

# State of Wisconsin\Government Accountability 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](mailto:seb@seb.state.wi.us)  
<http://elections.state.wi.us>



KEVIN J. KENNEDY  
Director and General Counsel

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## MEMORANDUM

**DATE:** For February 25, 2008 Meeting

**TO:** Members, Wisconsin Government Accountability Board

**FROM:** Kevin J. Kennedy, Director and General Counsel

**SUBJECT:** Review of Guidelines, Orders, Opinions, Certain Operating Procedures and Rules of the State Elections Board and the State Ethics Board

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 Government Accountability Board (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 review of administrative rules, formal opinions, guidelines, certain operating procedures and orders of the former agencies should be completed by January 10, 2009. The Board may extend its review by up to three months and renew the extension for an additional three months.

The staff has developed a schedule for the balance of this year to complete the review process. The staff organized the rules, opinions, guidelines, procedures and orders by subject matter to establish an initial timetable for review. The schedule is attached for consideration by the Board.

I expect the schedule will be adjusted as the Board proceeds. The schedule may also be modified in response to public input and the exigencies of the election cycle. I recommend the Board direct staff to proceed to submit matters for review pursuant to the proposed schedule. The motion permits the Director to modify the schedule in consultation with the Chair.

## Proposed Review Schedule

### Monday, January 28, 2008

Complaints: ElBd Chapter 10, ETH 3.01, ETH 3.04

Training Election Officials: ElBd Chapter 12, ElBd Chapter 13

### Monday, February 25, 2008

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

Recount: (1 opinion - ElBd. 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

Ballot and Voting Equipment Security: ElBd Chapter 5

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

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

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

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

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

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

### Monday, May 5, 2008

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

Recordkeeping and Reporting: (13 opinions - ElBd. Op. 74-9, ElBd. Op. 74-10, ElBd. Op. 74-16, ElBd. Op. 74-17, ElBd. Op. 75-5, ElBd. Op. 76-1, ElBd. Op. 76-4, ElBd. Op. 76-13, ElBd. Op. 77-9, ElBd. Op. 78-2, ElBd. Op. 88-3, ElBd. Op. 00-1, ElBd. Op. 01-1); ElBd

1.05, ElBd 1.11, ElBd 1.15; ElBd 1.20, ElBd 1.26; ElBd 1.30, ElBd 1.43, ElBd 1.46, ElBd 1.55, ElBd 1.56; ElBd 1.60, ElBd 1.65

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

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

Challenging Electors: ElBd Chapter 9

Observers: ElBd Chapter 4

Voting Equipment: ElBd Chapter 7

## **Monday, June 9, 2008**

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

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

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

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

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

Campaign activity and contributions: (16 ETH opinions)

Lobbying Guidelines: (4)

## **Wednesday, July 16, 2008**

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 - ElBd. Op. 77-5)

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

## **Thursday, August 28, 2008**

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

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

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

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

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

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

## **Monday, November 10, 2008**

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

Training Election Officials: (1 opinion - ElBd. Op. 75-1); ElBd 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**

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

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

Recall: Manual

Electronic Filing: ElBd 6.03, ElBd 6.04

Forms: ElBd Chapter 8, ETH 5

Staff Assistance: ElBd 6.02, ETH 3.30