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Details: Dated Testimony / Correspondence (2008)

(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**

State of Wisconsin\Government Accountability Board

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KEVIN J. KENNEDY
Director and General Counsel

February 15, 2008

The Honorable Mark Miller, Co-Chair
Joint Committee on Finance
409 South, State Capitol
Madison, WI 53702

The Honorable Kitty Rhoades, Co-Chair
Joint Committee on Finance
309 East, State Capitol
Madison, WI 53702

Dear Senator Miller, Representative Rhoades and Committee Members:

I am submitting our most recent report on spending from the Election Administration Fund in support of the Statewide Voter Registration System (SVRS) Project for the month of January, 2008. This report is submitted pursuant to 2007 Wisconsin Act 20, Section 9227 (1L). The attached report lists costs for staffing, outside contractors, and supplies and other services. The report details the expenditures under each category and the total expenditures made under each category.

During the report period, the agency focus was on providing support for local election officials, developing training programs for the 2008 election cycle and documenting problems with the SVRS application for correction by the contractor. The agency staff was also working closely with local election officials to prepare for the February 19, 2008 primary election.

The agency staffs a Help Desk for the 1,325 users of the SVRS application. The Help Desk also provides support for the 72 county clerks and 1,851 municipal clerks responsible for administering elections at the local level. There are 4 staff members dedicated to providing hands on training to the SVRS users and local election officials.

The expenses on the general services bills submitted by the Department of Administration were paid during the report period. These expenses include charges for fleet services, STS phone charges, postage and printing.

The general services bill also contains the DET hosting charges for the SVRS application. The 2007-2009 budget appropriated GPR funding to pay these expenses so these expenses are not included in this report.

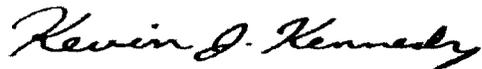
Agency staff has taken over the content development of the on-line training application which is being implemented by the University of Wisconsin Learning Innovations office

(UWLI) through UW Extension. Local election officials will begin using this application to train staff and temporary help following the February 19, 2008 primary election.

No payments have been made to Accenture since June 2007. That payment was reported to the Committee in our report dated July 31, 2007. We received a payment of \$4 million from Accenture as part of the resolution of the contract dispute. That payment was deposited in the Election Administration Fund.

If Committee members have any questions about this request, I will be happy to respond.

Government Accountability Board



Kevin J. Kennedy
Director and General Counsel

- C: Joint Finance Committee Members
 Joint Audit Committee Members
 Representative Albers, Chair Assembly Committee on Elections and Constitutional Law
 Senator Coggs, Chair Senate Committee on Labor, Elections and Urban Affairs
 Legislative Fiscal Bureau
 State Budget Office

January 2008 SVRS Expenditures

TYPES OF EXPENDITURES	Expenditures	Year to Date Expenditures
RENT RISSER (Nov 07, Dec 07, Jan 08)	\$8,343.02	\$16,443.88
RENT COMMERCE	\$5,578.83	\$44,630.64
INTERFACES		
Agency Partner Interface Expenses with DHFS		\$1,063.62
Agency Partner Interface Expenses with AAMVA/SSA		\$1,835.29
PROFESSIONAL SERVICES (HEARTLAND)		\$24,998.25
PROFESSIONAL SERVICES (UW-Learning Innovations)		\$15,000.00
IT - SERVICES (DET)		
SASI Agency User & Computer File Space Charges	\$3,408.37	\$20,432.39
TELEPHONE EXPENSES		
AT&T Phone Charges	\$266.26	\$2,400.16
WISLINE	\$135.27	\$1,505.20
Cell Phone Charges	\$524.69	\$2,739.81
SOFTWARE LICENSES (Captivate)		\$4,207.69
FAX/PHOTOCOPIER		\$2,477.31
MISCELLANEOUS EXPENSES		\$185.00
Office Supplies		\$74.73
Purchasing Card (Misc.)	\$193.20	\$1,800.97
SVRS APPLICATION TRAINING TRAVEL	\$2,886.98	\$12,574.14
USER ACCEPTANCE TRAINING TRAVEL	\$181.21	\$955.04
ADMIN TRAVEL	\$75.16	\$75.16
GENERAL SERVICES BILL (for July 07 - December 07)		
Fleet Services	\$44,130.00	\$44,130.00
State Telecom System (STS) - Long Distance Usage	\$224.48	\$224.48
Postage	\$3,690.56	\$3,690.56
UPS /Federal Express	\$1,230.89	\$1,230.89
Printing	\$6,246.72	\$6,246.72
Consolidated Data Network (T-1 Line)	\$1,920.00	\$1,920.00
DOA CHARGE BACKS		
Liability Insurance		\$287.88
Workers Comp Insurance		\$1,143.45
Property Insurance		\$257.36
Financial Services		\$4,417.50
Job Postings		\$250.91
FY-08 Childcare Assessment	\$880.69	\$880.69
TOTAL SUPPLIES & SERVICES	\$79,916.33	\$218,079.72
SALARIES & BENEFITS		
Salary Expenses - Staff (16.0 FTE)	\$73,870.51	\$377,720.09
Limited Term Employees (5.0 LTE)	\$16,859.35	\$106,818.94
Fringe Benefits Cost	\$30,362.67	\$188,469.99
TOTAL SALARY & BENEFITS	\$121,092.53	\$673,009.02
TOTAL SPENDING	\$201,008.86	\$891,088.74



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JUDGE DAVID DEININGER
Chair

KEVIN J. KENNEDY
Director and General Counsel

Remarks by
Kevin J. Kennedy
Director and General Counsel
Wisconsin Government Accountability Board

Presented to the

Wisconsin Assembly
Committee on Elections and Constitutional Law
The Honorable Sheryl Albers, Chairperson

Thursday, March 6, 2008
11:00 a.m.

Chairman Albers and Committee Members:

Thank you for the opportunity to appear before the Committee to provide an update about elections and the Government Accountability Board (GAB). Chairperson Albers asked me to cover three topics: Our transition to the GAB, the status of the Statewide Voter Registration System (SVRS), and the possibility of budget reductions for our new agency.

Government Accountability Board Transition

The Government Accountability Board officially began work as an agency on January 10, 2008. The Board has held two meetings – January 28 and February 25 – since then, and is proceeding with its mandate from the Legislature to review the past opinions, rules, procedures and orders of the Elections and Ethics Boards in its first 12 months. I have attached the schedule for that review to these remarks.

As you can imagine, it is exciting for our new Board members, six former judges, to review past opinions, procedures and related materials, including tackling other projects such as our new searchable database for campaign finance filings, in addition to dealing with its normal workload. The increased responsibilities resulting from a presidential election year adds yet another dynamic dimension. However, I hasten to add, our Government Accountability Board members and the top notch administrators the Board has selected are up to the task.

One of our challenges at this moment is having staff members in three different buildings. One of the highest priorities for our transition to a new state agency is locating all our staff members in one office where we are easily accessible to our various constituencies and can more conveniently and effectively communicate and work together. To that end, senior

management has been searching for office space to which we can relocate as soon as possible near the Capitol Square, to continue to make it as convenient as possible for our customers.

We are also still in the process of combining our operations in other ways, such as merging the extensive websites of the former Ethics and Elections Boards, consolidating and reordering all agency documents, and clarifying any new duties and/or operating procedures for staff members. We are not at all finished, but are making progress on a weekly and monthly basis. While this transition continues, my first priority is to ensure that the public and our customers continue to be served promptly and without interruption.

Statewide Voter Registration System (SVRS) Status

As of February 29, 2008, we became responsible for the maintenance and support of the SVRS. Since the computer support provided by the Department of Administration is mostly limited to the infrastructure, we have had to employ the temporary services of contract employees, and are in the process of recruiting for project employees to sustain the SVRS software program application.

Although the maintenance and support of the SVRS was officially "handed-off" to us last Friday by Accenture, actually, the system has been successfully used in the past five elections, since September 2006! The system was again used successfully by all Wisconsin municipalities for the February 19 Presidential Preference Vote and other primary elections around the state.

For example, 3,825 poll books were printed for use in 2,822 polling places by 1) 1851 county and municipal clerks and the Milwaukee City and County Boards of Election Commissioners, and 2) over 20,000 election officials, including poll workers, who assisted more that 1.5 million voters (about 37% of those who were eligible) to cast ballots.

I am pleased to report that there were no reported problems from local election officials regarding their use of the system for normal election preparations. Considering the unusually high voter turnout on February 19, all-in-all, it was basically a problem-free primary. In addition to poll books being printed from the SVRS, absentee ballot applications were entered and envelope labels were printed for Election Day, and the system is now being used daily to add many Election Day Registrations to the database.

Voter Public Access Goes "Live": On Thursday, February 7, 2008, we announced that voters can look up their polling place and other election-related information on the Internet using a new function of the state's voter registration system. Voter Public Access (VPA) gives the public a new means of getting information about voter registration, voting history, normal polling place locations, current office holders, and sample ballots for upcoming elections. The information provided comes directly from the SVRS and is maintained by local clerks.

Web-Based Election Training System Available February 20, 2008: On February 20, we also announced the first phase of our new Web-Based Election Training System (WBETS), an eLearning website where SVRS users can take on-line training courses, download manuals,

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continued use*

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print step-by-step instructions for common tasks, watch "how-to" video demonstrations, and put their knowledge into practice with interactive SVRS simulations.

WBETS was developed over the past year through close collaboration among our staff, municipal and county clerks, and the University of Wisconsin-Extension Division of Continuing Education, Outreach & E-Learning. This partnership has produced a website with several features designed to help Wisconsin's clerk community carry the ever-increasing burden of elections management responsibilities.

Status of the SVRS Program Application and Interfaces: Several system upgrades in the form of patches were added to the SVRS in the time between the State's agreement with Accenture in late December 2007, and the day the vendor left the project last Thursday. However, we are still working to ensure that the HAVA-required interfaces such as felon, death and motor vehicle records work effectively and successfully to match voter records. Based on our extensive testing, we expect the interfaces will function properly when activated after finishing the work related to the April 1 Spring Election.

Summary of the Status of the SVRS:

concern get all
400 clerks w/ email
core functions

Across the board
Simple but understandable
you're not more

Successes

1. Wisconsin has a centralized voter registration database.
2. Poll books are created from one source.
3. The SVRS has successfully administered five statewide and several special elections.
4. VPA and WBETS are new, useful and successful off-shoots of the SVRS.
5. Unprecedented statewide information is available to public.

Areas in Continual Improvement

1. Interfaces not yet functional for clerk use.
2. Performance issues for clerks when using the application.
3. Election administration functions still have defects.
4. Accenture opted out of maintenance and support, leaving that to the State.

Budget hit
Accumulated Program Revenue
\$2.2 million
state

Government Accountability Board and Possible Budget Reductions

Chairperson Albers asked for our thoughts on how possible budget cuts might affect our charge of administering campaign finance, elections, ethics and lobbying laws in Wisconsin. We are certainly aware of the economic downturn and its potential effect on state government, and we are very willing to shoulder our portion of any cutbacks that must be made.

Although we are not aware of any additional state directive requiring state agencies to participate in budget reductions at this time, we did address the initial reduction set out in the last budget by turning over some surplus program revenue. That being said, it will be important for budget policy decision makers to consider that we are in the midst of several very

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important projects to benefit Wisconsin government, all of which I hope will be able to proceed apace this year.

We must uphold our statutory duty to support local election officials during a state Supreme Court and federal presidential election year in which record numbers of voters are coming to the polls. Wisconsin turned out more than 1.5 million primary voters on February 19, a very cold Election Day. In November, depending on how the presidential race turns, we may see a considerably higher turnout of more than 3 million voters again.

Also, not only do we have a responsibility to ensure Wisconsin's compliance with the Help America Vote Act (HAVA) of 2002, we must also pay attention to the Legislative Audit Bureau's report on critical compliance issues such as polling place accessibility and training for local election officials. We cannot carry out those statutory mandates without a staff that can go into the field to provide hands-on assistance to our municipalities. As you know, the counties, cities, villages and towns are also currently challenged in administering elections.

We must also make sure the SVRS continues to function properly, and to do so requires adequate technical staff. As a small agency with no permanent IT staff, we rely completely on the project employees we can hire, and the help of the Department of Administration's Division of Enterprise Technology.

The Ethics and Accountability Division will also require support as we move closer to the inauguration of a new searchable campaign finance database for Wisconsin. To short-change these efforts would be to limit public access to very important public information for state residents.

Once again, within these constraints, we are ready and willing to do our share to comply with a possible statewide budget reduction directive.

Thank you! I am pleased to answer your questions.

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Wisconsin Government Accountability Board

2008 Review Schedule of Formal Opinions, Administrative Rules, Guidance and Internal Operating Procedures

Monday, January 28, 2008

Complaints: EIBd Chapter 10, ETH 3.01, ETH 3.04

Training Election Officials: EIBd Chapter 12, EIBd Chapter 13

Monday, February 25, 2008 [written testimony deadline: February 18]

Petitions: (2 opinions - EIBd. Op. 76-8, EIBd. Op. 86-2); EIBd Chapter 2

Recount: (1 opinion - EIBd. Op. 76-11); Manual

State Officials - Conflicts of Interest: (17 ETH opinions)

State Officials – Representing Clients before State Agencies:

Settlement Offer Schedules

Wednesday, March 26, 2008 [written testimony deadline: March 17]

Ballot and Voting Equipment Security: EIBd Chapter 5

Coordination of Campaign Activity: (1 opinion - EIBd. Op. 00-2)

Government Resources: (4 opinions - EIBd. Op. 74-6, EIBd. Op. 76-12, EIBd. Op. 76-16, EIBd. Op. 78-12)

Independent Expenditures: (1 opinion - EIBd. Op. 78-8); EIBd 1.42, EIBd 1.50

Scope of Regulation: (11 opinions - EIBd. Op. 74-4, EIBd. Op. 76-12, EIBd. Op. 76-16, EIBd. Op. 77-3, EIBd. Op. 79-2, EIBd. Op. 79-3, EIBd. Op. 79-4, EIBd. Op. 86-3, EIBd. Op. 00-2, EIBd. Op. 03-1, EIBd. Op. 06-1); EIBd 1.28, EIBd 1.29

State Employee Activity: (3 opinions - EIBd. Op. 75-2, EIBd. Op. 76-2, EIBd. Op. 76-16)

Voter Registration: (3 opinions - EIBd. Op. 76-10, EIBd. Op. 80-1, EIBd. Op. 81-1), EIBd Chapter 3

Monday, May 5, 2008 [written testimony deadline: April 28]

Non-Resident Committees: (2 opinions - EIBd. Op. 74-7, EIBd. Op. 75-3); EIBd 1.10

Recordkeeping and Reporting: (13 opinions - EIBd. Op. 74-9, EIBd. Op. 74-10, EIBd. Op. 74-16, EIBd. Op. 74-17, EIBd. Op. 75-5, EIBd. Op. 76-1, EIBd. Op. 76-4, EIBd. Op. 76-13, EIBd. Op. 77-9, EIBd. Op. 78-2, EIBd. Op. 88-3, EIBd. Op. 00-1, EIBd. Op. 01-1); EIBd 1.05, EIBd 1.11, EIBd 1.15; EIBd 1.20, EIBd 1.26; EIBd 1.30, EIBd 1.43, EIBd 1.46, EIBd 1.55, EIBd 1.56; EIBd 1.60, EIBd 1.65

Registration: (1 opinion - EIBd. Op. 74-13); EIBd 1.02; EIBd 1.41, EIBd 6.02

Ballots: (8 opinions - EIBd. Op. 76-9, EIBd. Op. 78-14, EIBd. Op. 78-16, EIBd. Op. 78-17, EIBd. Op. 79-1, EIBd. Op. 80-2, EIBd. Op. 87-1, EIBd. Op. 88-1)

Challenging Electors: EIBd Chapter 9

Observers: EIBd Chapter 4

Voting Equipment: EIBd Chapter 7

Monday, June 9, 2008 [written testimony deadline: June 2]

Contribution Limits: (8 opinions - EIBd. Op. 74-2, EIBd. Op. 74-5, EIBd. Op. 75-7, EIBd. Op. 77-1, EIBd. Op. 78-4, EIBd. Op. 78-15, EIBd. Op. 81-2, EIBd. Op. 97-1); EIBd 1.04, EIBd 1.25, EIBd 1.32, EIBd 1.385, EIBd 1.95

Disclaimers: (3 opinions - EIBd. Op. 74-6, EIBd. Op. 76-14, EIBd. Op. 77-10); EIBd 1.655

Spending: (3 opinions - EIBd. Op. 74-19, EIBd. Op. 75-4, EIBd. Op. 76-7); EIBd 1.44, EIBd 1.70, EIBd 1.75

Absentee Voting: (1 opinion - EIBd. Op. 77-4, EIBd. Op. 88-2)

Electioneering: (3 opinions - EIBd. Op. 78-7, EIBd. Op. 81-3, EIBd. Op. 07-1)

Rationale for the GAB Review

The Government Accountability Board (GAB) is required to hold one or more public hearings on the question of reaffirmation of each administrative rule, formal opinion, guideline, and each order promulgated, issued or developed by the State Elections Board and the State Ethics Board that is presently in effect. 2007 Wisconsin Act 1, Section 209 (2), (3). The GAB is also required to review certain internal operating procedures of the former boards.

The administrative rules, formal opinions, guidelines and orders of the former agencies expire one year from the initiation date of 2007 Wisconsin Act 1, subject to a limited extension by the GAB. The initiation date has been established as January 10, 2008.

The Board has developed a schedule to complete the review process. The rules, opinions, guidelines, procedures and orders are organized by subject matter. The schedule may be modified by the Director with the approval of the Board Chair.

Campaign activity and contributions: (16 ETH opinions)

Lobbying Guidelines: (4)

Wednesday, July 16, 2008 [written testimony deadline: July 7]

Soliciting and accepting items and services of substantial value: (46 ETH opinions)

Improper use of state resources: (3 ETH opinions)

Statements of Economic Interests: (2 ETH opinions); ETH 2

Substantive Ethics Guidelines: (39)

Financial Disclosure Guidelines: (5)

Counting Votes: (1 opinion - EIBd. Op. 77-5)

Election Costs: (1 opinion, EIBd. Op. 94-1); Clerk Manual

Thursday, August 28, 2008 [written testimony deadline: March 17]

Solicitation: (2 opinions - EIBd. Op. 77-7, EIBd. Op. 78-6)

Wisconsin Election Campaign Fund: (4 opinions - EIBd. Op. 78-3, EIBd. Op. 78-5, EIBd. Op. 78-9, EIBd. Op. 84-1); EIBd 1.34, EIBd 1.36, EIBd 1.38, EIBd 1.45, EIBd 1.455

Accepting meals and travel: (22 ETH opinions)

Acceptance of fees and honoraria: (5 ETH opinions)

Registration and reporting: (15 ETH opinions); ETH 1

Accepting meals, gifts, employment, etc.: (51 ETH opinions)

Monday, October 6, 2008 [written testimony deadline: September 29]

Conduits: (5 opinions - EIBd. Op. 74-1, EIBd. Op. 76-15, EIBd. Op. 78-1, EIBd. Op. 89-1, EIBd. Op. 98-1); EIBd 1.85, EIBd 1.855

Corporations and PACs: (14 opinions - EIBd. Op. 74-18, EIBd. Op. 75-6, EIBd. Op. 75-8, EIBd. Op. 76-5, EIBd. Op. 76-6, EIBd. Op. 77-8, EIBd. Op. 78-10, EIBd. Op. 78-11, EIBd. Op. 78-13, EIBd. Op. 79-5, EIBd. Op. 80-3, EIBd. Op. 82-1, EIBd. Op. 88-4, EIBd. Op. 91-1); EIBd 1.06, EIBd 1.33

Earmarking: (2 opinions - EIBd. Op. 76-3, EIBd. Op. 77-6)

Joint Fundraising: (1 opinion - EIBd. Op. 86-1)

Monday, November 10, 2008 [written testimony deadline: November 3]

Treasurer: (2 opinions - EIBd. Op. 74-11, EIBd. Op. 74-15)

Training Election Officials: (1 opinion - EIBd. Op. 75-1); EIBd Chapter 11

Local Officials Conflicts of interest: (33 opinions)

Local Officials Acceptance of items: (3 opinions)

Local Officials Other: (2 opinions)

Wednesday, December 17, 2008 [written testimony deadline: December 8]

Federal Campaigns: (4 opinions - EIBd. Op. 74-3, EIBd. Op. 77-2, EIBd. Op. 77-3, EIBd. Op. 00-3); EIBd 1.39

Vacancy: (3 opinions - EIBd. Op. 89-2, EIBd. Op. 95-1, EIBd. Op. 05-1)

Recall: Manual

Electronic Filing: EIBd 6.03, EIBd 6.04

Forms: EIBd Chapter 8, ETH 5

Staff Assistance: EIBd 6.02, ETH 3.30