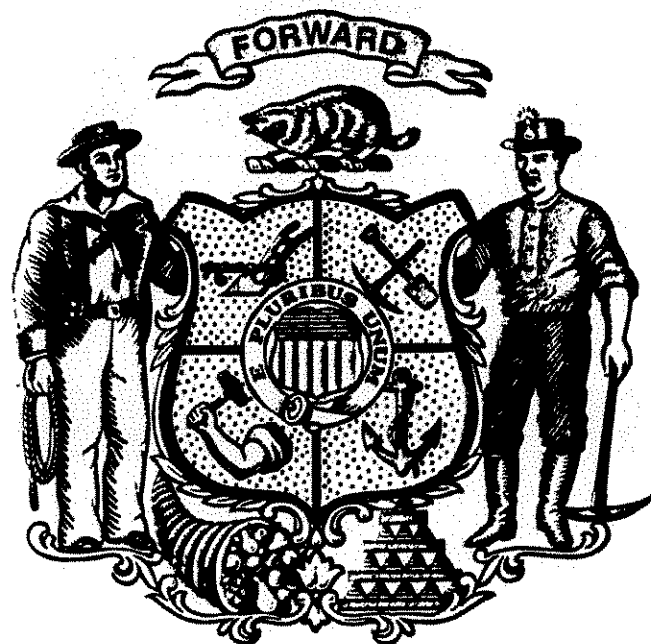
## Estimated HAVA-Related Expenditures

HAVA Requirements	Total Cost	Section 101 Funds	Section 102 Funds	Section 251 Funds	Section 261 Funds	5% State Match
Statewide Voter Registration System	\$26,295,000	\$4,182,000		\$21,007,500		\$1,105,500
Voting System Standards – Acquire Accessible Voting Equipment	\$16,418,800		\$1,308,800	\$14,354,500		\$755,500
Voting Information Toll Free Access	\$200,000	\$200,000				
Disability Access	\$387,400	\$203,000			\$184,400	
Voter Outreach and Election Official Training	\$889,000	\$889,000				
State Plan Management	\$220,000	\$220,000				
<b>TOTAL</b>	<b>\$44,410,200</b>	<b>\$5,694,000</b>	<b>\$1,308,800</b>	<b>\$35,362,000</b>	<b>184,400</b>	<b>\$1,861,000</b>

## Estimated HAVA-Related Receipts

Federal Fiscal Year	Total Federal Funds	Wisconsin Federal Share	5% State Match Requirement*
Early Payments (Title I Funds HAVA Sections 101 and 102)	\$650,000,000 (appropriated)	\$7,002,800	\$0
2003 (Title II Funds HAVA Section 251)	\$833,000,000 (appropriated)	\$15,390,000	\$810,000
2003 (Title II Funds HAVA Section 261)	\$13,000,000	\$184,400	\$0
2004 (Title II Funds)	\$481,000,000 (President's Budget)	\$8,887,000	\$468,000
2005 (Title II Funds)	\$600,000,000 (authorized)	\$11,085,000	\$583,000
<b>Total</b>	<b>\$2,577,000,000</b>	<b>\$42,549,200</b>	<b>\$1,861,000</b>

Source: Wisconsin State Elections Board State Plan, Pages 17 and 18



Original URL: <http://www.jsonline.com/news/metro/mar03/122560.asp>

## Absentee ballot dispute erupts in recall race

### Holloway's opponent calls for investigation, election delay

By **DAVE UMHOEFER**  
[dumhoefer@journalsentinel.com](mailto:dumhoefer@journalsentinel.com)

*Last Updated: March 2, 2003*

County Board Chairman Lee Holloway's election opponent demanded Sunday that this week's recall race be postponed until authorities investigate an unusual absentee voting arrangement that put nearly 150 ballots in the hands of an organization on Holloway's campaign payroll.

City and state election officials, saying they had no choice under an election-law loophole, approved a setup that allowed voter-requested absentee ballots to be mailed to the organization, which is run by Holloway's campaign manager. Under the typical arrangement, ballots would be mailed directly to would-be voters.

The revelation prompted Yolanda Staples-Lassiter, who is trying to unseat Holloway in Tuesday's recall, to seek an investigation before polls open.

"I want a full investigation," Staples-Lassiter said Sunday, adding that she might seek a court injunction to stop the election. "The election should be called off for now."

Campaigns and political parties long have distributed absentee-ballot applications, which go to the City of Milwaukee Election Commission. The commission then mails out ballots if the voter is registered.

In this case - in what election officials said was an unprecedented move - a non-profit political group known as African-American Coalition for Empowerment (ACE) requested permission to have residents agree to have their absentee ballots mailed to the organization. The requests were gathered in a door-to-door effort by ACE.

Elections officials were told by ACE officials that they wanted to avoid mail-delivery problems and that some residents feared opening letters from the government, state Elections Board Executive Director Kevin Kennedy said.

"Voters preferred that we got them," Holloway campaign manager Barbara White said. White is also president of ACE.

As understood by election officials, the idea was that ACE, blank ballots in hand, would then re-visit the resident, hand over the ballot for voting, get it back and then see to it that it made its way to City Hall. The completed ballots - some of which have already appeared at City Hall - need just one witness and no notarization, under loosened voting rules approved in 1998.

### Warning given

Kennedy said he strongly advised ACE that its idea would raise questions about potential fraud and undue influence over voters, but couldn't block it because state law prohibits only a

### Recall Race



*Photo/File*

Holloway

- **Lee Holloway (inc.)**, 56
- **Address; time in district:** 2836 N. Grant Blvd.; 26 years
- **Occupation:** Milwaukee County Board supervisor, board chairman
- **Elective offices; other government experience:** Elected 5th District county supervisor 1992, re-elected in 1996, 2000.
- **Education:** Lincoln High School graduate; bachelor's degree, University of Arkansas; master's degree, University of Wisconsin-Milwaukee
- **Family:** married, four children

candidate or political party from being the recipient of voters' absentee ballots.

"We couldn't tell them no, but we thought we had an understanding they weren't going to do it because it doesn't pass the smell test," Kennedy said. "I told them, 'You're undermining the whole concept of absentee balloting in Wisconsin.'"

Both Kennedy and city Election Commission Executive Director Julietta Henry said Sunday that they were not aware of ACE's direct connection to the Holloway campaign. Kennedy said, though, that he had assumed the group had a favorite in the race.

ACE - where the phone Sunday was answered "Friends for Lee Holloway - received \$6,392 from the Holloway campaign over a 10-day period this month for consulting, printing and literature drops, according to records at the Milwaukee County Election Commission. Henry, who works for the city, said she does not review those records.

One 5th District resident, Andrea Smith - identified by Staples-Lassiter - said Sunday that she cast an absentee ballot for Holloway a couple weeks after a woman named Barbara stopped by her house, identifying herself as "with the election committee." She signed up to get a ballot.

Smith, who lives on N. 35th St., said the woman returned Thursday night and showed her the two names on the ballot. She chose Holloway because he is the incumbent, she said.

Holloway said Sunday night he would have no immediate comment.

Kennedy, of the state Elections Board, said he gave advice over the phone to White, thinking for five minutes that she was a city elections official because she identified herself as from the "election committee."

Henry said ACE had collected and sent in more than 500 ballot applications for Tuesday's recall, as well as races on the April 1 regular spring election. Many of the applicants were not registered voters, so the city commission ended up mailing out only about 150 ballots to ACE offices, she said.

To check to see if those voters did indeed request ballots, the city sent special letters to each of the 150, Henry said.

Two people who received the letter called the city Election Commission last week, she said. One reported not having requested a ballot. The other reported being told that the application was a petition to clean up the neighborhood, not a ballot application, Henry said.

## DA alerted

Kennedy said he had alerted District Attorney E. Michael McCann to the issues involved, in case it turns out that individuals were taken advantage of in the process.

Informed Sunday night of ACE's role, Staples-Lassiter said, "Oh, my God."

She said she had not known of ACE's request to the Election Commission but noted that it helped explain why she kept meeting voters at the doors who told her they were given absentee ballots.

"Every last one of those absentee ballots should be shredded," she said.

White has clashed with Staples-Lassiter before during the course of a yearlong recall campaign led by Staples-Lassiter against Holloway. And on Sunday White had strong words for her call for an election delay.

"I don't give a (expletive) about what Yolanda Staples-Lassiter says," White said. "We can do whatever the hell we want to



Photo/File

Staples-Lassiter

■ **Yolanda Staples-Lassiter, 46**

■ **Address; time in district:** 2118 N. 36th St.; 23 years

■ **Occupation:** Economic development assistant, U.S. Small Business Administration, Milwaukee.

■ **Elective offices; other government experience:** Candidate, 5th District Supervisor, 2000; former legislative assistant to state Sen. Gwendolynne Moore.

■ **Education:** Custer High School graduate; associate degree, Glendale Community College, Glendale, Ariz.

■ **Family:** Divorced, four children

## Recent Coverage

■ **Recall race:** Candidates take it up a notch (2/28/03)

do."

White, contacted at the ACE office on W. Villard Ave., said she was on sabbatical from ACE during the campaign.

She said ACE was doing voter education, not really working for Lee Holloway. The group would work for whatever politician would pay it, White said.

Absentee ballots are counted at the polls on election day, and can be returned until 5 p.m Tuesday. They can be challenged as they are counted.

A version of this story appeared in the Milwaukee Journal Sentinel on March 3, 2003.





MARY JO WALICKI/WALICKI@JOURNALSENTINEL.COM

Yolanda Staples-Lassiter speaks after a news conference Monday. "Are they going to let this man get away with bloody murder? This is why good people don't run for office," she said of election opponent Lee Holloway.

RECALL ELECTION

ABSENTEE BALLOT DISPUTE

No building stands at the street number listed on this absentee ballot application solicited by the African-American Coalition for Empowerment, a group doing campaign work for Milwaukee County Supervisor Lee Holloway. Three seemingly different signatures for a "Sarah Moore" and two different dates of birth are listed on the application and the two voter registration cards that were attached to the application. The city Election Commission, noting the discrepancies, did not mail a ballot out in response to this application, one of dozens under investigation by the Milwaukee County district attorney's office.

EXCERPTS OF APPLICATION FOR ABSENTEE BALLOT

Address and number, if any	2014 N 25th	City/Town/Village	MILWAUKEE
Organization	African American Coalition for Empowerment		
Address and number, if any	3522 West Village Ave	City/Town/Village	Wauwatosa
State	Wisconsin	Zip	53209

Signature of Voter: Sarah Moore

Signature of Voter: Sarah Moore

VOTER REGISTRATION CARD NO. 1

Home No.	2014 N 25th	AP CODE	332107
LOCAL SECURITY NUMBER - (OPTIONAL)		DATE OF BIRTH	07/20/70
		PLACE OF BIRTH - (IF STATE OR FOREIGN COUNTRY)	* DIFF
STATE OF WISCONSIN } ss. Milwaukee County			
I hereby swear for others that I am a citizen of the United States, that on the day of the next election I shall be at least 18 years of age, and that I have resided in the state of Wisconsin for at least 30 days preceding said election, and that I am legally qualified to vote, and that I am not currently suspended to vote at any other location.			
Signature of Voter X: Sarah Moore			

VOTER REGISTRATION CARD NO. 2

Home No.	2014 N 25th	AP CODE	332107
LOCAL SECURITY NUMBER - (OPTIONAL)		DATE OF BIRTH	07/20/70
		PLACE OF BIRTH - (IF STATE OR FOREIGN COUNTRY)	* DIFF
STATE OF WISCONSIN } ss. Milwaukee County			
I hereby swear for others that I am a citizen of the United States, that on the day of the next election I shall be at least 18 years of age, and that I have resided in the state of Wisconsin for at least 30 days preceding said election, and that I am legally qualified to vote, and that I am not currently suspended to vote at any other location.			
Signature of Voter X: Sarah Moore			

Original URL: <http://www.jsonline.com/news/metro/mar03/123482.asp>

## DA takes records at office of group used by Holloway

By LEONARD SYKES and GEORGIA PABST  
[lsykes@journalsentinel.com](mailto:lsykes@journalsentinel.com)

*Last Updated: March 6, 2003*

The Milwaukee County district attorney's office stepped up its investigation into allegations of vote fraud in connection with County Board Chairman Lee Holloway's recall election by seizing records Thursday from the African-American Coalition for Empowerment.

Investigators served a search warrant on ACE headquarters on W. Villard Ave. around noon Thursday. They seized three computers, which apparently contain voter lists and phone lists and other information related to Holloway's campaign.

Barbara White, who serves as president of ACE and was Holloway's campaign manager, said no one was in the office when the warrant was served.

White said investigators broke the locks on the doors of the office and then called her at home to let her know they were there to seize records from the group.

She said the manner in which the warrant was served was uncalled for.

"If they called me to tell me they were here," she said, "they could have called me to open the door."

District Attorney E. Michael McCann defended the search as lawful and judicially approved.

"We went at a time when we thought someone would be there," McCann said. "This is no nighttime entry."

An investigation into allegations of voter fraud was launched Monday after the Journal Sentinel reported on an unusual arrangement that allowed ACE to receive blank absentee ballots and distribute them to voters whom the group had solicited door to door.

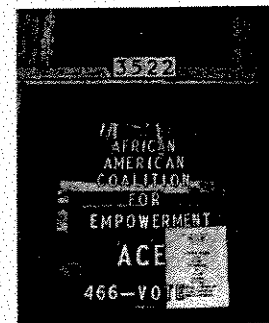
More than 160 completed absentee ballots were presented to city election officials before Tuesday's election by ACE, which describes itself as a non-partisan voter education and mobilization group. ACE was paid \$6,300 by Holloway's campaign for printing, literature drops and consulting.

The group and Holloway say the payments from Holloway's campaign fund did not go toward the absentee drive and that its volunteers made no attempt to influence which candidate people chose on the absentee ballots in the 5th Supervisory District contest. To do so would be unlawful. Holloway defeated Yolanda Staples-Lassiter in Tuesday's recall.

McCann's office challenged 96 ACE ballots on election day after a handwriting expert compared the signatures on ballot envelopes to the signatures on the voters' applications for absentee ballots.

White said her organization had done nothing wrong and had merely allowed Holloway to use

### Recall Election



*Photo/Laura El-Tantawy*

The district attorney's office seized records Thursday from the offices of the African-American Coalition for Empowerment, 3522 W. Villard Ave.

### What is Ace?

■ The African-American Coalition for Empowerment describes itself as a non-partisan voter education and mobilization group. ■ ACE was paid \$6,300 by County Board Chairman Lee Holloway's campaign for printing, literature drops and consulting.

■ ACE says the services given to Holloway would have been extended to any other candidate.

### Recent Coverage

📄 **Chairman:** Holloway promises to help DA (3/6/03)

📄 **Votes:** Holloway wins easily in recall election

the office and resources of ACE, a service the group would have extended to any other candidate. White acknowledged that Holloway did use ACE's phone banks, printing machines and computers.

"We try to put people in the voting process since other conventional means are not working," she said. "And we decided to do vote by mail. It's something we decided on last year.

"There was no criminal intent. If people made mistakes in this process, they made mistakes."

Another ACE official said earlier this week that it was mounting a similar absentee effort for the April 1 special election in Milwaukee's 10th Aldermanic District to replace Rosa Cameron.

Willie Wade, a candidate in that race, said Wednesday that he wants no part of the ACE absentee drive.

"I know what they're doing may not be illegal, but it's unethical," he said.

Wade's opponent, Michael I. McGee, the son of former 10th District Ald. Michael McGee, could not be reached.

Vincent Knox, who says he is coordinating the absentee-voter effort by ACE, said Wednesday he's not sure the 10th District drive will succeed "because of all the bad publicity" the tactic received in this week's recall contest.


ACE already has turned in to the city Election Commission ballot applications from 10th District residents whom the group visited in February, Knox said.


The Election Commission has not mailed out ballots yet to ACE in connection with the April 1 election.


Election officials will not send ballots out for that race until they receive legal advice from the city attorney's office, Julietta Henry, the Election Commission's executive director, said Wednesday.

*Dave Umhoefer of the Journal Sentinel staff contributed to this report.*

(3/5/03)

 **Disputed ballots:** Judge refuses to halt voting in recall election (3/4/03)

 **Holloway:** Absentee ballot dispute erupts in recall race (3/2/03)

 **Recall race:** Candidates take it up a notch (2/28/03)

A version of this story appeared in the Milwaukee Journal Sentinel on March 7, 2003.


[www.jsonline.com](http://www.jsonline.com)
[Return to regular view](#)
Original URL: <http://www.jsonline.com/news/metro/mar03/124260.asp>

## Lawmakers rush to fix absentee voting

### Increased use raises the political stakes

By **DAVE UMHOEFER**  
[dumhoefer@journalsentinel.com](mailto:dumhoefer@journalsentinel.com)

*Last Updated: March 9, 2003*

When Wisconsin lawmakers opened up absentee balloting to any eligible voter in 2000, few probably knew that a political group could - quite legally - distribute ballots door-to-door.

That scenario, which came true in Milwaukee County Supervisor Lee Holloway's recall election last week, is fueling a rush to fix state law and is playing into the ongoing partisan debate over how to tighten election regulations to prevent fraud without discouraging voting.

Once a minor sideshow, and always a tempting target for campaign shenanigans, absentee voting - by nature out of public view - is quietly emerging as a key battleground in Wisconsin political campaigns.

From the November 1998 election, when voters still had to claim disability or swear to another valid excuse, to the 2002 election, when no excuse was required, absentee voting jumped 25% in Wisconsin, with 18,438 more votes cast, state Elections Board records show.

With thousands of votes at stake, the political parties and advocacy groups have become more creative and more determined to put applications for absentee ballots into the hands of would-be supporters.

The voter-turnout group in the Holloway recall race was inspired to try its even-more-aggressive tactic because of the no-excuse law, Vincent Knox, who organized the absentee drive for the group, said last week. In a strategy that stunned even seasoned campaign observers, the group, African-American Coalition for Empowerment (ACE), had ballots mailed to its offices instead of to the individual voters.

ACE workers pre-printed residents' addresses and names on ballot applications, showed up at residents' doors, obtained the potential voter's signature and agreement on where to send the ballot, and got the applications to City Hall. Later, when the group received the ballots in the mail, they returned to homes and served as the required witness as people voted, and finally delivered the completed ballots to Milwaukee election officials. State law prohibits witnesses from observing exactly who a person voted for; ACE says its witnesses did not peek.

During the same period, ACE was paid \$6,300 for campaign services by the Holloway campaign. Holloway says those services did not involve the absentee drive.

The Milwaukee County district attorney's office is investigating signature discrepancies and other irregularities on the ACE-delivered ballots.

Before the March 4 recall contest, elections officials objected privately to ACE's move - saying they saw multiple opportunities for error and illegality in the approach. But they didn't intervene because election law prohibits only a candidate, political party or campaign committee from being a ballot middleman.

That language was added in 1985 after Milwaukee aldermanic candidate Rayford Drake was legally able to direct 200 absentee ballots to a post office box he rented.

### By The Numbers

**25%**

Increase in absentee voting in Wisconsin since November 1998.

Two state lawmakers are introducing bills that would prohibit groups from playing middleman; one of them would go further in tightening up the law.

A Milwaukee Democrat, Rep. Shirley Krug, is seeking support for a bill that would allow absentee ballots to be delivered only to a voter's permanent, temporary or work address. Hospitals and nursing homes are common "temporary" addresses.

An alternative bill being floated by Mount Pleasant Republican Bonnie Ladwig is similar but would resurrect a requirement that two people witness the ballot. Only one witness is now required.

Ladwig's reasoning: "It's harder to get two people to lie for you than one."

The state's top elections official, Kevin Kennedy, executive director of the state Elections Board, and many Democrats see the Ladwig approach as a step in the wrong direction.

"We went to one (witness) in part because a lot of elderly people are just husband and wife, so they needed a second witness to come in," Kennedy said of the witness change, which also took effect in 2000 with overwhelming support in the Legislature. "We were trying to make it convenient. You can argue that two witnesses is better than one, but it also makes it harder to vote."

Before 2000, absentee ballots could be obtained only by voters who were away or expected to be absent from their municipalities the day of an election, or could not vote in person because of age, illness, disability, jury duty, religious reasons or work as an election official.

Kennedy argues that under the old law people who just wanted to vote ahead as a convenience were put in a position of making up a valid excuse.

"We didn't want to turn voters into liars and municipal clerks into police," Kennedy said.

Some political activists wonder whether the no-excuse law should be revisited; municipal clerks who handle elections are split on that issue. Clerks have to absorb the extra cost of mailing out more ballots.

Clerks in a few battleground areas in last November's gubernatorial election were deluged with absentee ballot applications, some of which were improperly filled out, sent to the wrong office or sought a ballot for an unregistered voter. Jeanne Krueger, the Menasha town clerk, reported receiving dozens of angry phone calls from people who said they'd received an absentee ballot but never asked for one - an accusation that begged the question of who signed their ballot applications.

"How lazy are Americans going to get?" says Krueger. "For healthy Americans, you come to the polls, until we figure something else out, which we will, like Internet voting."

Fred Kessler, a former legislator and judge, said he believes Wisconsin is heading down a path of mass marketing of absentee ballot applications.

"It doesn't look like a good idea in retrospect," Kessler said of the no-excuse absentee policy.

Mary Clare Fagan, a campaign consultant on local races, wouldn't go that far, but she recalled that state law used to provide a lot more safeguards, including a requirement that absentee voters swear an oath in front of a notary. Tougher enforcement may be the answer, she said.

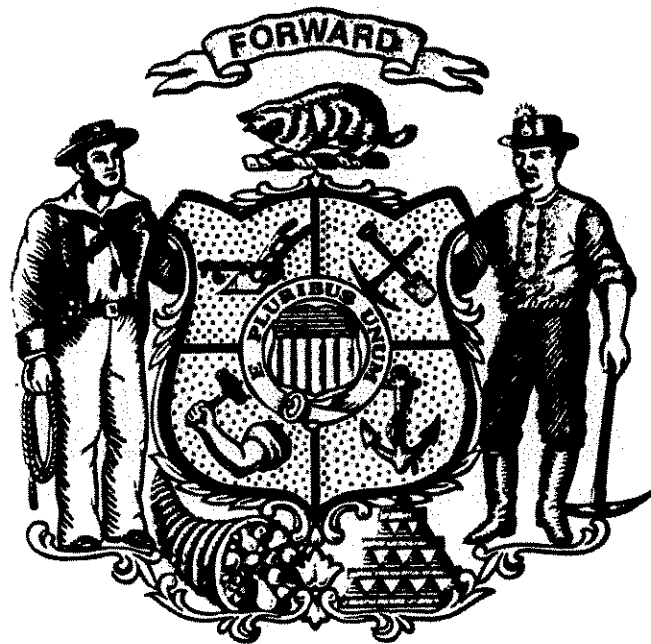
"I think the oversight of the system has gotten too loose," she said.

Others caution against overreacting to the aggressive new absentee-vote-gathering tactics.

State Sen. Gwendolynne Moore, a Milwaukee Democrat, agrees that political groups should not get ballots, but says some categories of non-profits such as agencies for the homeless should still be able to accept ballots for those without residences.

"I don't want this (ACE case) to become an excuse for people to disenfranchise people," Moore said.









home | news | sports | features | columnists | entertainment | classifieds | obituaries | online extras

archive search

subscriber services shopping & services forecast

job:

News: Iowa / Illinois

Last Updated: 7:59 pm, Saturday, April 5th, 2003

Election-reform bill could violate federal legislation

By Kathie Obradovich

DES MOINES — A proposed election-reform bill moving through the Iowa Legislature could violate federal law by requiring voters to show identification to receive a provisional ballot, the president of the League of Women Voters of Iowa said Friday.

A bipartisan group of county auditors also voiced opposition Friday to additions that Republican lawmakers have made to legislation that originally was aimed at putting Iowa in compliance with the federal Help American Vote Act, or HAVA.

The bill that passed the Iowa House last week makes major changes to absentee-balloting laws, requires voters to provide proof of identity at the polls and with absentee ballots, and closes the polls at 8 p.m., an hour earlier than current law requires. The measure still needs Senate approval.

Jan McNelly of Webster City, the leader of the nonpartisan League of Women Voters of Iowa, said she believes one of those legislative add-ons might violate the federal election-reform law by making voters show identification at the polls to receive a provisional, or "challenge," ballot.

The legislation would allow voters without proof of identity to cast challenge ballots if their names appear on the voter-registration list, or the commissioner of elections affirms that a person is a registered voter of that precinct.

Provisional, or challenge, ballots give people whose eligibility to vote is in question a chance to cast a vote while at the polls, and then later prove their eligibility so that the vote can be counted.

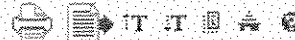
"The federal law clearly states that a provisional ballot must be provided to any person who declares they are registered to vote and eligible to vote in a federal election," she said.

"Even if the person is not on the voter list of the person's eligibility is challenged, the person must be offered a provisional ballot."

Sen. Mark Ziemann, R-Postville, who will lead debate on the measure in the Senate, said he does not believe the bill requires identification for a voter to cast a challenge ballot.

"My understanding is, there's no way anybody can be denied a ballot," he said.

Ziemann said he would review the issue, but added that he "comes down on the side of responsibility" and believes voters should be obliged to prove their identities in order to vote. Forgetting to bring ID is



ADVERTISEMENT

**eCash**  
Online Banking

**Online Anytime!**

Now, you decide when it's convenient to manage your money.

**CC BT** QUAD CITY BANK & TRUST

It's quick, easy, and secure.

Advertise Here | Advertising Directory

RIA Fed Union At the Co

Ruhl & Ru

**QCTIM TOP**  
In the C Re

NURSING I POS  
Black He

MANAGER | HOME AN CENTE  
Lumber, Builc Home Center

DIREC CURRICUL DEVEL  
Davenport Co

NURSING ILLINI

POLICE MAQUOK DEPA

SALES Ful

RN OPP Genesis M

DIRECT I MAN Par-A-Dice

ADMINI ASSI Riverside St

More

About

"an extremely lame excuse," he said.

McNelly also made a case for a veto of the bill if lawmakers approve it as written. She said Iowa needs only an appropriation of matching funds to fulfill requirements of the federal law that must be in place by January.

The matching funds are not in the House bill and would be placed in a separate budget bill if lawmakers decide to approve the money.

Gov. Tom Vilsack has said he has concerns about the bill but has stopped short of saying he would veto it.

County auditors from around the state also called for lawmakers to separate the controversial election-reform issues from the HAVA requirements.

Woodbury County Auditor Pat Gill said 52 of the state's 99 auditors signed a letter to legislators asking them to approve the HAVA compliance measures separately from other issues.

One of the arguments that Republican legislators have made for changing absentee ballots and poll-closing times is to reduce difficulties for county auditors.

Gill, a Democrat, said some auditors might be in support of some of the Republican provisions but most feel those issues should be addressed in a separate bill.

He said some auditors have expressed concerns about absentee ballots, which saw a surge in use in the 2000 elections, due in part to an aggressive early-voting drive by the Democratic Party. However, he said, he does not share those concerns and believes they can be addressed without legislation.

Renee McClellan, the Hardin County auditor, said she long has advocated closing polls an hour earlier, a move she argues would affect very few voters and make it easier to hire poll workers. But, she said, issues on which all auditors might not agree should not be included in the HAVA bill.

Zieman said he has heard from several county auditors who are "just higher than a kite on this bill. They love it," he said.

He said some auditors are concerned the Legislature will fail to provide the matching funds needed to qualify the state for federal dollars. He said legislation will be passed to ensure that \$1.2 million is provided if the HAVA bill is signed.

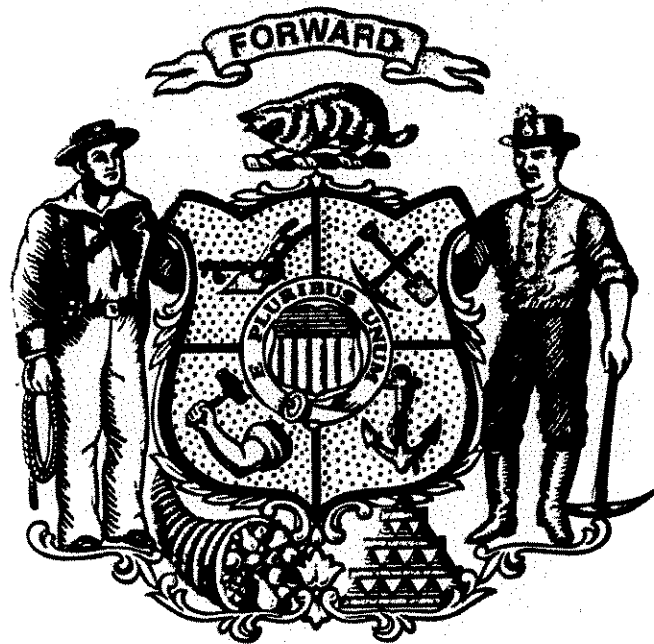
Kathie Obradovich can be contacted at (515) 243-0138 or [kathie.obradovich@lee.net](mailto:kathie.obradovich@lee.net).



### More Iowa / Illinois Stories

- Town celebrates life of fallen Marine
- Blagojevich's road budget focuses on maintenance
- Brunsvold confirmed as DNR director
- Gephardt pitches health care plan
- Funnel deadline claims plenty of 'victims'





washingtonpost.com Personalize Your Post Go to my.washingtonpost.com

Home News On Politics Entertainment Live Online Camera Works Marketplace Jobs

Navigate to Sections GO SEARCH: News GO Search Or

News > Metro > Maryland > Government

## Jolted Over Electronic Voting Report's Security Warning Shakes Some States' Trust

By *Brigid Schulte*  
Washington Post Staff Writer  
Monday, August 11, 2003; Page A01

The Virginia State Board of Elections had a seemingly simple task before it: Certify an upgrade to the state's electronic voting machines. But with a recent report by Johns Hopkins University computer scientists warning that the system's software could easily be hacked into and election results tampered with, the once perfunctory vote now seemed to carry the weight of democracy and the people's trust along with it.



enlarge photo  
Newer computerized voting machines in four Maryland counties in electronic states are required to update equipment. (Michael Robinson-Chavez -- The Post)

ADVERTISING

**The Post 200**  
TOP LOCAL BUSINESSES

The Post 200:

- Top 125 Public Companies
- Top Private
- Top 20 MD and VA
- Top Industries
- And More!

washingtonpost.com

An outside consultant assured the three-member panel recently that the report was nonsense.

"I hope you're right," Chairman Michael G. Brown said, taking a leap of faith and approving Diebold Election System's upgrades. "Because when they get ready to hang the three of us in effigy, you won't be here."

Since being released two weeks

ago, the Hopkins report has sent shock waves across the country. Some states have backed away from purchasing any kind of electronic voting machine, despite a new federal law that has created a gold rush by allocating billions to buy the machines and requiring all states, as well as the District of Columbia, to replace antiquated voting equipment by 2006.

"The rush to buy equipment this year or next year just doesn't make sense to us anymore," said Cory Fong, North Dakota's deputy secretary of state.

Maryland officials, who signed a \$55.6 million agreement with Diebold for 11,000 touch-screen voting machines just days before the Hopkins report came out, have asked an international computer security firm to review the system's security. If they don't like what they find, officials have said, the sale will be off.

The report has brought square into the mainstream an obscure but increasingly

### The Local Count

#### THE DISTRICT

The District replaced its punch-card machines with scan voting system in 2001. Officials plan to spend \$8.5 million, federal and local funds to Sequoia Direct Edge electronic machines. The District plans to replace such machine in each of its 100 precincts before the 2004 election to comply with the Help America Vote Act. The law requires that by 2006, each precinct have a handicap accessible machine.

#### MARYLAND

In 2001, the state split the cost with Montgomery, Prince George's, Allegany and Dorchester counties to replace 4,678 Diebold AccuVote-3 machines. State officials reached an agreement worth up to \$11 million with Diebold to buy 11,000 machines, which would go to each precinct in the state. After the presidential election, a state convention convened by then-Gov. P. W. Glendening (D), recommended that the state use one unified voting system of electronic machines.

#### VIRGINIA

Cities and counties deterr

nasty debate between about 900 computer scientists, who warn that these machines are untrustworthy, and state and local election officials and machine manufacturers, who insist that they are reliable.

"The computer scientists are saying, 'The machinery you vote on is inaccurate and could be threatened; therefore, don't go. Your vote doesn't mean anything,'" said Penelope Bonsall, director of the Office of Election Administration at the Federal Election Commission. "That negative perception takes years to turn around."

Still, even some advocates of the new system are thinking twice. The Leadership Conference on Civil Rights, which pushed for electronic machines to help visually impaired and disabled voters, says the Hopkins report has given them pause. They're calling on President Bush and members of Congress to convene a forum of experts to hash it out. "We have become concerned about these questions of ballot security," said Deputy Director Nancy Zirkin.

Her group and others supported passage of the \$3.9 billion Help America Vote Act in November. Of the \$1.5 billion appropriated so far to replace old machines, rewrite outdated equipment standards, encourage research to improve technology, train poll workers and update registration lists, about half has been released. And that has all gone toward buying electronic machines, which cost as much as \$4,000 a piece.

"These vendors are everywhere," said David Blount, spokesman for Mississippi Secretary of State Eric Clark. "They're besieging everyone."

The remaining money is to be released once an Election Assistance Commission is appointed. By law, the board was to have begun work in February. But the names of the four commissioners, two from each major party, have yet to go to the Senate for confirmation.

The stakes are high. The 2000 Florida presidential election showed the shortcomings of the current system.

A subsequent Cal Tech/MIT report found that of more than 100 million votes cast nationwide, as many as 6 million weren't counted because of registration errors or problems with punch-card and lever machines. One study found that of 800 lever machines tested, 200 had broken meters that stopped counting once they hit 999.

Frustrations with the old machines -- levers were invented in the 1930s and punch cards in 1904 -- have turned many local election officials into staunch supporters of the new electronic models. Advocates for the disabled say that the machines will enable the visually impaired, for the first time, to put on headphones and vote a secret ballot.

Mischelle Townsend, registrar of voters in Riverside County, Calif., said the electronic machines have saved as much as \$600,000 in paper every election and, from 1996 to 2000, helped increase voter turnout to 72 percent, up 10

machines to buy. They are and certified by the State Elections. Four cities and Virginia, including Charlottesville and New Kent County, have no screen electronic voting in Alexandria uses an optical machine. Arlington and Fairfax use older electronic equipment negotiating to buy Advanced Solutions' latest wireless machines. Norfolk is the only Virginia using Diebold electronic machines.

#### Government IT




- [Supreme Court Cases Hearing](#) (The Washington Post, Aug 7, 2003)
- [Military Has High Hopes](#) (The Washington Post, Aug 8, 2003)
- [Government IT Review](#) (TechNews.com, Aug 7, 2003)
- [More Government IT](#)

#### Message Board

- [Post Your Comments](#)

#### Free E-mail Newsletters

- [Entertainment Best Bets](#)
- [News Headlines](#)
- [News Alert](#)

-  [E-Mail This Article](#)
-  [Printer-Friendly Version](#)
-  [Permission to Republish](#)
-  [Subscribe to The Washington Post](#)



percent.

Any tampering would be caught, she said, in the extensive pre- and post-election testing. The best defense of the machines, she said, is that there has been no documented case of voter fraud. "If the computer scientists had one valid point, one, then why hasn't one incident of what they're saying occurred in all of these elections?"

But past is not prologue, historians and political scientists warn.

"Some of these hacking scenarios are highly improbable. But it's not completely out of the question," said Larry J. Sabato, a political scientist at the University of Virginia who has written about political corruption. "When the stakes are high enough in an election, partisans and others will do just about anything. So this is a worry."

### **Bugs, Glitches Can Abound**

Computer scientists note that computers are unreliable, subject to bugs, glitches and hiccups as well as the more remote possibility of outright hacking and code tampering.

They warn of a hostile programmer inserting what they call Trojan horses, Easter eggs or back doors to predetermine the outcome. They point to a number of errors in the 2002 elections, from poll workers -- like some in Montgomery County -- unfamiliar with how long it takes to warm up the machines to mysterious vote tallies.

In Georgia, where Diebold machines are used, a handful of voters found that when they pressed the screen to vote for one candidate, the machine registered a vote for the opponent. Technicians were called in and the problem was fixed, state officials have said.

In Alabama, a computer glitch caused a 7,000-vote error and clouded the outcome of the gubernatorial race for two weeks. But more critically, computer scientists charge that the software that runs the machines is riddled with security flaws.

"Whoever certified that code as secure should be fired," said Avi Rubin, technical director of the Information Security Institute at Johns Hopkins and co-author of the report.

Rubin analyzed portions of Diebold software source code that was mistakenly left on a public Internet site and concluded that a teenager could manufacture "smart" cards and vote several times. Further, he said, insiders could program the machine to alter election results without detection. All machines had the same password hard-wired into the code. And in some instances, it was set at 1111, a number laughably easy to hack, Rubin said.

Because there is no paper or electronic auditing system in the machine, there



would be no way to reconstruct an actual vote, he said.

In a 27-page rebuttal, Diebold dismissed the findings. Officials said that the software Rubin analyzed was old and that only a portion may have been used in an actual election. "Right now, we're very, very confident about the security of our system," said Mark Radke, a Diebold executive. "If there is a way to make it more secure, we're open to that from good, reliable, knowledgeable sources who don't have a previous agenda."

That doesn't satisfy some critics. "The most important thing about the Hopkins report is not the security holes they found, but irrefutable proof that all this stuff that the machines are secure is hot air," said David Dill, a computer scientist at Stanford University who has turned the debate over electronic machines into a national crusade.

State and local election officials, however, say the checks and balances -- the poll workers and judges, the thick manuals of procedures -- ensure the sanctity of elections.

"It's not fair to do an evaluation that doesn't talk about context," said Mary Kiffmeyer, president of the National Association of Secretaries of State. "Our voting process has all kinds of security. It's not just the box of technology."

#### **Few Players in Game**

Although free and fair elections are a central tenet of America's democracy, no one paid much attention to how they were executed for years. Not until 1990 did federal elections officials decide to write voluntary standards to certify voting machines.

Still, the atmosphere remained fairly clubby, with one lab doing the testing and a revolving door between voting machine companies and the state officials who later went to work for them. Although nearly 20 companies have had equipment certified by the FEC, only three are major players: Diebold, with 55,000 touch screens throughout the country; ES&S of Omaha; and Oakland, Calif.-based Sequoia Voting Systems.

All machines go through the FEC's testing and certification process, which can cost companies anywhere from \$25,000 to \$100,000. Yet a 2001 report by the General Accounting Office found that the FEC standards do not thoroughly test for security or user friendliness and that only 37 states follow them.

Doug Jones, a computer scientist in Iowa, said the testing is so secret that even he, as an insider who serves on the state board that certifies voting equipment, can't get information. Five years ago, he found the identical security flaws cited in the Hopkins report.

"They promised it would be fixed," Jones said. "The Hopkins group found clear evidence that it wasn't. Yet for five years, I had been under the impression that it was fixed."

Diebold's Radke said the code has been fixed.

Even the most vocal critics say there are workable solutions. Computer scientists say the companies should release their secret source codes for expert review, as two start-ups, VoteHere and Populex, have agreed to do. Or that states should require automatic upgrade clauses, as Santa Clara County has.

Dill, the Stanford computer scientist, and others are pushing for what are called voter-verified audit trails. By attaching a printer to every machine, voters can review the electronic ballot before it drops into a locked box.

Many solutions are already spelled out in the Help America Vote Act, which mandates tougher security, usability and accuracy standards.

In the end, however, with experts still at loggerheads and the 2004 election looming, voters are left wondering which side to trust. Howard A. Denis (R-Potomac-Bethesda), a Montgomery County Council member, was so shaken by the Hopkins report that he is considering asking for a waiver to stop using electronic machines.

"The more I look into this, the more serious I think it is," he said.

© 2003 The Washington Post Company

#### ADVERTISER LINKS

What's this?

#### Free Web-Based Voting

Elections and surveys over the Web Organizations, Universities, Groups  
[Campus-Vote.com](http://Campus-Vote.com)

#### e-vote services

election and survey services secure online voting and opinion  
[www.evot.ca](http://www.evot.ca)

News > Metro > Maryland > Government

Navigate the Metro Sec

Navigate to Sections 

SEARCH: News  Search Op

washingtonpost

Personalize Your Post | Go to my.washingt

Home

News

OnPolitics

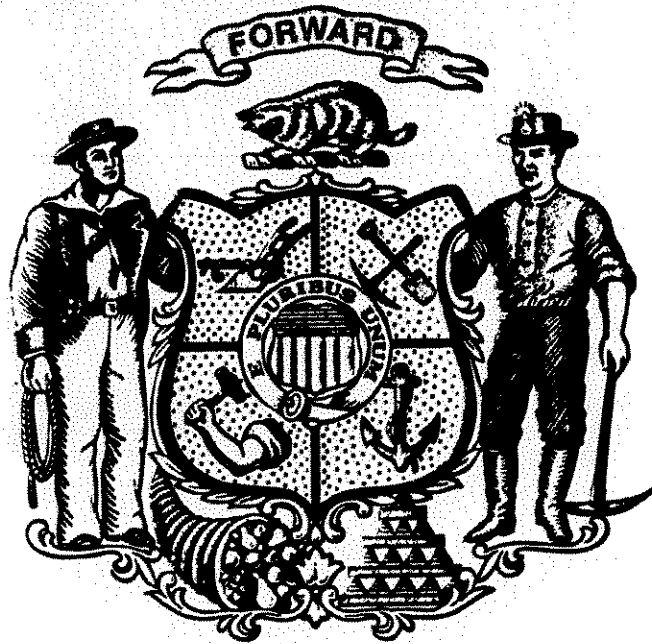
Entertainment

Live Online

Camera Works

Marketplace

Jobs





Doyle to legislature: Pass the Ellis campaign finance reform bill  
On The Wisconsin Radio Network's "Ask The Governor" program  
Governor Jim Doyle urged the legislature to take up GOP Senator  
Mike Ellis' campaign finan...  
Friday, October 03, 2003

Home Sports Page Radio Stations Ask the Governor Links Contact Us

Newscast - 12:30 p.m.

Sports Report - 4:15 p.m.

search...

Go!

## Voter ID compromise?

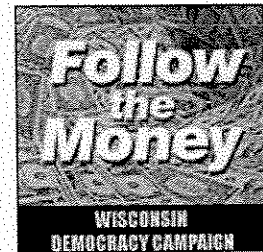
by Jackie Johnson

While liberals and conservatives take opposite sides when it comes to mandating photo identification at the voting booths, one guy offers a compromise. Mark Grebner is owner of Wisconsin Voter Lists. He says there's no need to produce a photo ID at the polls because many voters' pictures are already available with the state DOT. "Because the driver's license and personal ID photographs are now being taken digitally, and because storage is so cheap, it would make a lot more sense for the election workers to already have the pictures of the voters so that when you come to vote, all you do is you bring your face!" But, the original argument that some people don't have a photo ID would mean the DOT wouldn't have a copy, either. Grebner's idea solves that problem as well as security issues. "Simply photograph them at the polls ... using a disposable camera. The idea would be that the film would not be developed unless there was a credible accusation before a court of election fraud." Grebner says there's no need for people to worry about their privacy being invaded due to the poll workers having access to their photos. "The people working at the polls have taken a legal oath to protect certain records and to act within the law. I mean, if you can't trust the poll workers, you've got a pretty serious problem."

See other items about...

(choose a keyword...) go

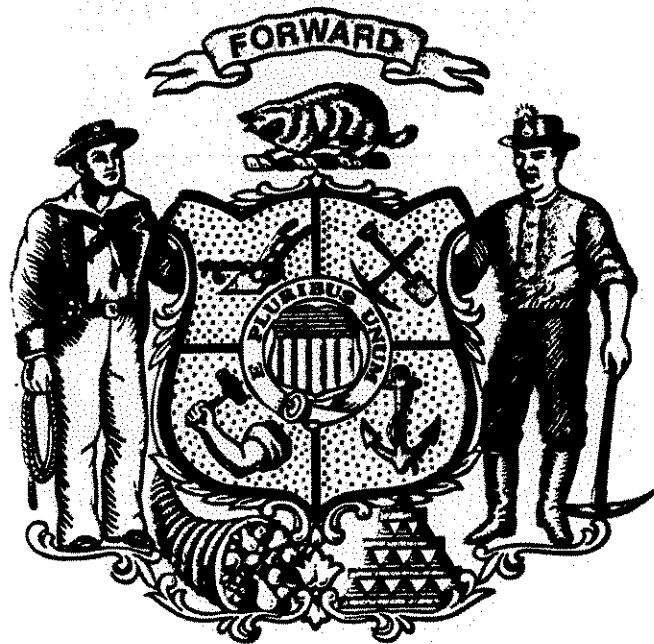
Thursday, August 28, 2003



### State Forecast

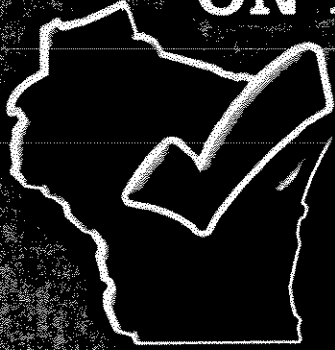
- Agriculture
- Business
- Crime & Courts
- Education
- Environment & Conservation
- Fires/Accidents/Disasters
- Health & Medicine
- Human Interest
- Legislature
- Military
- Politics & Government
- Recreation & Entertainment
- Sports
- Taxes
- Transportation
- Weather

Tel: 608.251.3900; Fax: 608.251.7233; Email - © 2003 Learfield Communications, Inc.



# WISCONSIN VOTER LISTS

ON TARGET ACCURACY



## KNOW YOUR VOTERS AND WIN!

Statewide coverage

4.1 million voting age adults included

7 years of voter history information

Up to date addresses and  
telephone numbers

Every record includes political  
district details from wards to counties  
to congressional districts

Gender and date of birth data

Hunters, anglers, farmers, and  
petition signers are identified

And more...

### FOR MORE INFORMATION:

(920) 206-9072

[sales@wisconsinvoters.com](mailto:sales@wisconsinvoters.com)

[www.wisconsinvoters.com](http://www.wisconsinvoters.com)

## Wisconsin Voter Lists

Accurate. Inexpensive. Complete.  
PO Box 636, Watertown, WI 53094





**WISCONSIN  
VOTER LISTS**  
**ON TARGET ACCURACY**

**(920) 206-7092**

**[www.wisconsinvoters.com](http://www.wisconsinvoters.com)**

**WISCONSIN VOTER LISTS**

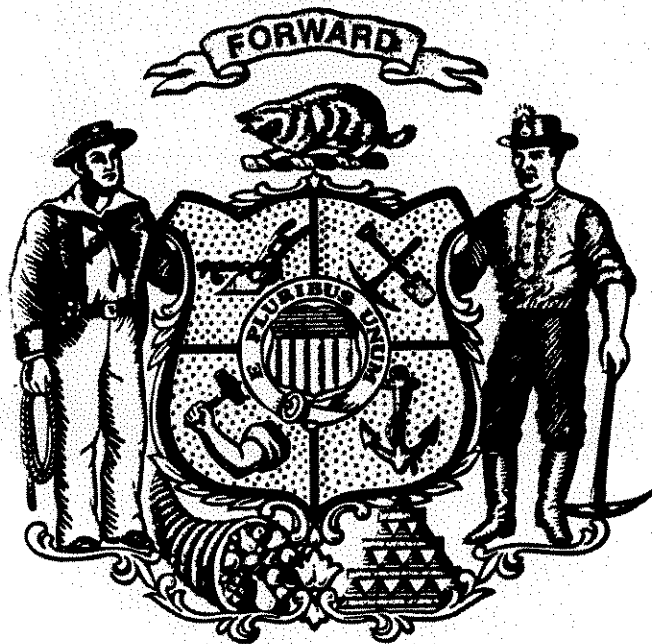
**BARRY ASHENFELTER**  
**CUSTOMER SERVICE REPRESENTATIVE**


POST OFFICE BOX 636  
WATERTOWN, WI 53094

OFFICE: (920) 206-7092  
CELL: (414) 313-0935

**[SALES@WISCONSINVOTERS.COM](mailto:SALES@WISCONSINVOTERS.COM)**  
**[WWW.WISCONSINVOTERS.COM](http://WWW.WISCONSINVOTERS.COM)**

**You WIN with Wisconsin Voter Lists!**



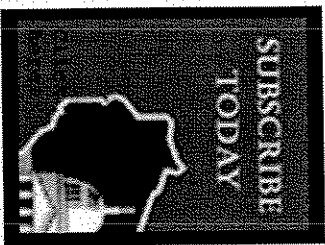


**WISPOLITICS.COM**  
 Wisconsin's Premier Political News Service

WisBusiness.com | WisOpinion.com | Subscribe | Advertise | Contact Us

INTERVIEWS ■ PRESS RELEASES ■ EVENTS

Advertisement



**Mack Grebner: Michigan Voter List Monopolist Bashes Wisconsin Process**

Mack Grebner is a Michigan voter list consultant and an elected county supervisor in East Lansing now doing business in Wisconsin as Wisconsin Voter Lists. Grebner, who disdains suits and wears his hair long, says Wisconsin elections are about to make the same mistakes as Michigan election officials made when they started to put together a voter list some 10 years ago. Like Wisconsin, Michigan has no party registration.

He was in Madison recently to attend a briefing on how the state Elections Board plans to form a voter list, as mandated by the federal government in the wake of the Florida presidential election controversy of 2000.

Grebner, complaining he wasn't a qualified vendor even though he has already put together a Wisconsin list of 4 million voters, personal data and history for some \$800,000, warns the Wisconsin experience is "just going to be a great big mess. It's just going to burn an insane amount of money. And you know, at the end of this, I'll have a file that's usable and is accurate, and the state of Wisconsin will have, I don't know, the ashes of \$40 million."

Elections Board Executive Director Kevin Kennedy says Grebner and his firm could be involved in the process, but they need to go through the Department of Administration's vendor system in order to qualify and apply. He says it'll be a two-part job and that the state now is seeking a consultant to guide it through the first phase of a project that is targeted for completion in 2006. About 15 vendors are competing.

He says Grebner's numbers and contentions are off the mark. "What we're doing now is to make sure we don't spend that kind of money," Kennedy says. "His vision of a list is much different. ... He's in a much different business than we are. There's a lot more to it."

Kennedy says while Grebner's business is suited to political clients, the state list must serve local clerks. The state is going to have to require voter registration in every municipality. Currently, registration is done in only 320 of the state's 1,850 municipalities, but that comprises 76 percent of the voting population, Kennedy says. The list and accompanying programs will be "a tool for municipal clerks to run their elections," he says.

See Kennedy's memo to Elections Board members regarding upcoming legislation worth \$477,000 to implement the federal Help America Vote Act in Wisconsin:

An Assembly committee hearing is planned Friday to review proposed Elections Board legislation. See the agenda.

In the meantime, Grebner would like to get a piece of the action -- proclaiming it won't put him out of business.

**SITE RESOURCES**

- HOME
- Online Store
- WisOpinion.com
- WisPolitics Archive
- FEATURES**
- Election Coverage
- Ad Watch
- Salary Watch
- Scandal Sheet
- Month at a Glance
- Budget Coverage
- Wisconsin By the Numbers
- SEARCH**

[Lobbyist Search](#)  
[Money Search](#)  
[Polling Archive](#)  
[State Employee Directory](#)  
[Find Your Legislator](#)  
**LINKS**  
[Government and Political Links](#)  
[Media Links](#)  
**LEGISLATIVE TRACKING**  
[State Legislation](#)  
[Congressional Bills](#)  
[Online Legal Notices](#)  
**PRODUCT SAMPLES**  
[Weekly Report](#)  
**SUBSCRIBER LOGIN**

"No, I don't want the whole contract, because the whole contract involves big, insane things," he says. "I would be happy to just be a consultant. I would be happy to get like 1 percent of the money, and like actually make it work. That's my dream."

WisPolitics Editor Jeff Mayers interviewed Grebner on Oct. 8.

**Jeff Mayers: Tell me about PPC, and tell me about how long you've been in the business.**

**Mark Grebner:** I'm 50 these days, believe it or not. I started doing political stuff with computers in 1973, 30 years ago, and it was on punched cards. ... I'm a county commissioner, which is equivalent to County Board of Supervisors here. And I represent the MSU (Michigan State University) campus on the County Board of Commissioners. ... I'm the longest serving member. I was first elected as a leftist student radical with long hair. And I try to maintain that position, still representing the campus even though I'm older than their parents.

**Mayers: You live in East Lansing.**

**Grebner:** I do. I live right near the campus. ... About like 25 years ago, it became a business. It wasn't a business the first five years; it was just me helping campaigns. And so, for about 25 years, I've actually been like charging people and selling stuff. Until about five years ago, it was entirely Michigan. And I have a position in Michigan which is pretty close to a monopoly. And I would just kind of sort of honestly assert that, basically, we set a standard for price and quality, and we challenge our competitors to meet it, and we crush them. It's a very simple system.

**Mayers: But in Michigan, you have to register to vote. You have to register as a partisan?**

**Grebner:** No, no, no. Michigan has no party registration. For five years, we sort of did have party registration. Then the state was kind enough to order it all destroyed, but not until I had a copy of it.

**Mayers: OK**

**Grebner:** So, it worked out pretty well. .... And then in about 1998, I decided to move to into Wisconsin, because I knew that the situation here was utterly impossible, although I wasn't completely clued into the way that people were really building voter files. And so, I now realize that the first 10 phone calls I made, roughly seven of them had been indicted, and the other three are cooperating witnesses. (laughter) But none of those people needed any help at all. They all had their voter file situation completely under control, but none of them could explain how. And now I understand how.

**Mayers: Well, how?**

**Grebner:** Well, they had other sources of data. They had sources of data which didn't cost them any money. I mean, if one wanted to be impolite, one would say that they had discovered the art of drinking somebody else's soda by putting a straw in it. And so, the state of Wisconsin was paying for it all, of course. And the data was unbelievably bad. And yeah, they had their list.

**Mayers: You would maintain their lists weren't very good.**

**Grebner:** The lists were bad because there was no quality control, because they were being keyed by individual offices

for particular purposes. And once they were transmitted from one person to another, there was no traceability, there was no responsibility. So, whenever anybody got a list, you never knew what its real source was, you never knew what had really been keyed. And the people who did do the keying, largely, had been hired as legislative staffers with degrees in political science and had no real interest in being data entry clerks.

**Mayers: Right.**

**Grebner:** And so, the lists were terrible, but they were free. So, now I arrive on the scene and everybody has free, terrible lists that they can't describe where they got them. And so, one of the problems that my firm is facing, and you know, it's just a continuing problem, is that everybody assumes that the market is still crooked and that everybody lies about sources and that we're misrepresenting what we sell, and that they don't have to sign contracts or live up to the contracts.

**Mayers: Why don't you say how you guys do your lists and how complete it is.**

**Grebner:** Well, it essentially covers, it does cover the whole state. It is, I'd say, complete. It is based on a copy of the Wisconsin driver's license file, the last time it was available to the public, which is about two years ago now. And since then, we update it. We change addresses for people, and so forth, as we move them around the state.

**Mayers: But how do you physically do that? I don't think people understand what it takes to do that. Because if I go to register to vote on same-day registration, I don't have to really give up all that much information.**

**Grebner:** Well, you have to tell them your name and address, and that's enough to link you either to an old record in the driver's license file, which has your date of birth. Or, it at least allows us to create a new record for you, maybe without a date of birth, which we can then link from some other source. So, we've created a file for about four million Wisconsin adults that has name, address, date of birth for almost everybody, phone number, ward, township, city, county and each election in which you've voted.

**Mayers: Yeah, but how do you go out there and actually get this stuff?**

**Grebner:** There are two main sources of election data. One is the 250, or so, municipal voter files that are maintained electronically. Those are a horrible mess. Those are just a huge mess. And by the way...

**Mayers: You mean 250 different municipalities maintain such things.**

**Grebner:** Yes, or try to. In many cases, they should stop. They do it as things like Excel files, you know, spread sheets. There are people who maintain Word documents. There's one municipality that I think has now quit, but until six months ago, maintained it on magnetic tape. I mean, half-inch open reel mainframe computer tape. So, we still have to convert that. So, we collect these 250 files, which are all in utterly different formats, convert them to same format, match them to our main file, update the main file with the information. And that takes care of 65 percent, or so, of the state.

The other 35 percent of the state is not available in any way electronically. It's only available on paper. And for those paper records... we don't buy copies, generally, because copies would be fantastically expensive. So, for those, we have a person, actually somebody just worked for us for two months. He drove around the state in my car and stayed at every Motel Six in the state, I think, and went to 52 or 53 counties and photographed, using a digital camera, photographed 100,000 pages of records, which got us the March 2003, non-partisan general. And in some counties, we



still needed the November 2002 partisan general election. So, he photocopied the election records, covering about 100,000 pages for pretty much those two elections. So, those then go back to my data-entry people, who then key it against the existing file and update the records.

So, that file is complete, and is in very good shape, and has been sold to both political parties, and you know, is generally available. And that, I've sunk in ... call it \$800,000 that I've sunk into that file. And it has voter history going back to 1996, pretty much complete. I mean, there's always some problem, you know. At one point, the Vilas County Clerk didn't have an election (file) because (one of the legislative house) caucus had borrowed the election and lost it. So, they had literally no election records for the 2000 general election. And no matter how many times we went back there, the truth is they didn't have them because (somebody) here in Madison had lost the data. The guy had actually sent them his box of election records. So, they were just gone. So, for a long time, we didn't have anything from them. So, there are little gaps like that where basically the public records are completely unavailable.

So, the file is pretty accurate. We correct people's addresses by submitting the file every six months or every year to the Post Office under a system called National Change of Address (NCOA) to get new addresses. And there are also commercial sources of information of where people's current residential addresses are, and we match with a bunch of other things. But basically name, address, phone number, date of birth, election history.

**Mayers: Some people may not even know this is done and they may be surprised, people who aren't in politics. It seems like this could be used for an insidious purpose, maybe given to a bunch of telemarketers.**

**Grebner:** Well, there are lists for telemarketing. We don't, I mean, nobody really uses it for telemarketing. Basically, it's just useful for politics. The fact that somebody voted or didn't vote doesn't really help you sell used cars. It really helps you sell candidates for judge. And so, I mean, we don't do much commercially. We've tried; it just doesn't ever work. They have very different markets.

**Mayers: Are you operating in any other states?**

**Grebner:** We do two states, Wisconsin and Michigan. Outside of that, I do technical services for consulting purposes.

**Mayers: Now tell me, you're having a little problem with the Wisconsin Elections Board. Tell me what's going on from your point of view.**

**Grebner:** Basically, the federal law -- came along and in a big, dim-witted crude way said you need a list of registered voters.

**Mayers: Everybody needs one.**

**Grebner:** Yeah, and here's \$25 or \$50 million, or some amount of money from the federal government to build a list of registered voters.

**Mayers: \$25 million?**

**Grebner:** Or more. That \$25 million is kind of like the lowest number it mentions. Now, I've built this file already. I just want to point out, for under a million, ...



**Mayers: But it's virtually done.**

**Grebnier:** Yeah, well, it's as done as their file would ever be, because you always have more work to do. But you know, it's done through some date. ... So, the state of Wisconsin is now going out in a big dim-witted way to build a list of registered voters. But the problem is that Wisconsin law and Wisconsin practice doesn't emphasize registration. Registration is almost a foreign concept. And so, an important problem here is that it's not the right approach. Maybe there are two kinds of problems. Maybe I'll go back to my personal problem with it, which is that the state of Wisconsin has just already determined that I'm not an appropriate vendor to plan to build this list. ...

**Mayers: I see, so you're not allowed to bid for this?**

**Grebnier:** I can't even bid, because it turns out I'm not a qualified person to plan to build a voter file.

**Mayers: Who is?**

**Grebnier:** They told me you have to be on one of these two registries of vendors for the state of Wisconsin who are qualified to do planning and electronic government implementation, or something. Long names, I don't know. ... And one of them is to do the planning process to convert the 250 or 300 or 350 municipal files. Well, I'm not even qualified to plan to do the work that I've already done five times. And the contract for doing the planning will be more than the cost of doing the conversions, because the conversions only cost between \$25,000 and \$50,000. To do the complete conversion is probably about \$25,000. To me, I mean, I would charge the state more.

**Mayers: You mean at cost, that's what it costs.**

**Grebnier:** It did cost us about \$25,000. And that's actually paying each municipality for their file. So, I assume the state wouldn't have to pay them, so that would be even less. But anyway, the cost of planning to do the conversion, I'm sure will be more than the cost to me of doing the conversion. But I'm not eligible to plan to do the conversion because I'm not really competent to do the planning for the work that I already do. Now, of course, somebody could plan to do the conversion by having me do it. And like the entire answer to the second deliverable could be, "Have Mark Grebnier and Wisconsin Voter Lists do the work." Period. That would be a complete plan, because we've already know how to do the work and we've already done all these conversions successfully and pretty well.

**Mayers: Why doesn't the state of Wisconsin just buy your list?**

**Grebnier:** Well, it wouldn't be exactly what they needed, but also because that's not how they think. They think that they need a list of registered voters. ... They shouldn't be interested in registered voters. There are a bunch of reasons. But registered voters is a snare and a delusion. It's the wrong direction. In the first place, a third of the state doesn't register to vote now, does not register to vote, right? Two-thirds of the state registers to vote, because they're in municipalities that have same-day registration. But the other third has no registration requirement at all. OK, you simply cannot register in the small municipalities. There's no such process. If you fill out a registration form, it's just thrown away, or maybe it's stored in an attic, but it's not used for anything, because there's no registration.

**Mayers: But how do I vote, though, if I'm a new resident?**

**Grebnier:** You just vote. Whether you're a new resident or an old resident, you just show up and vote. In municipalities of under 5,000 people that have not chosen to register voters in Wisconsin, you just show up and vote. There's no ID

requirement. There are no other requirements; you just show up and vote. So, in those place, the idea of building a list of all the registered voters makes no sense at all. ....

But now lets focus on the two-thirds of the state where registration at least has a legal meaning. Seventy to 75 percent of all registrations in Wisconsin occur on Election Day. What the hell is the purpose in building a list of people who register to vote, which isn't available until after the election is conducted? I mean, how is it relevant to the election process? I mean, and I asked that question, is there some idea that registration will occur before the election? That's also not an appropriate question. They are not going to answer it?

**Mayers: What does the federal law call for?**

**Grebner:** It doesn't call for anything. It just calls for a list of registered voters. ....

**Mayers: So what's the solution?**

**Grebner:** The solution is a semantic one, but it's to realize that you can include the necessary element to get the federal money, while building something useful. Build a list of people who are potential voters. It's a list of people who appear to have at least some of the qualifications of voters. And the legislation, if you actually got the Legislature to adopt something and have the governor to sign it, which may be difficult, would just call on the state government to provide all the information it has to help build this file.

So, for example, DMV and whoever maintains personal IDs would provide the DMV and personal ID information. That already tells you they're residents, they're 18 years of age.

**Mayers: They're potential voters.**

**Grebner:** They're potential voters. Now, if somebody has voted, that tells you they're also U.S. citizens, right, because it would've been illegal to vote. And if a person registers, as some people do, then that also tells you they're U.S. citizens. But you can construct from this the information of what ward they live in. So, if they contact you in any way, like Web, or whatever, you can put them in the right order. You can have their name ready for them when they show up. You have the information about their age, their residency status, their citizenship status, and you can be ready for them to vote. Now, on there is a list of people who are registered. So, on this would be a list of registered voters. It would include a list of all the registered voters. And the only reason to have that is so you get your federal money, because you don't want to blow the federal money. ....

**Mayers: But what you're saying here is that the federal government is wasting a lot of dough, too, because you've proven that you can go into a state of five million people and build a list for under \$1 million.**

**Grebner:** ... It is funny that they literally have, as a deliverable in this contract, a proposal to create a plan for converting the municipal files.

**Mayers: Which you've already done.**

**Grebner:** Which we've done five times, because every time there's an election, we have to go collect another set and convert them. There's another deliverable, which involves estimating the number of people who will be required to key punch the names of people who register to vote. And the answer to that is we already do that, and it's one FTE for the

entire state. There's only 70,000, or so, people per year in Wisconsin who register to vote before Election Day. Now, Election Day registrations will take more effort. But you understand, they're not asking people to propose to key punch it, they're asking people to propose a planning process to determine the number of people who will be necessary to key punch it. And I can tell you the answer is one. We already do it. One. We're done with the planning. ...

But the point is, (federal law) just says you have to have a list of all the registered voters. And if all the registered voters are in two-thirds of the state, and they don't include all the people who are eligible to vote, you still have met the requirements of federal law. And you could also build something that would actually be useful to running an election, which is, now, let me go back to what I'm saying -- you'll just list the potential voters. Let's just take a really clear case. The Department of Corrections posts to that every convicted felon. See, it would actually be useful. And so, now you note 50,000 people in the state who are disqualified from the franchise because they are convicted of felonies. Now let's say one of those people shows up to vote. Under the system, as the state is envisioning it, if somebody is removed from the rolls for being a felon, he's not on the rolls, right. If he shows up, what happens?

**Mayers: He's added.**

**Grebner:** He's added. Right, it's real easy. What a stupid system. I mean, it has no control at all.

**Mayers: All right, let's make it clear. You'd like to do this. You'd like to get the contract.**

**Grebner:** No. I don't want the whole contract, because the whole contract involves big, insane things which involves...

**Mayers: Maybe it involves a lot of money, though.**

**Grebner:** Yeah, but I would be happy to just be a consultant. I would be happy to get like 1 percent of the money and like actually make it work. That's my dream.

**Mayers: Well, whether or not the state does this, will it put you out of business?**

**Grebner:** Well, no, I don't think so. In the first place, they wouldn't have it ready until 2010 for real use. I mean, so I've got seven years anyway. And the experience in Michigan has been very interesting. In Michigan, we've had a Qualified Voter File --that's what it's called in Michigan. It's been in the works since 1994. So, it's been nine years. And at this point, I think I have a complete monopoly in the state, and that essentially, all the business in the state comes to me, because my file is better than the state's file.

**Mayers: So, the state (of Michigan) has a file which people can purchase?**

**Grebner:** Yes, for \$160 or \$180.

**Mayers: And then you have a Michigan file that you charge...?**

**Grebner:** \$100,000, let's say, for unlimited use for, you know, there are some clients who pay as much as \$100,000 for it.

**Mayers: But people will pay for yours because it's good?**

**Grebner:** That's right.

**Mayers:** **It's better than the \$160 one that they can get from the state.**

**Grebner:** Yeah, the deals is, you know, that having 100,000 people on the file who are officially registered and who are dead, you know, it doesn't really improve the quality of the list.

**Mayers:** **Is that right? There's 100,000 people...**

**Grebner:** There's 100,000 people who are dead who are on the state file.

**Mayers:** **So, there is a state file, and you have continued to do business even though there's a state file? .**

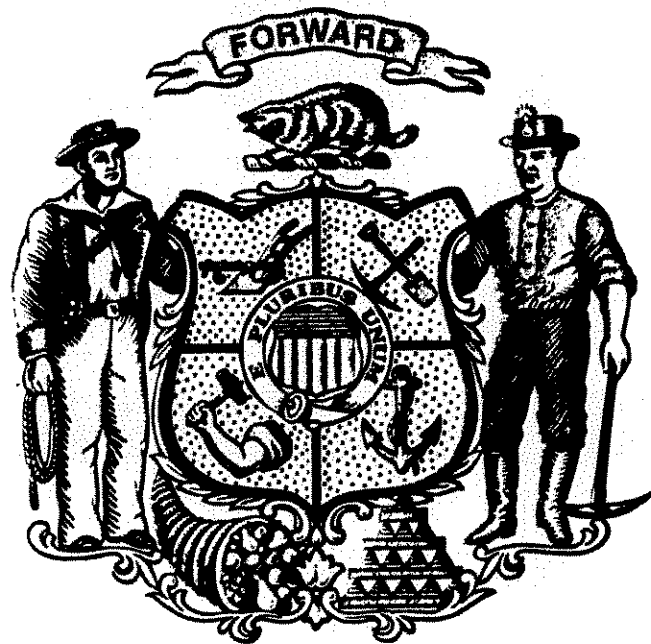
**Grebner:** Yeah. Well, one of the nice things in Michigan is that the state was kind enough to order all the party ID information destroyed five years ago, so it's not available to the state, basically, but I have it. I collected it all before it was destroyed. ... But I'm sure in Wisconsin, we'll have the same sort of thing, that for quite a while, there'll be a pretty good market niche. I'm not worried about that. And it's, you know, eventually going to happen one way or the other. But the idea is that I'm building a file. I've built a file. The file is, you know, accurate and useful, and so on. But in the meantime, it just bothers me to see the state of Wisconsin...

**Mayer:** **Go down the same path?**

**Grebner:** Well, and if they do what they're doing, if they really build a list of registered voters, it's not going to be any competition. I mean, it's just going to be a great big mess. It's just going to burn an insane amount of money. And you know, at the end of this, I'll have a file that's useable and is accurate, and the state of Wisconsin will have, I don't know, the ashes of \$40 million.

**Mayers:** **So, why would you help create it? Why would you help them do it right? Wouldn't that put you out of business?**

**Grebner:** It might eventually put me out of business. But you know, in the short term, if I could get a couple hundred bucks an hour for coming in and telling people that they were idiots, I'd be willing to do that.





*Posted: October 14, 2003*

## **WDC Files Complaints Against Governor, Assembly Leader for Illegal Donations**

### ***Doyle, Gard Face \$123,000 in Fines for Disclosure Violations***

**Madison** – Democratic Governor James Doyle and Republican Assembly Speaker John Gard violated state campaign finance laws by repeatedly failing to fully disclose the source of nearly \$115,000 in campaign contributions, according to complaints filed today by the Wisconsin Democracy Campaign.

The complaints and 216 pages of accompanying evidence filed with the state Elections Board show the veteran politicians violated the state campaign finance disclosure law requiring candidates to identify the occupation and employer of contributors who give a candidate more than \$100 in a year. The law allows the board to levy civil fines of up to \$500 per violation.

Employment and occupational information is an essential part of campaign finance disclosure because it identifies the special interests behind the contributions that influence elected officials.

A WDC analysis of campaign finance reports filed by the candidates with the board show that Doyle failed to identify the special interests behind 207 contributions worth \$104,278 to his campaign between August 27, 2002 and June 30, 2003. Among these donations were 31 contributions of \$1,000 or more, including three donations of \$5,000. ([See table.](#))

Under the law, the Elections Board could levy up to \$103,500 in civil forfeitures on Doyle's campaign.

Gard failed to disclose the required occupational and employment information for 39 contributions worth \$10,512 to his campaign during the same time period. Among the donors whose interests were not properly identified in Gard's reports were five contributors who gave him the maximum contribution of \$500 for an Assembly candidate. ([See table.](#))

The Elections Board could impose up to \$19,500 in forfeitures on Gard's



campaign.

WDC filed complaints against Gard and Doyle because they were the worst offenders among 60 current officeholders who had missing information on their reports involving a total of 459 contributions worth \$183,963. Doyle and Gard accounted for 62 percent of the dollar value of the improperly disclosed contributions and 54 percent of the total number of donations with missing occupational and employment information.

In addition, Doyle and Gard have been persistent violators of the disclosure requirement who have received failing grades in past WDC reviews of campaign finance reports filed by candidates for statewide office and the Legislature for January 2001 through August 2002.

Doyle received an F for failing to disclose adequate employment-related data on \$96,380 worth of contributions received in the first half of 2001. He received a C for \$21,736 worth of poorly reported contributions in the last half of 2001 and a B for missing information on \$43,800 worth of 2002 contributions accepted through late August. Gard's previous grades were a B, an F and a C for missing information on contributions ranging from \$800 to \$1,650. The grades were based on the percentage of a candidate's total large individual contributions that had missing information.

Gard and Doyle are veteran politicians who have filed dozens of these reports and should know better. Gard has been in the Assembly since 1987 and Doyle was attorney general from 1990 through 2002 before winning the governor's office. State elected officials are required to file two of these reports in each non-election year and four campaign finance reports in an election year.

Another factor in the decision to file formal complaints is the state Elections Board's ongoing refusal to take enforcement action against candidates in the past when their failure to comply with the disclosure law has been pointed out by the Democracy Campaign, WDC executive director Mike McCabe said.

The cause of the Elections Board's unwillingness to enforce the law is its flawed structure, McCabe said, noting that the majority of board members are appointed by legislative leaders, the governor and the two major political parties. Board member Donald Goldberg of Milwaukee is an appointee of Governor Doyle. Gard appointed Patrick Hodan of Milwaukee to the board.

Not only should the Elections Board fine Doyle and Gard, it should order all candidates with improperly reported contributions to provide the missing information or return the money to the donors, McCabe said.

"These are illegal campaign contributions and the Elections Board is doing nothing to make sure candidates obey the law," he said. "The law

they are ignoring is the most important part of campaign finance disclosure. Citizens have a right to know the interests behind big campaign donations, and the public is cheated out of this vital information when the law is not enforced."

Legislation pending consideration in the Senate – Senate Bill 11 – would combine the state Elections Board and Ethics Board under the direction of a more politically independent board with increased enforcement powers. SB 11 has received committee approval and awaits scheduling for a vote in the full Senate.

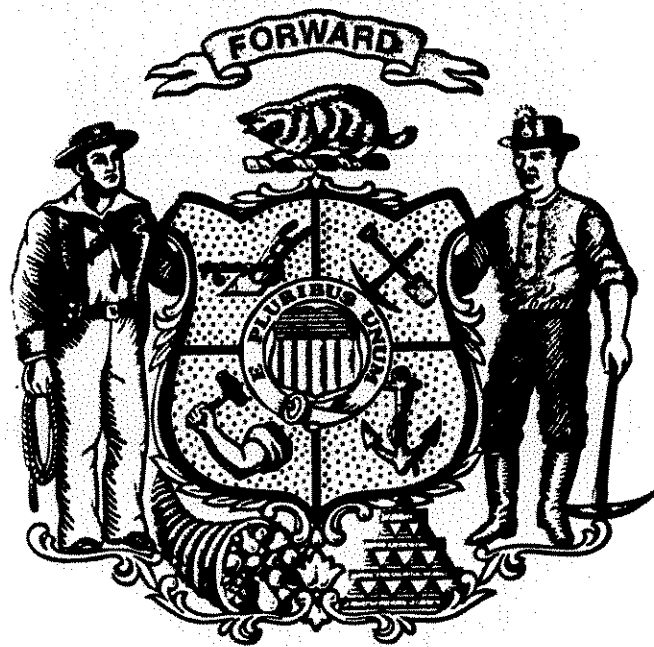
Tables of contributors for:

[Governor Doyle](#) | [Assembly Speaker Gard](#)

**[Top](#)**

[Add this page to your favorites](#) - [Add our homepage to your favorites](#)

[Home](#) | [About Us](#) | [Join WDC](#) | [Searchable Campaign Finance Database](#) | [Follow the Money](#) | [Press Releases](#)  
[Special Reports](#) | [Legislative Initiatives](#) | [Money in Wisconsin Politics 101](#) | [Contact Us](#) | [Links](#)



WISOPINION.COM

WisPolitics

Front Page | Subscriber Services | Free Services | Links | Bookstore | Contact Us | Search

**WisPolitics  
site resources**[Press releases](#)[Calendar](#)[Wisconsin at a  
glance](#)[Lobbyist search](#)[Money search](#)[Feature archive](#)[Polling archive](#)[Online store](#)**Free bill tracking**[Bill introductions](#)[Bill history](#)**Legislative action**[Daily calendar](#)[Weekly schedule](#)**Product samples**[News summary](#)[Weekly report](#)[Profile](#)


**For the rest of the story...**  
sign up to be a WisPolitics subscriber

**LEARN MORE..**

**QUOTES OF THE WEEK**

Most of it I can do as governor and I intend to do as governor. ...I would like to get some legislation passed ... but we're just going to do it.

--Gov. Jim Doyle, in an editorial meeting with the Wisconsin State Journal editorial board, saying he really doesn't need the Legislature to buy his economic agenda.

It's starting to look like the governor should have called his proposal 'Snow Wisconsin' instead of 'Grow Wisconsin.'

--Assembly Speaker John Gard, blasting what he sees as the Doyle administration's recent pattern of backing away from supporting concrete legislative bills that support concepts in Grow Wisconsin.

As a constitutional officer of this state representing more than 54,000 people my right to speak was stolen. It was squelched by the heavy hand of abused authority -- deliberately and with malice aforethought. Just like a communist country.

--Democratic Rep. Gary Sherman regarding the gaveling down of Democrats by Speaker Pro Tem Steve Freese.

I tell my kids, the law is the law and daddy is the law. And sometimes I may look at this institution somewhat like that.

--Freese, comparing the Assembly to his children.

Daily, we are taking spoon-fed shots of arsenic. We are dying a slow death. ...We stand together proudly or we die slowly.

--Republican Rep. Michael Lehman of Hartford on partisan warfare in the Assembly.

How would Schwarzenegger like it if we took his house and land away and killed his family? Well that's what happened to us. Money talks. Our governor in Wisconsin knows he can't run us off. We have money and power -- and power is what it's all about.

--Jerry Cleveland Jr., a Ho-Chunk Indian from Wisconsin, who was in California this week for a powwow. Cleveland -- who gets \$1,100 a month from his tribe's casino -- urged California Indians to use their political muscle to ensure that someone like Schwarzenegger doesn't gain power.

This is the most complete indictment of W-2 that I've seen to date.

--Kathleen Mulligan-Hensel, working families coordinator for the Institute for Wisconsin's Future, on a new W-2 study that found the program did little to lift poor clients into jobs and out of poverty. See the [study](#).

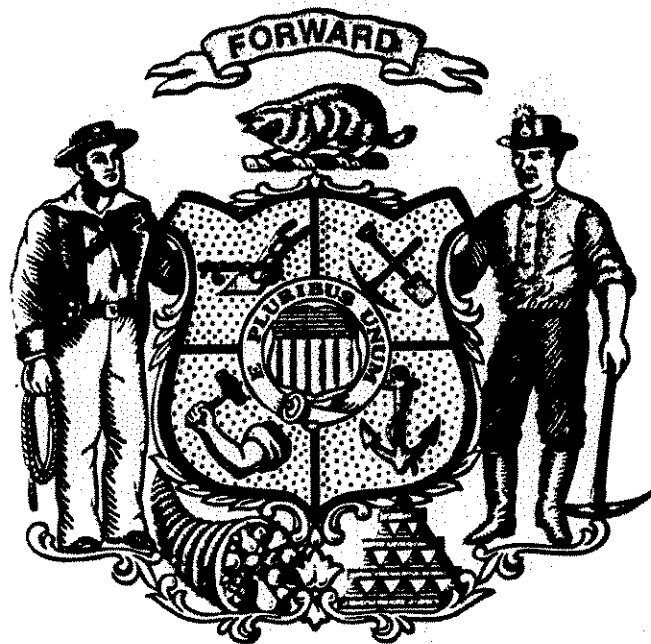
You are talking about a population that didn't have any work skills going into the program. ...You can't expect somebody on (welfare) to suddenly become CEO of a Fortune 500 company.

--Steve Baas, a spokesman for Assembly Speaker John Gard, R-Peshtigo, on the study results.

You can't get out of poverty unless you have a job.

--Health and Human Services Secretary Tommy Thompson, who added that passing welfare reform is "unequivocally" one of President Bush's top domestic policy goals.

My own grandfather immigrated here at age 14, flunked kindergarten -- twice -- in Janesville,



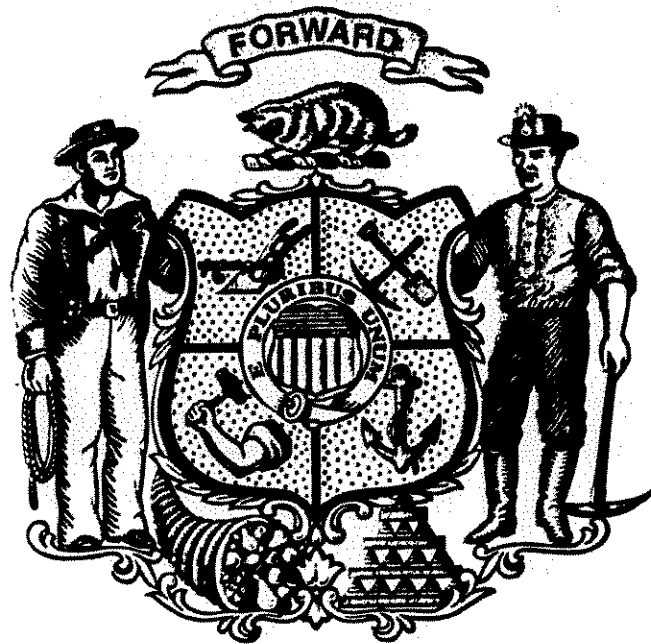
**FY04 HAVA Section 101 Federal Money Budget Spreadsheet**

Total Available Monies: \$5,694,036

*\$5.694 million*

TYPES OF EXPENDITURES	Budgeted Expenses	Actual Expenses to Date	Balance Remaining	
<b>SUPPLIES &amp; SERVICES</b>				
Facilities Rental Expense	\$36,000.00	\$6,186.08	\$29,813.92	
Virchow Krause Contract Expenses for RFP Project	\$484,739.00	\$163,255.00	\$321,484.00	
Monthly BadgerNet Charges ( Use of Lan Lines)	\$5,300.00	\$0.00	\$5,300.00	
Database Hosting & Computer File Space Charges	\$30,000.00	\$1,585.31	\$28,414.69	
Telephone Expense	\$10,000.00			
STS Phone Bill		\$460.74	(\$460.74)	
Cell Phone Bill		\$0.00	\$0.00	
Equipment		\$0.00	\$0.00	
Kubichek Copiers Leases & Photocopy Charges	\$2,500.00	\$517.51	\$1,982.49	
Travel - HAVA	\$20,000.00			
Airline Tickets		\$2,005.00	(\$2,005.00)	
Fleet Car		\$2,229.00	(\$2,229.00)	
Hotel		\$8,127.25	(\$8,127.25)	
Travel Vouchers		\$5,672.53	(\$5,672.53)	
Conference Room Rental		\$40.00	(\$40.00)	
SVRS Committees		\$38.35	(\$38.35)	
Registration Fees (Seminars and/or Employee Training)	\$1,000.00	\$2,152.00	(\$1,152.00)	
Annual Membership Dues (NASED, NASS, etc.)	\$500.00	\$300.00	\$200.00	
Printing	\$5,000.00	\$8,103.09	(\$3,103.09)	
Postage	\$5,000.00	\$3,204.08	\$1,795.92	
Office Supplies	\$1,500.00	\$3,287.02	(\$1,787.02)	
Photocopy Paper	\$1,000.00	\$0.00	\$1,000.00	
Subscriptions and Purchases of Books	\$300.00	\$0.00	\$300.00	
Maintenance & Repair of DP Equip & Software, and Printer		\$321.00	(\$321.00)	
DOA Charge Backs for DOA Services Provided		\$0.00	\$0.00	
Miscellaneous Expenses	\$32,500.00	\$305.20	\$32,194.80	
Chief Inspector Training	\$250,000.00			
Travel - Chief Inspector Training				
Fleet Car		\$0.00		
Hotel		\$0.00		
Travel Vouchers		\$0.00		
Printing		\$0.00		
Postage		\$0.00		
<b>TOTAL SUPPLIES &amp; SERVICES</b>	<b>\$685,339.00</b>	<b>\$207,789.16</b>	<b>\$677,549.84</b>	
<b>TOTAL CAPITAL EQUIPMENT</b>				
<b>SALARIES &amp; BENEFITS</b>				
Salary Expenses - Staff	1 70 1	\$119,000.00	\$0.00	\$119,000.00
Limited Term Employees	1 70 2	\$86,100.00	\$25,273.73	\$60,826.27
Fringe Benefits Cost	1 70 3	\$53,100.00	\$1,945.26	\$51,154.74
<b>TOTAL SALARY &amp; BENEFITS</b>		<b>\$258,200.00</b>	<b>\$27,218.99</b>	<b>\$230,981.01</b>
<b>TOTAL SPENDING</b>		<b>\$1,143,539.00</b>	<b>\$235,008.15</b>	<b>\$908,530.85</b>
<b>REVENUES:</b>				
Reports and Manuals		\$0.00		
Seminar Fees		\$0.00		
Board Meeting Tapes Fees		\$0.00		
<b>TOTAL REVENUE:</b>		<b>\$0.00</b>		





Original URL: <http://www.jsonline.com/news/wauk/nov03/182687.asp>

## Campaign reform fervor falters

*Last Updated: Nov. 8, 2003*



**Amy Rinard**  
[E-MAIL](#) | [ARCHIVE](#)

There's nary a mention of it anymore in the Capitol.

Campaign finance reform is off the radar screens of most legislators these days.

After a throng of candidates - with considerable fanfare and accompanying sound bites - jumped on the reform bandwagon during last year's elections, there now is no chance of a reformed campaign finance system being in place for the 2004 elections.

It's just too late for that now.

But the issue of how state lawmakers raise money for their campaigns and from whom they rake in campaign cash has a surprising way of popping up during a routine day in the Capitol.

This may indicate that while campaign finance reform is off the list of hot topics for the majority of legislators, it has not been forgotten by the public.

During a public comment period at last week's meeting of the state board that oversees Wisconsin's EdVest college savings program, one investor in the program asked Sen. Alberta Darling (R-River Hills) to step down as chairman of the board because she had accepted a campaign contribution from someone associated with Strong funds, EdVest's only fund manager.

The board was meeting to discuss how to respond to an investigation by the New York attorney general's office into allegations of improper trading by Richard S. Strong, chairman of Strong Capital Management.

Board members agreed to start looking for another mutual fund company to manage some of the EdVest funds, offering investors an option other than Strong.

The investor also asked that any legislator serving on the EdVest board not accept campaign donations from any interests connected to Strong Mutual Funds.

His comments prompted an immediate response from Darling, whose district includes large parts of Waukesha, Washington and Ozaukee counties.

She said she knew she had accepted a campaign contribution from a person associated with Strong in 1996. But she emphasized that she had steered clear of accepting campaign donations from any mutual fund interests since then because she was working on the EdVest issues.

"My conscience is clear," Darling said. "I feel very confident and very sure that I have no conflict of interest."

The week before, opponents of a bill that would make it more difficult for municipalities to set up their own telecommunications and cable networks for underserved areas put together a long list of legislators who had accepted campaign contributions from individuals and groups associated with the telecommunications and cable industries.

The grand total was more than \$205,000 to 113 legislators between 1998 and June of this year.

Sen. Ted Kanavas (R-Brookfield), a primary sponsor of the bill, adamantly rejected the notion that campaign contributions influence a legislator's vote or support for any issue or particular bill.

"The telecommunications industry is a very active lobby," he said. "Every manner of legislators will find their way onto that list."

## Public is paying attention

Jay Heck, executive director of the campaign finance reform group Common Cause in Wisconsin, said the link between campaign dollars and legislative action - or inaction - is increasingly being made by a public that is more aware of the campaign finance reform issue.

"It becomes an issue because there's so much money in the system and it's one thing people can point to in looking at a legislative position," he said.

Information about who donated what to whose campaign in Wisconsin is easier now than even to obtain, thanks to the searchable online database of campaign finance reports maintained by the Wisconsin Democracy Campaign, another group pushing for meaningful campaign finance reform. The database can be found at [www](http://www.opensecrets.org).

[opensecrets.org](http://www.opensecrets.org).

Heck and other reform advocates say that because campaign contribution information now is more accessible to the average person, more research is being done on who's giving what to whom.

He feels strongly that the protestations of legislators that they are not influenced in any way by campaign donations ring hollow to the public. That argument is just counterintuitive for most people, he said.

"How stupid do they think we are? It's just human nature to feel beholden to people who help you out," Heck said.












He agrees that campaign finance reform is going nowhere this year.

But, he said, the start next year of criminal trials for four legislators and one former legislator accused of improper campaign fund raising will focus new light on the whole issue of big-money campaigns, the constant scramble by most lawmakers to raise money and the way that whole system affects what goes on in the Capitol.

"I think the heat will be on next year," Heck said of the campaign finance reform effort. "But, it's a lost cause this year."

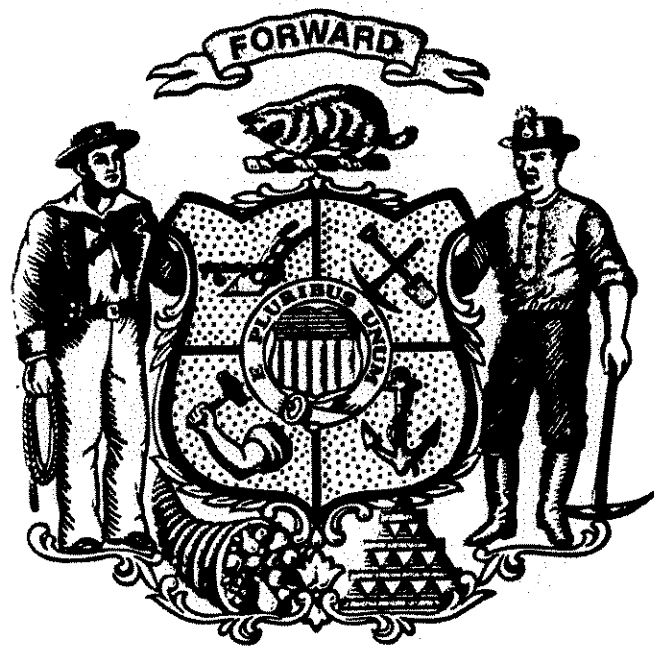
From the Nov. 9, 2003 editions of the Milwaukee Journal Sentinel

## Amy Rinard Archive

-  [Campaign reform fervor falters \(11/8/03\)](#)
-  [Wires cross as Legislature debates solving telecommunication gap \(11/1/03\)](#)
-  [For some, budget cuts affect the keys of life \(10/25/03\)](#)
-  [Making neighborhoods friendly for pedestrians takes leadership \(9/6/03\)](#)
-  [Water problems reaching flood stage at all government levels \(8/30/03\)](#)
-  [Overhaul of law doesn't close school bus driver loophole \(8/23/03\)](#)
-  [Revised proposal would protect special tax districts \(8/16/03\)](#)
-  [Officials see other limits in tax restrictions \(8/9/03\)](#)
-  [Local officials feeling even more heat from state budget fires \(8/2/03\)](#)
-  [Use of cell phones by motorists targeted as traffic fatalities rise \(7/26/03\)](#)
-  [More ...](#)

## Contacting Amy Rinard

☎ Call Amy Rinard at 262-650-3184 or e-mail: [arinard@onwis.com](mailto:arinard@onwis.com)





WisBusiness.com | WisOpinion.com | Subscribe | Advertise | Contact Us | **INTERVIEWS** | **PRESS RELEASES**

Advertisement



## SITE RESOURCES

### HOME

Online Store

WisOpinion.com

### FEATURES

Election Coverage

Ad Watch

Salary Watch

Month at a Glance

Wisconsin By the Numbers

Scandal Sheet

Budget Coverage

### SEARCH

Lobbyist Search

Money Search

Polling Archive

State Employee Directory

Find Your Legislator

### LINKS

Government and Political Links

### LEGISLATIVE TRACKING

Legislative Notification Service

State Legislation

## WisPolitics.com: Campaign finance reform is dead for session

3/4/2004

By Joanne M. Haas  
WisPolitics.com

The lead Republican author of a campaign finance reform package today killed the bill citing a lack of bipartisanship, a lack of support from the Republican leadership and Gov. Scott and insufficient funding.

"Campaign finance reform, with any association with me, is dead for this session," Sen. Neenah, said today in an impromptu news conference in his office.

"We've been jacked around by everybody -- both of us have been -- by leadership in the Party and the guy in the East Wing," Ellis said, referring to himself and the other lead p Minority Leader Jon Erpenbach of Middleton.

Erpenbach, who sauntered into Ellis' office along with a few others as Ellis was explaining said he agreed bipartisan support was a major goal of both authors.

"Public finance is a philosophy issue. You either support it or you don't," Erpenbach said adding he liked Ellis' creation of the "public integrity endowment fund," which was to have a need for general purpose funds.

Both authors said they will continue their efforts in the 2005-07 session. Ellis said it was time to seek more general funds for campaign finance as a backup fund to the public while the state grapples with the massive Medicaid deficit.

Erpenbach says the issue should have a good chance for success in the next session members will return after experiencing yet another election cycle of "record-shattering"

"There are people in this building that do or do not want campaign finance reform," Erpenbach said. But he disagreed with Ellis' interpretation that Doyle doesn't want campaign finance reform

"Campaign finance reform has got to happen. It's got to be fair, it's got to be balanced and it has to be bipartisan," Erpenbach said. "If I were in Mike's shoes, I would be doing the exact same thing. I would never send a campaign finance reform bill to a Republican governor that was just for Democrats only."

Ellis said if he were to do that, Doyle would veto the package and use it politically again. He said he could get the bill passed with Republican votes only, but that he's not a fan of "politics."

Minutes before the Ellis announcement, Doyle told reporters he understood the latest version of the bill was a "a compromise between Sen. Ellis and Rep. Gard. What kind of compromise? When Sen. Erpenbach leaves, it is like Feingold leaving McCain-Feingold."

Doyle said it appeared the effort bypassed bipartisanship. "I don't think you can really get campaign finance reform unless you have strong bipartisanship. ... I don't think you do it by turning your back on the other side," Erpenbach said.

In an earlier interview this week, Erpenbach explained he was off the bill he helped craft because it failed to ban soft money and had no contribution reporting for issues ads, among other

**Congressional Bills**  
**Online Legal Notices**  
**SUBSCRIBER**  
**PRODUCTS**  
**Login**

amended, SB 12 is just business as usual for Wisconsin elections."

Ellis said the authors tried to get the bill taken up before the budget but were denied, they wait for the U.S. Supreme Court to rule on the McCain-Feingold bill. Ellis said he hopes a version in the next session can be the first bill considered.

Erpenbach says he doesn't believe the package will need a lot of general purpose money but the chances of a strong bipartisan and funded package in the next session are "pretty good."

Jay Heck of Common Cause, also was in the room, and said he agreed with the authors that the best reform "has to be bipartisan."

Ellis said he made his decision last night, after meeting with Gard and Senate Majority Leader Panzer, who informed him the constitutional amendment bill regarding marriage definition would be for debate in the Assembly today and Senate next Tuesday.

Also today before the decision to pull the bill was announced, Lt. Gov. Barbara Lawton spoke to the Legislature asking SB 12 be rejected, describing it as a "counterfeit incarnation of a finance reform."

Lawton Raps SB12 Sub