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Details: Dated Testimony / Correspondence (2007)

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on ... Elections and Constitutional Law (AC-ECL)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**
- Record of Comm. Proceedings ... **RCP**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt**
- Clearinghouse Rules ... **CRule**
- Hearing Records ... bills and resolutions
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Assembly

AMENDED EXECUTIVE SESSION
Committee on Elections and Constitutional Law

The committee will hold an executive session on the following items at the ~~amended time~~ specified below:

Thursday, January 25, 2007
~~10:30 AM~~
300 Northeast
State Capitol

Assembly Joint Resolution 1

Relating to: prohibiting partial vetoes from creating new sentences (second consideration).

By Representatives Friske, Stone, Albers, Fridemore, Kerkman, Gundrum, Lothian, Ballweg, Strachota, Musser, Bies, Tauchen, J. Fitzgerald, Townsend, Vos, Gunderson, Nerison, Gottlieb, Kestell, Montgomery, Suder, Hahn, Jeskewitz, Moulton, Van Roy, Kleefisch, Mursau, Rhoades, Kramer, F. Lasec, Honadel, Wood, Ziegelbauer, Owens, Nass, Murtha, Nygren, Petersen and LeMahieu; cosponsored by Senators Carpenter, Harsdorf, Lehman, S. Fitzgerald, Darling, Grothman, Olsen, A. Lasec, Schultz, Leibham, Kedzie, Cowles, Roesler, Kapanke, Lazich, Kanavas and Ellis.

Representative Sheryl Albers
Chair

Misc



January 18, 2007

TO: Committee Members
Elections & Constitutional Law
FROM: Rep. Sheryl Albers, Chair

Thank you for your participation in today's public hearing.

I want to remind each of you that I will be starting each committee hearing on time as scheduled on the hearing notice. Please be courteous to other committee members, to the public in attendance, and to the authors of proposals before the committee, by being on time for all hearings.

From time to time a circumstance may arise that will delay your arrival to the capitol or require you to be in multiple hearings simultaneously, please call my office (266-8531) prior to the committee start time and inform the committee clerk, Terri Griffiths.

Attached is a copy of the amended Executive Session notice for next Thursday. We will be starting at 10:30 instead of 10:00.

I look forward to working with you during this legislative session.

Office: P.O. Box 8952 • State Capitol • Madison, WI 53708-8952 • (608) 266-8531
Home: 56886 Seeley Creek Road • Loganville, WI 53943 • (608) 727-5984

♻️ Printed on recycled paper with soy based ink.



Griffiths, Terri

From: Kennedy, Kevin - SEB
Sent: Wednesday, March 21, 2007 6:20 PM
To: Griffiths, Terri
Cc: Dunst, George - SEB
Subject: Eelctioneering and LAw Enforcement

Terri,

In response to your inquiry about electioneering and training law enforcement personnel, let me provide you with an update on recent State Elections Board action. Following the November 7, 2006 election the SEB received a request for a formal opinion defining the scope of permissible activity outside the entrance of a polling place on Election Day. The genesis for the opinion request was the treatment of individuals in Milwaukee who were circulating a petition to recall a city alderman outside the entrance to a polling place and a county board member in Walworth County who was circulating a petition to reduce the size of the county board outside the entrance of a polling place.

Last week after several public appearances at its November, January and March meetings, the Board directed staff to prepare a formal opinion that advises the requester that circulating election-related petitions within 100 feet of the entrance of a building containing a polling place was not a per se violation of the restriction on electioneering set out in Section 12.03, Wis. Stats. The staff was directed to emphasize that a petition circulator could be removed from the area if the activity was disruptive or interfered with the orderly conduct of the election.

The Board recognized that the restriction on electioneering is a criminal statute that is enforced by the district attorney. However, the Board also recognized it had an obligation to provide direction to local election officials consistent with its duties to administer Chapters 5-12 of the state statutes. The Board was advised by staff of the implications of federal court rulings permitting exit polling within 100 feet of the entrance of building containing a polling place. The staff was directed to include guidelines that make it clear that petitions could not be circulated in the voting area or inside the building containing the polling place.

I understand one concern raised has been what is done when a individual engages in electioneering within 100 feet of the entrance of a polling place or engages in disruptive behavior. In most cases, the individuals are removed or sent away by law enforcement. The DA seldom brings charges unless the individual refuses to leave or returns. The DA has the discretion to determine what enforcement action, if any, would be taken in these cases.

If you need any additional information please contact me or our legal counsel, George Dunst.

Kevin Kennedy

03/22/2007



Assembly Committee on Elections and Constitutional Law

Testimony of Kevin J. Kennedy
Executive Director
Wisconsin State Elections Board
March 22, 2007

Chairman Albers and Committee Members:

Thank you for the opportunity to appear before this committee on a regular basis this year to provide an update on the Statewide Voter Registration System (SVRS) and answer any questions you may have.

Several of you are new to the Legislature so I will provide a quick summary of what we have accomplished to date. The federal Help America Vote Act of 2002 (HAVA) required each state to have a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level. Wisconsin being 'Wisconsin' historically allowed most cities and counties to do "their own thing" Wisconsin had a decentralized election management approach, with municipal clerks bearing the responsibility for voter registration, recruitment and training of poll workers and choosing voting tabulation equipment. As we began to implement HAVA in Wisconsin, we found 1,562 municipalities who had no voter registration at all as permitted by state statute because their population was below the 5,000 threshold. The rest of the municipalities were managing their elections in their words "just fine." We're discovering that not all clerks were following all procedures (sending verification postcards, purging records, sending cancellation cards) with a wide variety of systems to keep track of their voters and print their poll books. Our challenge was to implement voter registration statewide and combine all of their lists into one centralized list, as well as register approximately 1 million voter who were not required to register before. The list also had to interface with the Department of Transportation (and the Social Security Administration) for identity validation, the Department of Corrections (to identify felons) and the Department of Health and Family Services (to identify deaths).

Following a study in 2003, we issued a Request for Proposal for this comprehensive system in 2004 and Accenture was chosen for the Contract. Accenture began delivering the system in 2005 and took responsibility for converting all existing voter lists and voter data from municipalities that previously did not have voter registration into the new SVRS.

SVRS Statistics at a Glance

As of March 19, 2007:

Total number of Registered Voters in SVRS: **3,371,273**
November 7 election Voter Participation entered into SVRS: **2,164,644**
November 7 Election Day Registrations entered into SVRS: **415,454**
Total voter records: **4,155,454** (Active = 3,395,692; Inactive = 688,173)
February 20 election Voter Participation entered into SVRS: **308,430** from 1875 municipalities
February 20 Election Day Registrations entered into SVRS: **4,443**
Total Address Ranges in SVRS: **343,319**
Total Voter History Records in SVRS: **21,904,378**
Total Absentee Applications in SVRS: **76,494**

We have used the SVRS to keep track of voter registrations and print the poll books statewide for the past three elections and for a third of the state (21 counties) for the last 5 elections.

It is important to emphasize the huge amount of effort to get data ready for conversion into SVRS. Approximately 3 million voter records were converted into SVRS in order for SVRS to be used for the September 2006 Partisan Primary.

Since the fall of 2005, our efforts have been spent training county and municipal clerks and their staff on how to use this new system. We have trained a total of 2,065 students in 190 separate classes around the state.

Today, we are preparing for the April 3rd election. Staff is working one on one with the clerks to produce absentee ballot labels and records, and print the poll books to be used in the April election. After Election Day, we will assist entering any Election Day Registrations and record all votes into SVRS to maintain the historical record.

We continue to meet and negotiate with Accenture to deliver a better product with the functions we require to administer elections in Wisconsin. We expect delivery of a new release this summer and will be performing User Acceptance Testing on the product for 6 - 8 weeks before it is installed in production.

We currently do not have an electronic interface with the Department of Transportation, the Department of Corrections, or the Department of Health and Family Services. We are continuing to test these interfaces and find that changes or additions to the original design are required. These should also be available this summer and be put into production after adequate testing has been completed.

We are able to provide clerks with a list of ineligible voters from the Department of Corrections and a list of deaths from the Department of Health and Family Services today to review manually. Printed lists are produced before every election and distributed to the local clerks. They, in turn, verify that no ineligible voter appears on the poll book.

Recently there have been articles in the Milwaukee Journal about the performance of the SVRS. We agree that it may not be as fast or as streamlined as some of the communities' former systems. We meet with Accenture daily, to discuss these issues and potential solutions.

We have already invested over \$8.9 million dollars to meet this federal requirement and believe that we now have the foundation to meet all of the election management needs of our municipalities and counties. We are committed to having a fully functional system and fully trained election workers before the next big voter registration effort, which will start later this year in preparation for the 2008 elections.

We would like to invite the members of this committee to make an appointment to come to our office for a demonstration of the SVRS, either jointly or as individuals. Please contact Molly Koranda at 608-264-6763 to set up a time and date.

Thank you and I look forward to answering your questions today and at future committee meetings.



Assembly Committee on Elections and Constitutional Law

Testimony of Molly J. Koranda
SVRS Transition Team Lead
Legislative Representative
Wisconsin State Elections Board
April 19, 2007

Chairperson Albers and Committee Members:

Thank you for the opportunity to appear before this committee to provide an update on the Statewide Voter Registration System (SVRS) and answer any questions you may have.

Kevin Kennedy regrets that he cannot address you himself today but he is at a U.S. Election Assistance Commission meeting in Kansas City. Kevin serves on the Standards Board of this national committee and does not like to miss an opportunity to influence future election legislation and regulation at the federal level. With me today is the SVRS Project Director, Barbara Hansen.

At your last meeting Kevin was able to give you an extensive overview of the Statewide Voter Registration project. My comments will be briefer, but will highlight events that have occurred since March 19.

April 3rd Election

A statewide election was held on Tuesday, April 3, and all of the municipalities in Wisconsin used the SVRS to record voter registrations and print their poll books. We had staff members on site in the City of Milwaukee, City of Brookfield and Town of Rome. Milwaukee again experienced a high absentee ballot activity, particularly on the days before the election when voters would come to Milwaukee City Hall and absentee vote. Brookfield tested procedures to process absentee ballots at a central location and our staff monitored the process. Town of Rome was expecting many challenges to voter registration due to a hotly contested local race.

All three of those locations conducted the election procedures without any problems. The most exciting thing that occurred on Election Day was at the Town of Spider Lake, who called at 10:00 a.m. and wanted to close because they had so much snow on Election Day they had already pulled the snowplows off of the roads! The second incident was a town in Northwest Wisconsin that lost their polling place to a fire the weekend before the election and had to conduct the election in a cranberry warehouse. Again, these elections were conducted with no problems.

Although this election had only one statewide contest (State Supreme Court) it required more of our local clerks' time and attention. For most of the state, this was the first time the local clerks had to set up all of their local races and school board races in the SVRS. Our staff monitored their activity and all went well.

Felon voting activity

Since July 2006, Wisconsin law has required a "post-election audit" to compare active voters and current felons in order to determine if any person still serving a felony sentence voted illegally. To perform the audit, Elections Board staff compared approximately 41,500 names from a Department of Corrections (DOC) list with 2,162,438 voter records from last fall's election in the SVRS. Local election officials and the DOC were asked to double check the potential matches and 82 potential cases of election fraud were referred to the 26 district attorneys for investigation and possible prosecution.

This statewide verification was not possible before the implementation of the SVRS. The agency will be performing this audit as a standard practice after every statewide election.

Voter Identification Number

We are able to track the voting history in the SVRS by assigning a unique voter identification number to each voter and using it in bar code format to quickly record voter history into the SVRS. Unfortunately, this voter identification number has been designated as "confidential," even though it is a meaningless number to anyone other than an SVRS user. Because of this confidential designation, our users are forced to take extra measures when copying a poll book or even showing a poll book to a citizen. We are pleased that this committee is considering LRB-2198 which will eliminate the confidential designation of registration identification numbers, thus making the numbers publicly accessible.

SVRS Statistics at a Glance

As of April 17, 2007:

Total number of Registered Voters in SVRS: **3,376,034**

February 20 election Voter Participation entered into SVRS: **308,911**

February 20 Election Day Registrations entered into SVRS: **18,555**

Total voter records: **4,168,448** (Active = **3,401,221**; Inactive = **693,086**)

April 3 election Voter Participation entered into SVRS: **604,944** from **1437** municipalities

April 3 Election Day Registrations entered into SVRS: **17,511** from **1173** municipalities

Total Address Ranges in SVRS: **344,190**

Total Voter History Records in SVRS: **22,520,039**

Total Absentee Applications in SVRS: **82,728**

New Software Expected This Summer

The SVRS was used to keep track of voter registrations and print the poll books statewide for the recent February and April elections. These basic functions of the SVRS appear to be working well, but there are contracted functions that have not been delivered at this time. We expect a new release of the software this summer that will improve the reports available to the clerks from the system, improve the ability to track absentee ballot activity, and provide a user friendly interface to the public to access basic voter information for their specific address. We will be conducting a full User Acceptance Test of the new software this summer. Extensive training will then be required for the clerks.

We have partnered with the University of Wisconsin to produce an Internet-based training platform. This will allow us to train clerks and temporary voter registration employees quickly and more economically.

I would again like to invite all members of the committee and their staffs to see a demonstration of the software. Please contact me (Molly Koranda) at 264-6763 to set up a time for a demonstration.

If you have any questions for Barbara or me, we are happy to respond

Thank you.

Assembly Committee on Elections and Constitutional Law

Testimony of Molly J. Koranda
SVRS Transition Team Lead
Legislative Representative
Wisconsin State Elections Board
April 19, 2007

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HAVA money on acct

10:35

service contracts

not working
Broken machines

unable

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Handwritten note: *W/with report to board on*

Handwritten note: *Increase 18,555*

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If you have any questions for Barbara or me, we are happy to respond

Thank you.



State of Wisconsin \ Elections Board

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http://elections.state.wi.us



*Distribute
to Committee
members + all
legislators
JK*

KEVIN J. KENNEDY
Executive Director

May 3, 2007

The Honorable Sheryl Albers, Chair
Assembly Committee on Elections and Constitutional Law
State Capitol, Room 115 West
P.O. Box 8952
Madison, WI 53708

Dear Representative Albers:

Thank you again for the opportunity for a representative of the State Elections Board to appear before your committee.

You asked us to follow up on three things:

1. You requested a copy of the "audit" report, relating to the voters who were identified as possible felons. Following is a list of the counties involved and the number of voters per county. The names of the voters are confidential pending further investigation by the District Attorney.

Count	County
1	ADAMS COUNTY
5	BROWN COUNTY
1	CHIPPEWA COUNTY
7	DANE COUNTY
1	DODGE COUNTY
1	DOOR COUNTY
3	DOUGLAS COUNTY
1	EAU CLAIRE COUNTY
1	JEFFERSON COUNTY
1	KENOSHA COUNTY
1	LA CROSSE COUNTY
1	LAFAYETTE COUNTY
1	MARATHON COUNTY
1	MENOMINEE COUNTY
28	MILWAUKEE COUNTY
4	OUTAGAMIE COUNTY
10	RACINE COUNTY
3	ROCK COUNTY
3	SAUK COUNTY
2	SHEBOYGAN COUNTY
1	ST. CROIX COUNTY
1	WALWORTH COUNTY
1	WASHBURN COUNTY

1	WAUKESHA COUNTY
3	WINNEBAGO COUNTY
1	WOOD COUNTY

2. You requested that we compare the voter statistics from the April meeting with the statistics provided at the March meeting:

	<u>22-Mar-07</u>	<u>19-Apr-07</u>
Total voter records (including cancelled):	4,155,454	4,168,448
(Active voters)	3,395,692	3,401,221
(Inactive voters)	688,173	693,086
November 2006 Voter Participation Entered into SVRS:	2,164,644	
November 2006 Election Day Registrations entered into SVRS:	415,454	
February 20 Voter Participation entered into SVRS:		308,911
February 20 Elections Day Registrations entered into SVRS:		18,555
April 3 election Voter Participation entered into SVRS:		604,944
April 3 Election Day Registrations entered into SVRS:		17,511
Total Address Ranges in SVRS:	343,319	344,190
Total Voter History records in SVRS:	21,904,378	22,520,039
Total Absentee Applications in SVRS:	76,494	82,728

3. How much HAVA money do we have on hand?

Reporting Categories	Total Received	Total Spent to Date in FY2007	Total Actual Spent To-Date	Total Actual Remaining Funds
H101	\$5,694,036	\$201,379	\$1,185,249	\$4,508,787
H102	\$1,308,810	\$990,573	\$990,573	\$318,237
H251	\$25,063,935	\$5,048,816	\$20,953,378	\$4,110,557
251V	\$18,000,000	\$13,292,067	\$13,293,670	\$4,706,330
State Match	\$1,745,700	\$0	\$1,745,600	\$100
G261	\$677,910	\$23,864	\$187,607	\$490,303
	\$52,490,391	\$19,556,699	\$38,356,077	\$14,134,314

As I explained during my initial appearance before the Committee, the use of federal HAVA funds is constrained by the purposes for which it is appropriated and by the State Plan developed by the State Elections Board and approved by the Joint Committee on Finance. Any change in the use of the funds has to go through a comprehensive planning process required by federal and state law. HAVA Sections 253 (b) et seq. and Section 5.05(10), Wis. Stats.

The amount of funds listed above is the balance in the various HAVA accounts as of April 30, 2007. The amount does not reflect outstanding applications for voting equipment reimbursement or encumbered funds for previously committed expenditures.

HAVA Section 101 funds have the broadest permissible use. The State Plan has designated the use of these funds for agency staff to provide training and support for local election officials and information for the general public.

HAVA Section 102 funds are available for the replacement of punch card voting systems and lever voting machines. This money has been allocated to the 15 municipalities that used lever

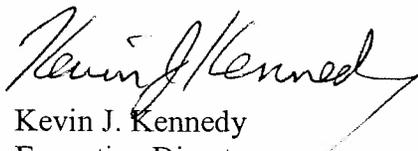
voting machines and the 3 counties that used punch card voting in the 2000 general election. Approximately \$125,000 will be returned to the federal government because the designated municipalities did not have qualifying equipment replacement expenditures to use the amount available under HAVA.

HAVA Section 251 payments are used to meet the specific requirements of HAVA Title III. We have divided these funds into two categories. The first (\$23,064,000 plus \$1,745,000 in 5% matching funds) is allotted for the design, development and deployment of the Statewide Voter Registration System (SVRS). SVRS is the technological backbone of election administration for state and local election officials in Wisconsin. The second pool of funds (\$18,000,000) has been designated to enable every municipality to add an accessible voting component to each polling place in the state.

HAVA Section 261 funds are available through a series of annual grants to the SEB. The purpose of the grant funds is to enhance accessibility for voters with disabilities. These funds have been used for polling place improvement, training and voter education.

If you need any additional information, please contact our office.

State Elections Board



Kevin J. Kennedy
Executive Director



State of Wisconsin \ Elections Board

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KEVIN J. KENNEDY
Executive Director

May 18, 2007

Representative Sheryl Albers
Chair, Assembly Committee on Elections and Constitutional Law
State Capitol, Room 115W
Madison, WI 53708-8952

Dear Representative Albers:

Thank you for your email dated May 11 concerning the letter you and your committee members received from Paul Malischke. I will respond to his 3 questions.

- 1) *One man has voted regularly for over 5 years at the same polling place. He voted in the 3 previous elections with no problem, but in April, he was not on the list. In a follow-up with the city clerk, they found his registration had been changed to another address, without any form being filed. There was no explanation for this offered by the clerk. I wrote about this case in detail to the SEB on April 8, but have not received an answer.*

Mr. Malischke notified us of this problem and we followed up immediately with the Madison City Clerk, MariBeth Witzel-Behl. This voter's address had been changed which placed him in a different ward and on a different poll book. Upon further investigation, no backup paperwork could be found that requested the address change, and the voter record was changed back to show the correct address and ward. This was human error. As we said in an April 23, 2007 response to Mr. Malischke, "with over 350,000 records in the City of Madison's system, it is possible for a user to access the wrong record when making a change." The enclosed letter was prepared for Mr. Malischke on April 23rd, but it appears that it was never mailed. We apologize for the oversight.

- 2) *A woman has voted for years at her polling place, and last voted in February. Also, in February, she was on the ballot for a local office, challenging an incumbent in the primary. In April, her name was not on the poll list. The answer she received to this was that she had not changed her registration since she started using her married name. Is the SVRS targeting those who have not updated their name changes? Or is this somehow connected with the fact that she ran for office?*

We are unable to research this without more information. What is the voter's name? Which municipality is involved?

When a person's name changes, they must fill out a new EB 131 Voter Application form with the new name and new Wisconsin Driver License number. Only then will the record be updated. Candidate names are referenced in the SVRS. Usually they are registered voters and the information is pulled from the voter record when setting up the election. Perhaps in this

situation a clerk noticed a different name and went ahead and changed it so a second voter record would not be created for the same person. It is impossible to know without more information.

3) *Another more common cause seems to be that voters are correctly listed in the system, but their names are not printed out on the polling place voter list. Why does this occur? If a voter record is changed, does the SVRS retain a record of when and by whom the change was made?*

A voter name will not print out on the poll list if it has been made inactive because of an incomplete Voter Application form. A voter may have moved to another municipality or ward, or another state. A voter may have been reported to us by the Division of Vital Statistics as deceased. A voter may have been reported to us as being a felon who is still under supervision.

A voter name will never be completely deleted from the system. We can identify the user who was in the file and made a change and the date it was made.

I again invite you, your committee and staffs to get a demonstration of the SVRS system. Please call Molly Koranda at 264-6763 to set up a time and date.

If you have additional questions, please do not hesitate to contact me or my staff.

Sincerely yours,

State Elections Board



Kevin J. Kennedy
Executive Director

KJK/mk



State of Wisconsin \ Elections Board

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KEVIN J. KENNEDY
Executive Director

May 18, 2007

Representative Sheryl Albers
Chair, Assembly Committee on Elections and Constitutional Law
State Capitol, Room 115W
Madison, WI 53708-8952

Dear Representative Albers:

I am writing in response to your memo to George Dunst dated May 9, 2007 regarding Emergency Rule EIBd 3.50.

- 1) *“Custom report – Does this mean that each time a unit of government requests an updated list they will be obligated to pay because the report they’re requesting is not now programmed to run and thus is would be deemed “custom”?”*

Units of government such as counties and cities have access to all of their data real time and are able to produce reports for their county or municipality immediately from the SVRS. They are able to sell standard reports independent of the State Elections Board. They only need to work with the State Elections Board if the request is for a custom report which they are unable or unwilling to produce locally.

Each unit of government is able to run reports themselves and charge the customer for the data at the rates in Emergency Rule EIBd 3.50. The money is kept with the municipality or county if they are the ones who produce the report.

I have attached four documents that the agency sends to persons who request to purchase lists from the Statewide Voter Registration System. If the request is for something other than our standard data file, it is considered a custom report. Once a custom report is written, subsequent requests for such a report are considered standard, not custom.

The design of the Statewide Voter Registration System, including these reports, was done with the input of our local government election officials. We continue to try to meet all of the report requirements of the local government election officials.

- 2) *“Protected information – Which information is protected and which information is not protected?”*

Wis. Stats. 6.36(1)(b)a determines which information is protected: *“No person other than an employee of the board, a municipal clerk, a deputy clerk, an executive director of a city board of election commissioners, or a deputy designated by the executive director may view the date of birth, registration identification number, operator’s license number, or social security number of an elector, the address of an elector to whom an identification serial number is issued under s.6.47(3), or any indication of an accommodation required under s.5.25(4)(a) to permit voting by an elector.”*

(Assembly Bill 295 removes the “registration identification number” from this list).

The documents referenced in the above discussion of Custom Reports list the data elements that are available in the SVRS. All data is not necessarily available for all voters. Most requests are for names and addresses within a specific district, such as an aldermanic district, state assembly district, or congressional district.

- 3) *“Comparison with rule in adjacent states – What are the fees in the adjacent states? How do they compare to Wisconsin’s proposed charges?”*

Every state has a different charge for voter lists. The following chart lists our neighboring states:

STATE	# OF VOTERS	COST	ADDITIONAL COSTS?
IOWA	2MIL	\$.50/1000; State List: \$1,000	Additional charges for paper or labels
MINNESOTA	3MIL	\$46/statewide list	Other jurisdictions: \$30/CD; \$5/shipping
MICHIGAN	7.1MIL	\$170/statewide list	Other jurisdictions: \$42.50-\$85.00
ILLINOIS	7MIL	\$2,000/statewide	Other jurisdictions: \$40-\$350
WISCONSIN	3.3MIL	\$25 plus \$5 per 1000; Statewide list capped at \$12,500	Custom reports may require additional charges

Wisconsin has a statute that specifically allows for the recovery of costs of maintenance of the Statewide Voter Registration System (Wisconsin Statute § 6.36 (6)). Our cost of maintenance is over \$900,000 annually to the Department of Administration Division of Electronic Technology for hosting the application. Support and training staff expenses are additional. The above prices approved by the State Elections Board do not come close to recovering the costs of maintaining the system, but were a compromise between our costs and what they thought the market would bear. In this fiscal year we have collected almost \$70,000 from the sale of data from the SVRS.

Please let me know if you have additional questions regarding Emergency Rule EIBd 3.50 relating to pricing of voter information.

Sincerely yours,

STATE ELECTIONS BOARD



Molly J. Koranda
Supervisor, SVRS Project

State of Wisconsin \ Elections Board

Post Office Box 7984
201 W. Washington Ave.
Suite # 310
Madison, WI 53707-7984



Voice (608) 266-0395
Fax (608) 261-2035
E-mail: svrs@seb.state.wi.us
http://elections.state.wi.us

Voter Data Request Form

I hereby request voter data for jurisdiction/district (circle one): Date: _____

- State of Wisconsin
- U.S. Congressional District number _____
- State Senatorial District number _____
- State Assembly District number _____
- County of _____
- City/Town/Village (circle one) of _____ (also designate the county, above)
- School District: _____
(common union unified) (also designate the county, above)
- County Supervisory District number _____ County of: _____
- Aldermanic/Village Supervisory Dist. # _____ City/Village of: _____
- Other _____

Scope of Request

- All active voters in the jurisdiction/district with an indicator of participation in the four most recent elections if history is available.
- All voters who participated in the election held on _____

Requestor's Contact Information

Name: _____
 Address _____
 City/State/Zip: _____
 Phone (with Area Code) _____
 Email: _____@_____

- Check to receive files by email if possible

To receive a cost estimate, contact Gene Norman at (608) 267-7891, by fax at 608-261-2035 or by e-mail at gene.norman@seb.state.wi.us. Requests are processed only when payment has been received. Payment may be by cash or check; make checks payable to "Wisconsin State Elections Board" for the amount of the estimate. Send requests and payment to the following address:

As of August 2006, the price for data from the Statewide Voter Registration System (SVRS) is **\$25 plus \$5 per 1000 voters** (rounded to the nearest thousand). The system is constantly updated, so it is necessary to query the system before a price for a file can be provided. The price for the entire state list is capped at \$12,500.

State Elections Board
Voter Data Requests
201 W Washington Ave
PO Box 7984
Madison, Wisconsin 53707-7984

State of Wisconsin \ Elections Board

Post Office Box 2973
17 West Main Street, Suite 310
Madison, WI 53701-2973
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: seb@seb.state.wi.us
<http://elections.state.wi.us>



KEVIN J. KENNEDY
Executive Director

Here is information about ordering data from Wisconsin's Statewide Voter Registration System (SVRS):

A standard data file consists of a list of active voters in the jurisdiction or district and an indication of voter participation in the September and November 2006, and February and April 2007 elections. There are also indicators for the February and April 2006 elections for 21 counties which used the SVRS at that time. In addition information about districts (Congressional, Assembly, State Senate, Schools, Judicial, etc) is provided.

The Elections Board can also provide data in a different format for specific elections. Since participation in earlier elections is stored separately there is a fee for each election requested. That fee is dependant on the number of actual voters in the election and is usually substantially less than the list of active voters. An estimate will be provided on request.

Municipalities which used other voter registration software prior to September 2006 may have converted voter history data into the new system. If they have, then prior data is available from the SVRS.

Checks should be made payable to "State Elections Board", checks and written requests should be sent to:

State Elections Board
SVRS Voter Data Requests
201 W Washington Ave
PO Box 7984
Madison, Wisconsin 53707-7984

The price for a file from the system is \$25 plus \$5 for every 1000 voters, rounded to the nearest thousand. Price for the statewide list is capped at \$12,500.

If the file contains less than 64,000 rows, it will be provided in an Excel (.xls) file. If it is larger, it will be provided in a tab delimited (.tab) file.

You can define your query, and determine the size of your file, with SVRS Specialist Gene Norman, who creates the CD. Mr. Norman can be reached by telephone at 608-267-7891 or e-mail at gene.norman@wisconsin.gov.

A form is attached to this email which you can use to conveniently describe the desired data

State of Wisconsin \ Elections Board

Post Office Box 2973
17 West Main Street, Suite 310
Madison, WI 53701-2973
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: seb@seb.state.wi.us
<http://elections.state.wi.us>



KEVIN J. KENNEDY
Executive Director

Data Elements in Electors File with Participation

LastName	varchar	
FirstName	varchar	
MiddleName	varchar	
NameSuffix	varchar	
AddressLine1a	varchar	
AddressLine1b	varchar	
AddressLine2	varchar	
AddressLine3	varchar	
AddressLine4	varchar	
DistrictComboCode	varchar	
JurisdictionName	varchar	
StreetPreDirectionalCode	varchar	
StreetName	varchar	
HouseNumber	varchar	
ZipCode	varchar	

To sort this file into sequence by street name separating the even and odd sides of the street perform the following steps.

1. In cell O1 insert the formula “=MOD(N1,2)” This will result in a zero if the house number is even and a one if it is odd.
2. In cell P1 insert the formula “=CONCATENATE(" ",O1,N1)” this will set up a text cell with the even/odd indicator in front of the house number. The space is needed so that Excel doesn't strip off the leading zeros.
3. Copy cells O1 and P1 to the remaining rows in the sheet.
4. Sort the worksheet by StreetName, StreetPreDirectionalCode and column P

State of Wisconsin \ Elections Board

Post Office Box 2973
 17 West Main Street, Suite 310
 Madison, WI 53701-2973
 Voice (608) 266-8005
 Fax (608) 267-0500
 E-mail: seb@seb.state.wi.us
<http://elections.state.wi.us>



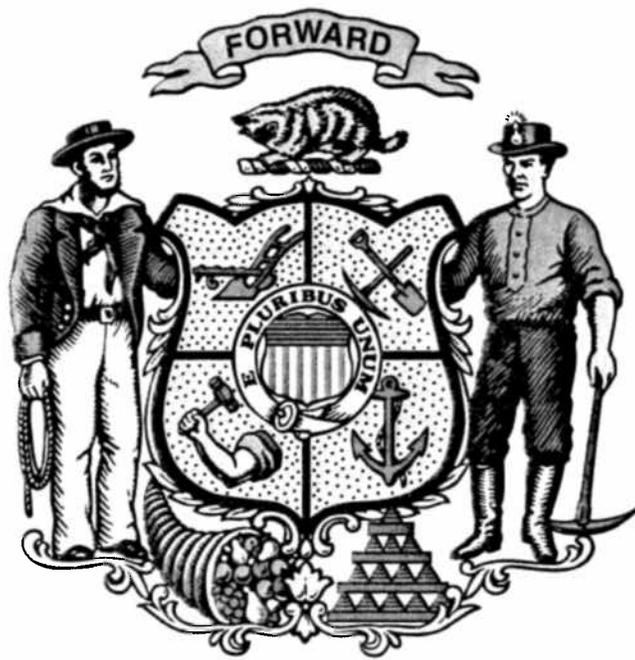
KEVIN J. KENNEDY
 Executive Director

Data Elements in Electors File (with Voter Status) with Participation

LastName	varchar	
FirstName	varchar	
MiddleName	varchar	
Name Suffix	Varchar	e.g. Jr. PhD, etc
AddressLine1	varchar	
AddressLine3	varchar	
MailingAddressLine1	varchar	
MailingAddressLine3	varchar	
MailingCityStateZip	Varchar	
HouseNumber	varchar	This field is part of AddressLine1a, provided for use in sorting
HouseNumberSuffix	varchar	This field is part of AddressLine1a, provided for use in sorting
StreetPreDirectionalCode	varchar	This field is part of AddressLine1a, provided for use in sorting
StreetName	varchar	This field is part of AddressLine1a, provided for use in sorting
StreetType	varchar	This field is part of AddressLine1a, provided for use in sorting (ST, AVE, DR, etc.)
StreetPostDirectionalCode	varchar	This field is part of AddressLine1a, provided for use in sorting
UnitType	varchar	This field is part of AddressLine1b, provided for use in sorting (Apt, Suite, etc.)
UnitNumber	varchar	This field is part of AddressLine1b, provided for use in sorting
ZipCode	varchar	
Jurisdiction	varchar	
DistrictCombo	varchar	This represents the following districts
District1	varchar	Ward
District2	varchar	Congressional District
District3	varchar	State Senate District
District4	varchar	Assembly District
District5	varchar	Court of Appeals District
District6	varchar	Multi-Jurisdictional District
District7	varchar	County

District8	varchar	County Supervisory District
District9	varchar	Municipality
District10	varchar	Aldermanic District
District11	varchar	Common School District
District12	varchar	Union School District
District13	varchar	Unified School District
District14	varchar	Sanitary District
District15	varchar	Technical College District
District16	varchar	Lake Management District
District17	varchar	Public Inland Lake Protection & Rehabilitation Assembly District
District18	varchar	State
District19	varchar	DistrictAttorney
District20	varchar	CircuitCourt
District21	varchar	FirstClassSchoolDistrict
District22	varchar	Reserved
District23	varchar	Reserved
Voter Status	varchar	This field indicates the current status of the voter record (Active, Inactive or Cancelled).
February2006	Varchar	This field will include an "X" if the elector participated in the February 2006 election ¹ .
April2006	varchar	This field will include an "X" if the elector participated in the April 2006 election ² .
September2006	varchar	This field will include an "X" if the elector participated in the September 2006 election.
November2006	varchar	This field will include an "X" if the elector participated in the November 2006 election.
February2007	varchar	This field will include an "X" if the elector participated in the February 2006 election
April2007	varchar	This field will include an "X" if the elector participated in the April 2007 election. Please note that participation is still being entered into SVRS by municipal clerks. The file will include all participation that has been recorded as of the date the file was run, and may not yet represent the entire participation for this election.

^{1 2} this field is only populated for jurisdictions in 21 counties that were live during this election.





State of Wisconsin • DEPARTMENT OF REVENUE

2135 RIMROCK ROAD • P.O. BOX 8933 • MADISON, WISCONSIN 53708-8933 • 608-266-6466 • FAX (608) 266-5718 • <http://www.revenue.wi.gov>

Jim Doyle
Governor

Roger M. Ervin
Secretary of Revenue

October 10, 2007

MEMBERS OF THE WISCONSIN LEGISLATURE

Re: Section Tax 2.505

Dear Senators and Representatives:

Enclosed is an Order of the Department of Revenue Adopting an Emergency Rule, relating to the computation of the apportionment fraction by multistate professional sports clubs. A copy of this emergency rule is being sent to you pursuant to the requirements specified in s. 227.24(3), Stats. A certified copy of the order has been filed in the Office of the Secretary of State and the Office of the Revisor of Statutes, as required by s. 227.20, Stats.

This emergency rule will become effective on October 12, 2007, after publication in the official state newspaper. It will remain in effect for 150 days after publication, when a permanent rule should be in place.

Copies of this letter and the emergency rule order are also hereby being transmitted to the Chief Clerks of the Senate and the Assembly, with the request that the order, or a notice of it, be published in the Journal of each house to make the rule amendments known to persons who will be affected by them.

Sincerely,

Roger M. Ervin
Secretary of Revenue

RME:DSK
e:rules\2505 Emergency - Legislature

Enclosure

cc: Robert J. Marchant, Senate Chief Clerk
Patrick Fuller, Assembly Chief Clerk

Mik Oakleaf
261-5173

ORDER OF THE DEPARTMENT OF REVENUE ADOPTING AN EMERGENCY RULE

The Wisconsin Department of Revenue hereby adopts an emergency rule interpreting ss. 71.04 (4) and 71.25 (6), Stats., relating to the computation of the apportionment fraction by multistate professional sports clubs.

Analysis by the Department of Revenue

Statutes interpreted: ss. 71.04 (4) and 71.25 (6), Stats.

Statutory authority: s. 227.24, Stats.

Explanation of agency authority: An agency may promulgate a rule as an emergency rule without complying with the notice, hearing and publication requirements of the statutes if preservation of the public peace, health, safety or welfare necessitates putting the rule into effect prior to the time it would take effect if the agency complied with the procedures.

Related statute(s) or rule(s): ss. 71.04 (4m), (5), (6), and (7) and 71.25 (6m), (7), (8), and (9), Stats., and s. Tax 2.39.

Plain language analysis: This emergency rule prescribes the method to be used for apportioning the apportionable income of interstate professional sports clubs.

Section 1. The phase-in of the single sales factor apportionment formula will apply to professional sports clubs.

Summary of, and comparison with, existing or proposed federal regulation: There is no existing or proposed federal regulation that is intended to address the activities to be regulated by the rule.

Comparison with rules in adjacent states:

- Illinois does not have a special apportionment formula for interstate professional sports clubs. Their apportionment formula consists solely of a sales factor. Sales of services are attributed to the state where the income-producing activity occurred.
- Iowa does not have a special apportionment formula for interstate professional sports clubs. The apportionment formula consists solely of a sales factor. Sales of services are sourced where the benefit of the service is received.
- Michigan does not have a special apportionment formula for interstate professional sports clubs. The apportionment formula consists of a three-factor formula with sales weighted 90%, and property and payroll each weighted 5%. Sales of services are sourced where the income-producing activity occurred.
- Minnesota's apportionment formula for interstate professional sports clubs consists of a three-factor formula with sales weighted 75%, and property and payroll each weighted 12.5%. Sales of services are sourced where the benefit of the service is received, where the service was ordered, or where the service was billed, depending on the circumstances. All income from the operation of an athletic team when the visiting team does not share in the gate receipts is assigned to the state in which the team's operation is based.

Summary of factual data and analytical methodologies: 2003 Wisconsin Act 37 changed the apportionment formula used by multistate businesses for determining the income taxable by Wisconsin. As a result of this legislation, single sales factor apportionment will be phased in for most businesses. The phase-in of single sales factor apportionment begins for taxable years beginning on January 1, 2006. 2005 Wisconsin Act 25 changed how gross receipts from services are sourced for purposes of the apportionment formula. Receipts from services are sourced where the benefit of the service is received. The change in the sourcing rules first applies to taxable years beginning January 1, 2005.

Analysis and supporting documents used to determine effect on small business: The department has determined that this emergency rule will not have a significant economic impact on a substantial number of small businesses. The department is not aware of any interstate professional sports clubs to which the rule will apply that meet the definition of a small business under s. 227.114(1), Stats.

Anticipated costs incurred by private sector: This emergency rule does not have a significant fiscal effect on the private sector.

Effect on small business: This emergency rule does not have a significant fiscal effect on small business.

Agency contact person: Please contact Dale Kleven^{OO} at (608) 266-8253 or dkleven@dor.state.wi.us, if you have any questions regarding this emergency rule.

Place where comments are to be submitted and deadline for submission: Comments may be submitted to the contact person shown below no later than one week after the public hearing on this emergency rule and the accompanying permanent rule is conducted. Information as to the place, date, and time of the public hearing will be published in the Wisconsin Administrative Register.

Dale Kleven
Department of Revenue
Mail Stop 6-40
2135 Rimrock Road
P.O. Box 8933
Madison, WI 53708-8933

FINDING OF EMERGENCY

The Department of Revenue finds that an emergency exists and that the attached rule order is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is:

The emergency rule is to prescribe the method to be used for apportioning the apportionable income of interstate professional sports clubs.

It is necessary to promulgate this rule order to provide the method of apportionment to be used by interstate professional sports clubs.

This rule is therefore promulgated as an emergency rule and shall take effect upon publication in the official state newspaper. Certified copies of this rule have been filed with the Secretary of State and Revisor of Statutes, as provided in s. 227.24, Stats.

SECTION 1. Tax 2.505 (title) and (intro.), (1), (2), and (3) (intro.) and (d) are amended to read:

Tax 2.505 Apportionment of ~~net business~~ apportionable income of interstate professional sports clubs. The apportionable income of professional sports clubs engaged in ~~income producing activities~~ business both inside and outside Wisconsin during the year shall be apportioned to Wisconsin using an the apportionment fraction ~~composed of a property factor representing 25% of the fraction, a payroll factor representing 25% of the fraction and a sales factor representing 50% of the fraction determined~~ described in s. 71.25 (6), Stats., and the apportionment formula computation described in s. 71.25 (6m), Stats., if applicable. The property, payroll, and sales factors described in s. 71.25 (6) and (6m), Stats., shall be determined as follows:

(1) PROPERTY FACTOR. The property factor is a fraction as defined in s. 71.25 (7), Stats. Owned or rented real and tangible personal property shall be included in the factor as provided in s. 71.25 (7), Stats., and s. Tax 2.39 ~~(3)~~ (4). Minor equipment, such as uniforms, and playing and practice equipment, need not be included in the factor.

(2) PAYROLL FACTOR. The payroll factor is a fraction as defined in s. 71.25 (8), Stats. Compensation shall be reported as provided in s. 71.25 (8), Stats., and s. Tax 2.39 ~~(4)~~ (5). Bonuses and payments shall be included in the payroll factor on a prorated basis in accordance with Internal Revenue Service Ruling 71-137, Cum. Bull., 1971-1. Compensation paid for optioned players shall be included in the factor only if paid directly to the player by the taxpayer.

(3) SALES FACTOR. The sales factor is a fraction as defined in s. 71.25 (9), Stats.

Sales shall be included in the factor in accordance with s. 71.25 (9), Stats., s. Tax 2.39 ~~(5)~~ (6) and the following rules:

(d) *Player contracts, franchises, etc. and similar sources.* Income from player contract transactions, franchise fees, and other similar sources shall be excluded from the numerator and the denominator of the sales fraction.

Note: The provisions of s. Tax 2.505 first apply for taxable years beginning on January 1, 2005.

The rules contained in this order shall take effect upon publication in the official state newspaper as provided in s. 227.22 (2) (c), Stats.

DEPARTMENT OF REVENUE

Dated: October 10, 2007

By: 

Roger M. Ervin
Secretary of Revenue

E:Rules/2505 Proposed Order (emergency)

FISCAL ESTIMATE FORM

2007 Session

- ORIGINAL UPDATED
- CORRECTED SUPPLEMENTAL

LRB # 07-

INTRODUCTION #

Admin. Rule # Chapter Tax 2.505 (emergency)

Subject

Apportionment of Apportionable Income of Interstate Professional Sports Clubs

Fiscal Effect

State: No State Fiscal Effect
 Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

- Increase Existing Appropriation Increase Existing Revenues
- Decrease Existing Appropriation Decrease Existing Revenues
- Create New Appropriation

- Increase Costs - May be Possible to Absorb Within Agency's Budget Yes No
- Decrease Costs

Local: No Local Government Costs

- 1. Increase Costs
 Permissive Mandatory
- 2. Decrease Costs
 Permissive Mandatory
- 3. Increase Revenues
 Permissive Mandatory
- 4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
- Towns Villages Cities
 - Counties Others _____
 - School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate:

The proposed emergency rule amends Tax 2.505, Wis. Admin. Rules, to incorporate two recent legislative changes.

2003 Wisconsin Act 37 changed the apportionment formula used by multi-state businesses for determining the income taxable by Wisconsin. As a result of this legislation, a single sales factor apportionment formula will be phased in for most businesses that operate both within and outside of the state. The phase-in of single sales factor apportionment begins for taxable years beginning on or after January 1, 2006. Additionally, 2005 Wisconsin Act 25 changed how gross receipts from services are sourced for purposes of the apportionment formula. Receipts from services are sourced where the benefit of the services is received. The change in sourcing rules first applies to taxable years beginning on or after January 1, 2005.

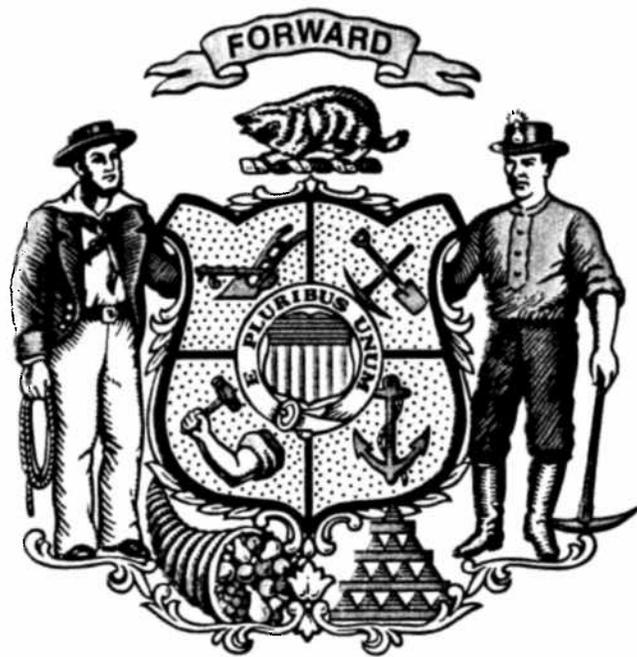
The proposed emergency rule amends Tax 2.505 to conform to these law changes.

The fiscal effect from implementation of single sales factor apportionment for professional sports teams was included in the fiscal estimate of 2003 Act 37. The fiscal effect from the special sourcing language as it applies to professional sports teams was included in the estimate for 2005 Act 25. Therefore, the rule has no fiscal effect.

What amount would DRC be able to collect w/o this rule? Hold up

Long-Range Fiscal Implications:

Agency/Prepared by: (Name & Phone No.)	Authorized Signature/Telephone No.	Date
Wisconsin Department of Revenue Michael Oakleaf (608) 261-5173	Rebecca Boldt (608) 266-6785	



Simatic, Kurt

From: skalbers [skalbers@rucls.net]
Sent: Tuesday, October 16, 2007 10:22 AM
To: Simatic, Kurt
Subject: FW: JCRAR HEARING 10-24-07

I want to read each of these – print and put in read file. Sheryl

From: Simatic, Kurt [mailto:Kurt.Simatic@legis.wisconsin.gov]
Sent: Monday, October 15, 2007 4:38 PM
To: skalbers
Subject: FW: JCRAR HEARING 10-24-07

From: Grothman, Jeffrey
Sent: Monday, October 15, 2007 4:29 PM
To: *Legislative Assembly Republicans; *Legislative Assembly Democrats; *Legislative Senate Republicans; *Legislative Senate Democrats
Cc: Sklansky, Ron; Tonnon Byers, Anne; Richard, JoAnna - DWD; Saterfield, Laura - DWD; Vollbrecht, Mary E - DNR; Griffin, Martin P - DNR; Dahl, Robert A - DATCP; Moll, Keeley A - DATCP; 'Wheeler@Thewheelerreport.com'
Subject: JCRAR HEARING 10-24-07

PUBLIC HEARING

Joint Committee for Review of Administrative Rules

The committee will hold a public hearing on the following items at the time specified below:

Wednesday, October 24, 2007
1:00 PM
225 Northwest
State Capitol

DWD 56 Emergency Rule Extension

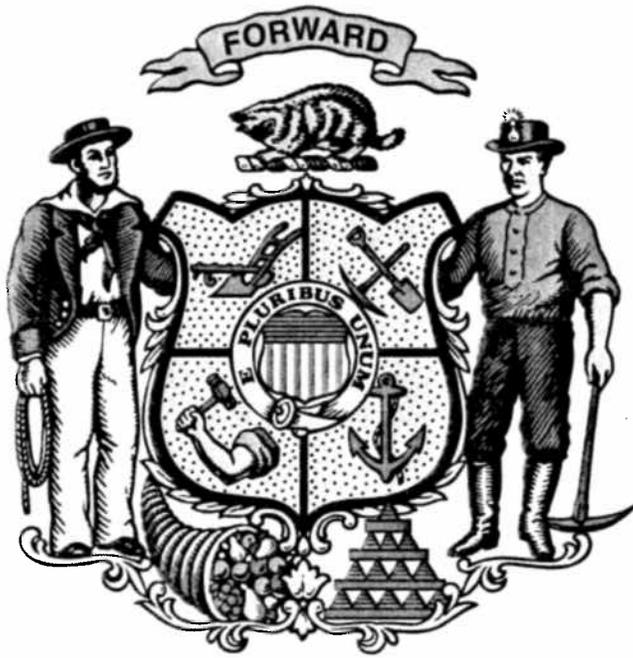
Relating to Child Care Enrollment underutilization. The Department Requests 60-day Rule Extension.

DNR Emergency Order WT-26-07(E)

Department of Natural Resources Requests a 60-Day extension for this emergency order pertaining to general permits for dredging in Great Lakes navigable waterways.

Emergency Extension Request of ATCP 21.20

Related to Certification of Firewood Dealers.





State of Wisconsin • DEPARTMENT OF REVENUE

2135 RIMROCK ROAD • P.O. BOX 8933 • MADISON, WISCONSIN 53708-8933 • 608-266-6466 • FAX (608) 266-5718 • <http://www.revenue.wi.gov>

Jim Doyle
Governor

Roger M. Ervin
Secretary of Revenue

October 25, 2007

MEMBERS OF THE WISCONSIN LEGISLATURE

Re: Section Tax 8.63

Dear Senators and Representatives:

Enclosed is an Order of the Department of Revenue Adopting an Emergency Rule, relating to liquor wholesaler warehouse facilities. A copy of this emergency rule is being sent to you pursuant to the requirements specified in s. 227.24(3), Stats. A certified copy of the order has been filed in the Office of the Secretary of State and the Office of the Revisor of Statutes, as required by s. 227.20, Stats.

This emergency rule will become effective on October 29 2007, after publication in the official state newspaper. It will remain in effect for 150 days after publication, when a permanent rule should be in place.

Copies of this letter and the emergency rule order are also hereby being transmitted to the Chief Clerks of the Senate and the Assembly, with the request that the order, or a notice of it, be published in the Journal of each house to make the rule amendments known to persons who will be affected by them.

Sincerely,



Roger M. Ervin
Secretary of Revenue

RME:DSK
e:rules863 - 2007 - Emergency - Legislature

Enclosure

cc: Robert J. Marchant, Senate Chief Clerk
Patrick Fuller, Assembly Chief Clerk

ORDER OF THE DEPARTMENT OF REVENUE ADOPTING AN EMERGENCY RULE

The Wisconsin Department of Revenue hereby adopts an emergency rule interpreting s. 125.54 (7), Stats. relating to liquor wholesaler warehouse facilities.

Analysis by the Department of Revenue

Statute interpreted: s. 125.54 (7), Stats.

Statutory authority: s. 227.24, Stats.

Explanation of agency authority: An agency may promulgate a rule as an emergency rule without complying with the notice, hearing and publication requirements of the statutes if preservation of the public peace, health, safety or welfare necessitates putting the rule into effect prior to the time it would take effect if the agency complied with the procedures.

Related statute or rule: s. 125.54 (7), Stats.

Plain language analysis: This emergency rule changes the amount of floor space that a liquor wholesaler warehouse facility described in a wholesalers' permit is required to be from 4,000 to 1,000 square feet of floor space. It also creates a provision that allows the minimum square footage requirement to be waived when it is determined that a waiver is fair and equitable.

In addition to the changes to the requirements concerning liquor wholesaler warehouse facilities and liquor wholesalers, the rule creates a provision requiring the department to prepare and maintain a list of all liquor wholesale permittees and shall post the names from this list on the Internet. The Internet site shall list the name of each permittee and the total square feet of floor space of the premises described in the permit. The department shall update the Internet site on a quarterly basis.

Summary of, and comparison with, existing or proposed federal regulation: There is no existing or proposed federal regulation that is intended to address the activities to be regulated by the rule.

Comparison with rules in adjacent states: The department is not aware of a similar rule in an adjacent state.

Summary of factual data and analytical methodologies: Tax 8.63 was created to satisfy the requirements of s. 125.54 (7), Stats., which, in part, provides that the department establish minimum requirements for warehouse facilities on premises described in wholesalers' permits. One of the requirements established by Tax 8.63 is that a liquor warehouse facility be a minimum of 4,000 square feet of floor space.

Since the provisions of Tax 8.63 became effective, the department has become aware of bona fide liquor wholesalers whose facilities are less than the required 4,000 feet of floor space. In response, the department has created this emergency rule to lessen the required amount of floor space and provide an exception so that a bona fide liquor wholesaler will not have an application for issuance or renewal of a permit denied solely because it does not meet the square footage requirement.

Analysis and supporting documents used to determine effect on small business:

As the proposed changes to Tax 8.63 ease the requirements for warehouse facilities, the department has concluded that this emergency rule does not have a significant effect on small business.

Anticipated costs incurred by private sector: This emergency rule does not have a significant fiscal effect on the private sector.

Effect on small business: This emergency rule does not have a significant effect on small business.

Agency contact person: Please contact Dale Kleven at (608) 266-8253 or dale.kleven@revenue.wi.gov, if you have any questions regarding this emergency rule.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to the contact person shown below no later than one week after the public hearing on this this emergency rule and the accompanying proposed permanent rule is conducted. Information as to the place, date, and time of the public hearing will be published in the Wisconsin Administrative Register.

Dale Kleven
Department of Revenue
Mail Stop 6-40
2135 Rimrock Road
P.O. Box 8933
Madison, WI 53708-8933

FINDING OF EMERGENCY

The Department of Revenue finds that an emergency exists and that the attached rule order is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is:

The emergency rule is to change the amount of floor space that a liquor wholesaler warehouse facility described in a wholesalers' permit is required to be from 4,000 to 1,000 square feet of floor space. It also creates a provision that allows the minimum square footage requirement to be waived when it is determined that a waiver is fair and equitable.

It is necessary to promulgate this rule order to remove the threat of revenue loss to bona fide liquor wholesalers as a result of having applications for issuance or renewal of permits denied solely because they do not meet the square footage requirement in the existing rule.

This rule is therefore promulgated as an emergency rule and shall take effect upon publication in the official state newspaper. Certified copies of this rule have been filed with the Secretary of State and Revisor of Statutes, as provided in s. 227.24, Stats.

SECTION 1. Tax 8.63 (1) is amended to read:

(1) MINIMUM REQUIREMENTS FOR WAREHOUSE FACILITIES. The premises described in a permit issued under s. 125.54, Stats., shall be a minimum of ~~4,000~~ 1,000 square feet of floor space and shall be located in a free-standing building that is not part of or connected to a premises covered by a retail license or permit issued under s. 125.51, Stats.

SECTION 2. Tax 8.63 (1m) is created to read:

(1m) EXCEPTION TO MINIMUM REQUIREMENTS. The secretary of revenue may waive the requirement that a premises described in a permit issued under s. 125.54, Stats., be a minimum of 1,000 square feet of floor space when the secretary determines the waiver fair and equitable, if the applicant or permittee does both of the following:

(a) Submits a written request for a waiver along with the application for issuance or renewal of a permit.

(b) Clearly indicates how the requirements described in sub. (1) and s. 125.54 (7), Stats., otherwise will be or have been met.

SECTION 3. Tax 8.63 (7) is created to read:

(7) INTERNET POSTING OF PERMITTEE INFORMATION. The department shall prepare and maintain a list of all permittees under s. 125.54, Stats., and shall post the names of permittees from this list on the Internet at a site that is created and maintained by the department. The Internet site shall list the name of each permittee and the total square feet of floor space of the premises described in the permit. The department shall update the Internet site on a quarterly basis.

Note to Revisor: Replace the first note at the end of Tax 8.63 (7) with the following:

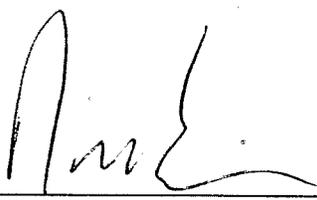
Note: This section interprets s. 125.54 (7), Stats.

Have they done this yet?
Went to Springfield
substitute
asked for the
Don't put it in
let's see rule
and not up
yet.

The rules contained in this order shall take effect upon publication in the official state newspaper as provided in s. 227.22 (2) (c), Stats.

DEPARTMENT OF REVENUE

Dated: 10/23/07

By: 
Roger M. Ervin
Secretary of Revenue

FISCAL ESTIMATE FORM

2007 Session

- ORIGINAL UPDATED
- CORRECTED SUPPLEMENTAL

LRB # 07-
INTRODUCTION #
Admin. Rule # Chapter Tax 8.63 (Emergency Rule)

Subject
Chapter Tax 8.63 – Liquor Wholesaler Warehouse Facility

Fiscal Effect
State: No State Fiscal Effect
 Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

<input type="checkbox"/> Increase Existing Appropriation	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs - May be Possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Decrease Existing Appropriation	<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriation		<input type="checkbox"/> Decrease Costs

Local: No Local Government Costs

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

Fund Sources Affected	Affected Ch. 20 Appropriations
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	

Assumptions Used in Arriving at Fiscal Estimate:

2005 Wisconsin Act 25 (the 2005-07 budget bill) created s. 125.54 (7) which, in part, required the Department of Revenue to establish by rule minimum requirements for liquor warehouse facilities. In response, the department established the current administrative rule under Tax 8.63, which requires a liquor wholesaler warehouse facility to have a minimum of 4,000 square feet of floor space and be located in a free-standing building that is not part of or connected to a liquor retailer facility.

The proposed emergency rule reduces from 4,000 to 1,000 the minimum square footage of floor space that a liquor wholesaler warehouse facility must have to be eligible for a liquor wholesaler's permit. It also creates a provision that allows the minimum square footage requirement to be waived, if it is determined that a waiver is fair and equitable. In addition, the proposed emergency rule requires the Department of Revenue to maintain an Internet listing of all liquor warehouse permittees, including the total square footage of floor space of the premises under each warehouse permit.

While the proposed emergency rule will avoid denying liquor warehouse permits to certain liquor wholesalers that would qualify for a permit except for the current 4,000 minimum square foot requirement, it will have no significant impact on either state tax revenues or the department's administrative costs.

Ask DOR why is this an emergency & why is this needed -

[Signature]

8 of 86

would lose their permits because they would not be able to renew -

It's a business issue not DOR operations -

Went to spirit committee

Mull Wittenberg

Long-Range Fiscal Implications:

Agency/Prepared by Wisconsin Department of Revenue Jacek Cianciara 608 266-8133	Authorized Signature/Telephone No. Wisconsin Department of Revenue Paul Ziegler 608 266-5773 	Date 10-10-07 <i>[Handwritten notes]</i>
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Supreme Court of Wisconsin

16 EAST STATE CAPITOL
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688

Shirley S. Abrahamson
Chief Justice
Ann Walsh Bradley
N. Patrick Crooks
David T. Prosser, Jr.
Patience D. Roggensack
Louis B. Butler, Jr.
Annette K. Ziegler
Justices

Telephone (608) 266-1880
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Web Site: www.wicourts.gov

A. John Voelker
Director of State Courts

David R. Schanker
Clerk of Supreme Court

December 10, 2007

Representative Sheryl Albers
115 West State Capitol
Madison, WI 53702

Dear Representative Albers:

Public financing of Supreme Court campaigns is a timely and vital subject, important to the maintenance of a fair, neutral, impartial, non-partisan judiciary in Wisconsin. We commend the legislature and governor for considering this issue.

We write to support the concept of realistic, meaningful public financing for Supreme Court elections to facilitate and protect the judicial function.

A cornerstone of our state is that the judiciary is fair, neutral, impartial, and non-partisan. The risk inherent in any non-publicly funded judicial election for this Court is that the public may inaccurately perceive a justice as beholden to individuals or groups that contribute to his or her campaign. Judges must not only be fair, neutral, impartial and non-partisan but also should be so perceived by the public.

This letter favoring the concept of realistic, meaningful public campaign financing for Supreme Court Justices does not address public campaign financing for other officers. Moreover, it does not endorse any particular bill or proposal and does not foretell a decision on any federal or state constitutional free speech or other legal issue that may arise from the adoption of public financing for Supreme Court elections. Rather, this letter is part of our continuing commitment to maintain a fair, neutral, impartial, and non-partisan Wisconsin judiciary and to preserve the courts as an impartial forum for resolving disputes.

Sincerely yours,

Chief Justice Shirley S. Abrahamson

Justice Ann Walsh Bradley

Justice N. Patrick Crooks

Justice David T. Prosser, Jr.

Justice Patience Drake Roggensack

Justice Louis B. Butler, Jr.

Justice Annette Kingsland Ziegler

cc: Governor Doyle
James Alexander