

WISCONSIN STATE  
LEGISLATURE  
COMMITTEE HEARING  
RECORDS

2003-04

(session year)

Senate

(Assembly, Senate or joint)

Committee on  
Education, Ethics  
and Elections  
(SC-EEE)

(Form Updated: 11/20/2008)

**COMMITTEE NOTICES ...**

➤ Committee Reports ... CR

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➤ Executive Sessions ... ES

\*\*

➤ Public Hearings ... PH

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➤ Record of Comm. Proceedings ... RCP

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**INFORMATION COLLECTED BY COMMITTEE  
FOR AND AGAINST PROPOSAL ...**

➤ Appointments ... Appt

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Name:

➤ Clearinghouse Rules ... CRule

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

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➤ Miscellaneous ... Misc

\*\*03hr\_SC-EEE\_Misc\_pt01

MICHAEL G. ELLIS  
SENATE REPUBLICAN LEADER



19TH SENATE DISTRICT

Wisconsin State Senate

Education & Elections, + Ethics  
Committee Mtg  
2/12/03 10 AM  
411 South

No attendance taken

Senators present

Ellis

Fitzgerald

Reynolds

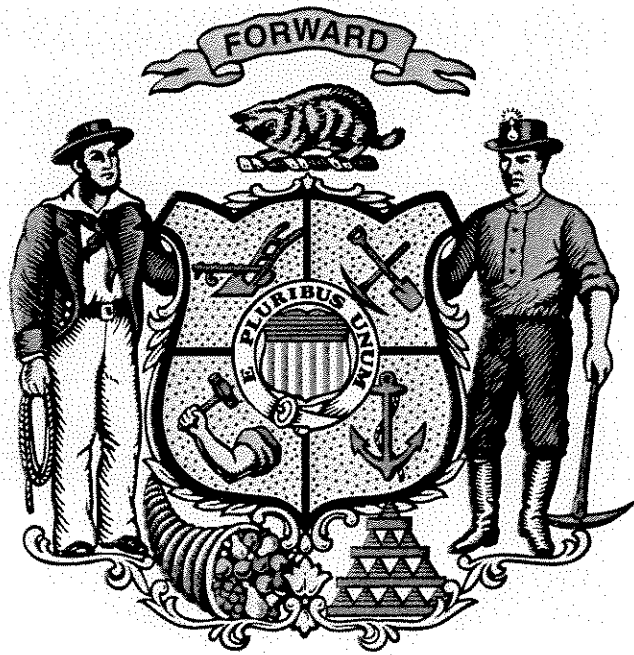
Stepp

Tauch

Hansen

Hearing slips attached

Written  
Citizen testimony attached

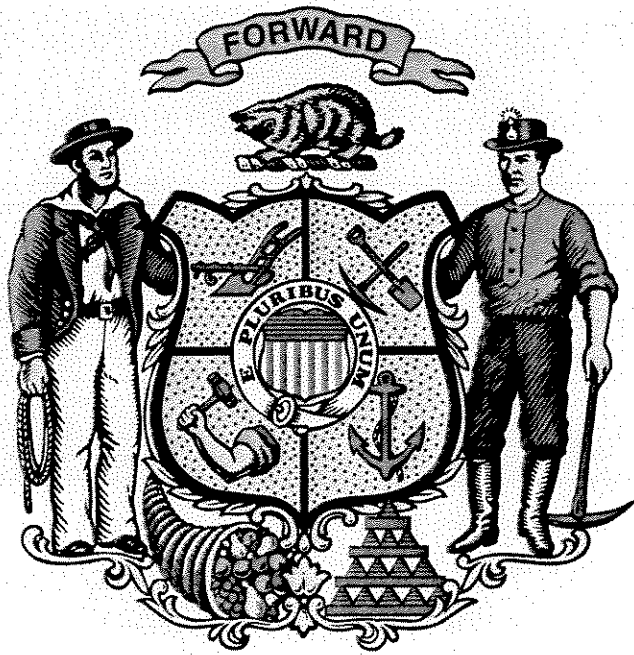


+ Bert Hoover - Bob Collison  
~~Robert Colton~~  
 + Dave Martin - Jeremy Kiel  
 + Jay Heck - Ed Thompson  
 + Mike McCabe - Chris Ahmuty  
 + Ed Reisch - Jim Bucher  
 + Herman Hottzman - Adam Dick  
 + Paul Haskew - Glenn Grothman  
 + Marika Fischer Hoyt  
 + Susan Lloyd  
 + Jolene Plautz  
~~Glenn Grothman~~  
 ↑ Pro

↑ Con

List of  
 testifiers  
 at 2/12  
 hearing

- Info only -  
 - Kevin Kennedy -  
 - Candya Castro -



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# **Public Supports Third Party Public Financing**

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## **Public electoral support for 3<sup>rd</sup> parties is 10 times greater than primary votes**

Based on an analysis of the 33 third party and independent candidates for statewide executive or legislative office, those candidates received almost 10 times the amount of support in the general election than they did in the primary election. This has significant implications for public financing requirements.

Currently, public financing is available to candidates who receive at least 6% of the TOTAL vote in the primary. When it comes to public financing, votes for candidates outside of one's party work against every candidate. Republican votes count against Democratic, and Green against Libertarian.

The 6% rule is intended to show a minimum level of public support for a candidate before he receives Wisconsin public campaign funds. Because third party candidates usually run unopposed and independent candidates ALWAYS run unopposed, there is no reason for voters to cast their votes for these candidates in the primary. Voters who support particular candidates and have every intention to vote for them in the general election tend to vote in primary races where there is competition.

The 33 third party candidates received a median vote percentage of 3.91% in the general election and .4% in the primary election. There is clearly a disconnect between the public's actual support for third party candidates and how many votes these candidates receive in the primary. Third party candidate support is generally 9.65 times higher than one's showing in the primary. For some, these disparities are even worse. Independent candidates Catharine Lawton and Dottie Feder both received over 6% in the general election: 100 times more support than they received in the primary.

The 6% requirement for public financing is clearly unfair for third party candidates and the many voters who support them. It can be argued that there must be some way to make sure candidates who receive public financing are viable candidates. There is already a system in place for this. Political parties must pass rigorous requirements to exist in Wisconsin. On top of that, party candidates must collect hundreds or even thousands of signatures from Wisconsin voters to qualify for the ballot.

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**To make public financing fair the requirement should be set to those candidates who qualify for the ballot and win their party's primary.**

Two arguments can be made for keeping the 6% requirement:

The first is that there must be a minimum level support for candidates. To account for the 10 to 1 ratio of public support to primary votes, passing a .6% requirement would satisfy that minimum. It will assure that candidates have a minimum level of support while accounting for the effect primaries have on third party candidates.

The second argument is that if public financing is opened to too many candidates it will bankrupt the system. This is preposterous since the main argument for public financing is that it will rid the electoral system of fraud and abuse. Based on that logic, the more people participating and receiving public financing should equate to a cleaner election system. Even so, dropping the public financing requirement to party primary winners for the 2002 elections would have resulted in only 19 more candidates receiving public funds. Dropping the requirement to .6% would equate to only 8 more candidates receiving public funds. This is certainly a manageable number of candidates within the current system, especially considering that more choices for the electorate results in a more representative democracy.

### Conclusion

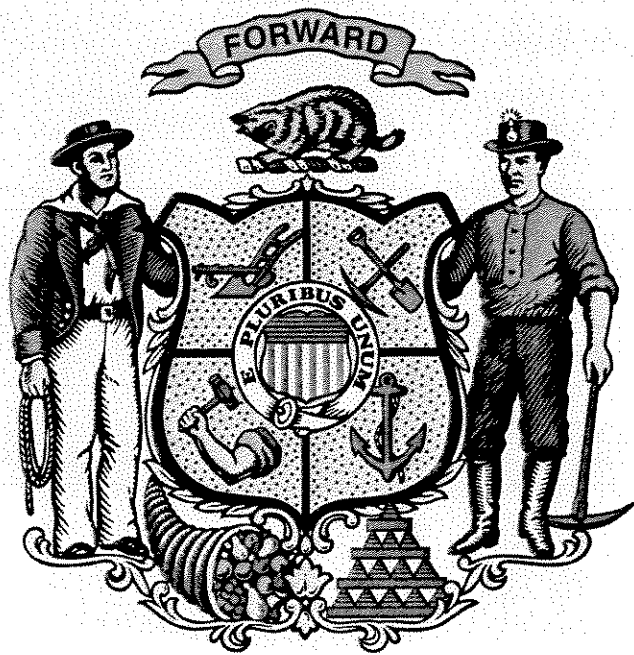
The current 6% rule for public financing discriminates against third party candidates and rejects the will of Wisconsin's electorate. At least 13% of Wisconsin voted for third party candidates in 2002, yet not one out of the 33 third party candidates were eligible to receive public financing. Wisconsin voters want public financing and they want third party candidates.

**In order to serve the public interest, the Wisconsin Libertarian Party recommends allowing all candidates who win their party's primary and qualify for the ballot to receive public financing.**

Name	Party	Office	General Votes	General Total	Gen %	Primary Votes	Primary Total	Primary %	Ratio
Ed Thompson	Libertarian	Governor	185455	1775349	10.45%	16471	803439	2.05%	5.10
Jim Young	Green	Governor	44111	1775349	2.48%	2336	803439	0.29%	8.55
Catherine Lawton	Independent	Assembly 59	2664	17590	15.14%	11	7214	.15%	99.32
Dottie Feder	Independent	Assembly 98	1405	19214	7.31%	2	3123	.06%	114.18
<b>All 34 Candidates</b>				<b>Median:</b>	<b>3.91%</b>		<b>Median</b>	<b>.40%</b>	<b>9.65</b>

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Ed Thompson	Libertarian	Governor	185455	1775349	10.45%	16471	803439	2.05%	5.10
Jim Young	Green	Governor	44111	1775349	2.48%	2336	803439	0.29%	8.55
Eisenburg	Independent	Governor	2847	1775349	0.16%	263	803439	0.03%	4.90
Bollerud	Independent	Governor	2637	1775349	0.15%	102	803439	0.01%	11.70
Mangan	Independent	Governor	1710	1775349	0.10%	150	803439	0.02%	5.16
Rasta	Independent	Governor	929	1775349	0.05%	226	803439	0.03%	1.86
Ed Frami	Constitution	SecState	34750	1680164	2.07%	223	573546	0.04%	53.19
Paul Aschenbrenner	Green	Treasurer	114955	1660975	6.92%	2154	578990	0.37%	18.60
George Meyers	Libertarian	USH-1	4406	208613	2.11%	334	67079	0.50%	4.24
Jeff Zastrow	Libertarian	USH-3	6647	208581	3.19%	2103	57996	3.63%	0.88
Brian Verdin	Green	USH-4	18324	141367	12.96%	100	75768	0.13%	98.21
Robert Raymond	Independent	USH-5	29567	222012	13.32%				
Dick Kaiser	Green	USH-8	7338	210447	3.49%	217	69985	0.31%	11.25
Jim Carpenter	Green	SS-7	8790	43370	20.27%	48	18580	0.26%	78.45
Dave Comey	Libertarian	SA-14	2143	18757	11.43%	37	5666	0.65%	17.50
Leroy Watson	Libertarian	SA-31	2091	15998	13.07%	81	3595	2.25%	5.80
Royce Debow	Independent	SA-32	456	13975	3.26%	10	4099	0.24%	13.37
Linda Rolnick	Independent	SA-32	404	13975	2.89%	9	4099	0.22%	13.17
Bernard Dalsey	Green	SA-43	697	18284	3.81%	67	7491	0.89%	4.26
Terry Gray	Libertarian	SA-48	3261	20108	16.22%	308	8452	3.64%	4.45
Richard Levandowski	Libertarian	SA-59	1030	17950	5.74%	47	7214	0.65%	8.81
Catherine Lawton	Independent	SA-59	2664	17590	15.14%	11	7214	0.15%	99.32
Carol Reasbeck	Independent	SA-73	1371	18882	7.26%	32	7225	0.44%	16.39
Dan Senglaub	Libertarian	SA-88	541	13503	4.01%	27	4768	0.57%	7.08
Justin Ingalls	Libertarian	SA-89	308	16414	1.88%	21	5722	0.37%	5.11
Jake Neta	Independent	SA-89	257	16414	1.57%	9	5722	0.16%	9.95
Barron Brokiewicz	Independent	SA-90	468	15791	2.96%	5	6417	0.08%	38.04
Frank Milliren	Independent	SA-91	246	17455	1.41%	5	4224	0.12%	11.91
Scott Judson	Libertarian	SA-97	490	14921	3.28%	39	5762	0.68%	4.85
Robert Collison	Libertarian	SA-98	1906	19214	9.92%	86	3123	2.75%	3.60
Dottie Feder	Independent	SA-98	1405	19214	7.31%	2	3123	0.06%	114.18
Jay Trommer	Libertarian	SA-99	753	17161	4.39%	86	1933	4.45%	0.99
Patrick Landon	Independent	SA-99	2032	17161	11.84%	7	1933	0.36%	32.70
				AVG:	6.22%		AVG:	0.83%	7.53
				Median:	3.91%		Median:	0.40%	9.65
							Requirement:	6.00%	0.62%





Original URL: <http://www.jsonline.com/news/metro/jul03/156810.asp>

## 8 charged with election fraud

### Holloway not implicated in absentee drive

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

*Last Updated: July 22, 2003*

Milwaukee County Board Chairman Lee Holloway's recall campaign benefited from absentee-voting fraud, prosecutors charged Tuesday, but they said they found no evidence Holloway himself knew of the alleged illegalities.

District Attorney E. Michael McCann lodged 92 felony counts against eight workers with the African-American Coalition for Empowerment, a central-city campaign organization hired by Holloway, calling it the most serious election case in his 40 years as a prosecutor. The non-profit agency, a prominent force in black-community politics, was charged as a corporate entity.

The lengthy complaint draws multiple connections between ACE and Holloway's campaign, but McCann said no improper conduct by Holloway was uncovered.

McCann sent a message by having the defendants arrested Tuesday morning, and some of them sat overnight in the County Jail awaiting an initial court appearance.

Among those charged was voting-rights activist and ACE co-founder Vincent Knox. Knox, the criminal complaint alleges, was hired this year by ACE executive director Barbara White to run an absentee-ballot drive during the March 4 recall election in which Holloway defeated challenger Yolanda Staples-Lassiter with nearly 75% of the vote.

Holloway also hired ACE and White, his longtime campaign aide, as consultants to his recall campaign.

The tactic ACE used may be without precedent in Wisconsin history: the group went door to door in Holloway's district, persuading scores of residents to allow absentee ballots to be sent to ACE's offices rather than to would-be voters' addresses. The ACE workers - allegedly paid \$28 a day plus bonuses for surpassing their quota of ballot requests - then were supposed to deliver the ballots to the requesters, officially witness their votes and carry the ballots to City Hall. The tactic was discouraged by elections officials but is legal under a loophole in state law - if done appropriately.

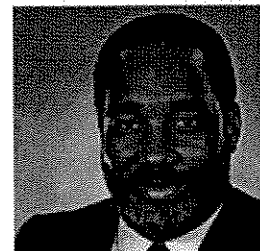
### Forgery alleged

McCann's office alleged, however, that the workers actually forged voter signatures on at least five voter registration cards, on 17 absentee ballot requests and on 40 absentee ballot envelopes ACE submitted to the City of Milwaukee Election Commission. Fictional voters' names were submitted and vacant lots were cited as voting addresses on some absentee materials, the complaint says.

"This was outright fraud, not sloppiness," said Kurt Benkley, one of three prosecutors on the case. "This criminal complaint alleges that ACE and its employees robbed citizens of this county of their votes."

Investigators located 19 of the 40 fraudulent absentee ballots; all 19 were votes for Lee Holloway, the complaint says.

### Voter Fraud Charges



*Photo/File*

Milwaukee County Board Chairman Lee Holloway defeated challenger Yolanda Staples-Lassiter in the March recall election. An investigation found no evidence he was aware of the fraudulent activities or participated in them.

### Case Against ACE

■ Election: The March 4 recall contest, 5th District, Milwaukee's north side.

■ Charges: Forgery, perjury, election fraud, misconduct by a voter registrar - related to absentee-ballot fraud. All are felonies carrying possible prison time.

### Defendants

■ The agency: African-American Coalition for Empowerment, 3522 W. Villard Ave., a non-profit, could face fines.

■ The leader: Vincent

One person hired by ACE on the absentee drive, Barbara Burton, told three absentee voters to cast their ballots for Holloway, the complaint charges. State law stipulates that witnesses may not influence people's votes.

The investigation into fraud by absentee ballot circulators in the election continues, and more charges are possible, according to co-prosecutors Benkley and David Feiss, who worked with prosecutor Michael Mahoney. Several defendants were charged with perjury on suspicion of lying during a private John Doe hearing that Milwaukee County Circuit Judge Karen Christenson called in the case at McCann's request.

Supporters of Holloway, who has sought to distance himself from ACE's absentee drive, saw McCann's statement as exoneration for the board chairman. Holloway has faced pressure to step down from leadership because of the irregularities, first reported in the Journal Sentinel the day before the March election.

But details of the criminal complaint left Holloway to answer questions from reporters Tuesday about what he knew of the novel absentee effort, which stunned election observers by putting 164 ballots in the hands of ACE.

## Dual effort

The criminal complaint says that records seized from ACE offices show that several of the charged ACE workers also participated in Holloway's campaign. Both Holloway's campaign and the absentee drive were run out of ACE's offices on W. Villard Ave.

White has said she took a leave from ACE to direct Holloway's campaign.

Holloway said Tuesday that he paid ACE about \$8,000 for campaign services but was unaware of the absentee push and didn't know whether the group used his money to back the drive.

That drew a sharp response from Staples-Lassiter: "No one gives anybody \$8,000 and tells them, 'Do whatever you want to do with this.'" They used these innocent people (the circulators) for their own political reasons."

Holloway said the drive "went too far." But, he said, the problems seemed like a money hustle, not a campaign to help him.

Prosecutors begged to differ, speaking at a rare news conference McCann called at the Safety Building.

"This organization (ACE) clearly had an intent; their motive appears to be clear from the pattern that we saw in the casting of these ballots," said Benkley. "These were votes cast for Holloway," he added, noting that the district attorney's office could not investigate every ballot ACE turned in.

Co-prosecutor Feiss, referring to Holloway's campaign payments to ACE, said: "It's fair to say the (absentee) effort was funded by the Holloway campaign . . . campaign finance records show he paid funds to ACE, so he indirectly funded it."

ACE paid workers about \$2,000 during the drive, the complaint states. Knox made roughly half those payments from his own personal funds, while White gave Knox approximately \$1,000 cash from ACE for the rest, the complaint says.

The complaint says investigators found Holloway campaign materials when it raided the ACE offices. The materials listed several of the defendants as attending a "Tuesday 3PM orientation for Holloway campaign," the complaint states.

The records seized in the raid also reference a \$650 "Holloway budget" for coordinating absentee votes, the complaint states.

The charges were a blow for ACE, which had been riding high in recent years as Republican money flowed into the group for central-city voter-turnout drives. The group rose to some prominence fighting for minority voting rights in reapportionment fights.

Knox, who co-founded the group with White and others in 1992, has run unsuccessfully for elected office and launched a successful lawsuit against Milwaukee County overturning the County Board's 1981 redistricting plan. The case eventually led to creation of an additional predominantly black supervisory district.

Knox, 53, of the 2500 block of N. 1st St., Milwaukee, faces three counts.

The workers, all recruited from Milwaukee, and including some members of the same families:

■ Barbara A. Triblett, 40, and Dennis James, 37, both of the 2100 block of N. 40th St.; face 18 felony counts, and eight, respectively.


■ Michael Hanford, 31, at the same address in the 2100 block of N. 40th St., 12 counts

■ Velma Jackson, 39, of the 2000 block of N. 40th St., 23 counts.


■ Barbara Burton, 45, and Charles Burton, 52, both of the 1500 block of N. 34th St.; five counts and 11 counts. At the same address, Darcell Grafton, 20, faces 12 counts.


Source: Milwaukee County District Attorney's office


## The Complaint


 [Complaint: Complete text \(pdf\)](#)


## From the Archives


 [Absentee ballot dispute erupts \(3/2/03\)](#)

 [Race on despite disputed ballots \(3/3/03\)](#)

 [Holloway wins easily in recall election \(3/5/03\)](#)

 [Holloway promises to help DA \(3/6/03\)](#)

 [Lawmakers rush to fix absentee voting \(3/9/03\)](#)

 [Volunteers summoned in Holloway voting probe \(3/26/03\)](#)

After the March election, Knox defended the absentee-ballot drive as a new, well-intentioned effort to overcome apathy among black voters.

He said "honest mistakes" were made and insisted that none of Holloway's payments to ACE went toward the drive. Holloway reported in his pre-election campaign finance report paying ACE in February for literature drops, printing and consulting.

ACE was test-driving the new approach in anticipation of the 2004 elections. The idea, Knox said, was prompted by the relaxation in 2000 of absentee-voting rules; voters no longer have to cite an "excuse" - a disability or temporary move out of state, for instance - to vote ahead of time.

McCann's office challenged 96 of the ACE-collected ballots on election day after a handwriting expert compared the signatures on ballot envelopes to the signatures on voters' applications for absentee ballots. All the ballots were run through voting machines, however, and became part of the official vote totals.

From the July 23, 2003 editions of the Milwaukee Journal Sentinel