

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 2

DANE COUNTY

J.B. VAN HOLLEN,

Plaintiff,

THE REPUBLICAN PARTY OF WISCONSIN,

Plaintiff-Intervenor,

vs.

CASE NO. 08-CV-4085

GOVERNMENT ACCOUNTABILITY
BOARD, THOMAS CANE, GERALD NICHOL,
MICHAEL BRENNAN, WILLIAM EICH,
VICTOR MANIAN, GORDON MYSE,
KEVIN KENNEDY, and NATHANIEL E. ROBINSON,

Defendants,

THE DEMOCRATIC PARTY OF WISCONSIN,
MADISON TEACHERS, INC., AMERICAN
FEDERATION OF TEACHERS-WISCONSIN,
MADISON FIREFIGHTERS LOCAL 311,
THE MILWAUKEE BRANCH OF THE NAACP, and
MILWAUKEE TEACHERS' EDUCATION ASSOCIATION,

Defendant-Intervenors.

AFFIDAVIT OF COUNSEL

STATE OF WISCONSIN)
)ss
COUNTY OF DANE)

Lester A. Pines, being first duly sworn on oath, deposes and says:

1. I am a Partner in the law firm of Cullen Weston Pines & Bach LLP and am one of

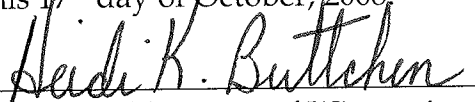
the attorneys representing the Government Accountability Board, its members and staff in the above-captioned matter.

2. Attached hereto are certified copies of two official records of the Government Accountability Board: (a) the August 14, 2008 letter received by the Board from the Chairman of the Republican Party of Wisconsin, and (b) the approved minutes of the August 27 and 28, 2008 meeting of the Government Accountability Board.
3. These documents are exceptions to the hearsay rule pursuant to Wis. Stat. §908.03(6) and (8), and admissible without further authentication pursuant to Wis. Stat. §909.02(4).
4. This Affidavit is made in support of the Government Accountability Board's Motion to Dismiss the Republican Party of Wisconsin's Complaint.



Lester A. Pines

Subscribed and sworn to before me
this 17th day of October, 2008.



Notary Public, State of Wisconsin
My Commission: expires 12/13/09

State of Wisconsin\Government Accountability Board

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JUDGE THOMAS CANE
Chair

KEVIN J. KENNEDY
Director and General Counsel

State of Wisconsin

Dane County Circuit Court

Case No. 08-CV-4085

CERTIFICATION

I, Kevin J. Kennedy, Director and General Counsel of the State of Wisconsin Government Accountability Board, certify that I am the custodian of the official records of the Government Accountability Board. I further certify that the attached documents are true and correct copies of the documents described below:

A copy of the August 14, 2008 letter from Reince Priebus, Chairman of the Republican Party of Wisconsin requesting the Government Accountability Board take specific action with respect to the HAVA check procedure.

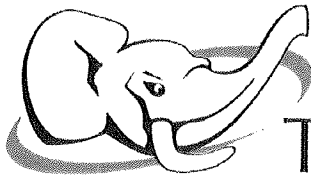
A copy of the approved minutes of the August 27, 28 2008 Government Accountability Board meeting that reflect the action taken by the Board with respect to the request by the Republican Party of Wisconsin. See pages 3, 4 of the approved minutes.

I further certify that said copies have been compared by me with the copies of the originals on file in this agency, and that the same are a true copy thereof.

Dated this 16th day of October, 2008.

A handwritten signature in cursive script that reads "Kevin J. Kennedy".

Kevin J. Kennedy
Director and General Counsel
Government Accountability Board



The Republican Party of Wisconsin

August 14, 2008

Chairman Thomas Cane
Government Accountability Board
17 W. Main Street, Suite 310
P.O. Box 2973
Madison, WI 53701-2973

Reince Priebus
Chairman

Mark Jefferson
Executive Director

148 E. Johnson St.
Madison, WI 53703
p 608.257.4765
f 608.257.4141

Dear Judge Cane:

I write to you on a matter of the utmost importance to the integrity of the upcoming elections in Wisconsin. The fundamental position of the Republican Party of Wisconsin on participation in elections can be boiled down to this: It should be easy for Wisconsin's voters to vote, and as hard as practicable for any individual to cheat. Wisconsin must take all the reasonable steps it can to protect the integrity of our elections, and Wisconsin must comply with federal Help America Vote Act ("HAVA") mandates and its own election integrity laws. However, current plans fall short of this. As detailed below, we believe that all new registration activity since HAVA became effective should be subject to the federally mandated HAVA Check, and that registration problems identified by the HAVA Check can not simply be ignored until after this upcoming election.

www.wisgop.org
gop@wisgop.org

Recent events highlight the need for rigorous checks to ensure, to the extent we are able, that our voter registration rolls include only the names of eligible voters, and are maintained in accordance with federal and state law. Already this election season, canvassers working for third-party groups have engaged in significant election fraud, filling out hundreds of false registrations. (See, Milwaukee Journal Sentinel of August 13, 2008, noting 100s of fraudulent applications being filed, or the Milwaukee Journal Sentinel, August 6, 2008, noting fake names and/or drivers license numbers being submitted.) And we presume you are familiar with the Milwaukee Police Departments Special Investigation Unit Report on the 2004 election finding numerous, serious problems. Of course, these reports only refer to the examples that were detected.

We were pleased to see the announcement last week that the "HAVA Check" was turned "on" by the GAB. As we understand it, that means all registration activity as of last Wednesday, August 6, 2008 forward will be subject to the HAVA Check, meaning the driver's license or social security information provided by the registrant will be cross-matched with those databases. Those registration activities which do not match with the databases (hereinafter referred to as "non-matches") will generate a letter to the potential voter notifying them of the problem and to take corrective action with the appropriate clerk. This letter is referred to as a "Ping" letter by the GAB staff.

When a Ping letter is sent, it obviously means that a problem has been identified with that registration activity. After GAB sends the Ping letter, there are three potential scenarios, or categories of registrants:

1. The recipient corrects the error that caused the non-match;
2. The Ping letter is returned as non-deliverable; or
3. The Ping letter is delivered, but no follow-up of any kind occurs.

We are all hopeful that as many non-matches as possible fall into Category 1 where the problem is corrected. For those non-matches that fall into Category 2, the appropriate step is to remove the registrant from the voter list. That registration activity has not only failed the HAVA Check and generated a non-match, but the Ping letter was undeliverable. We have asked GAB staff to confirm that such obviously flawed registrations are indeed being removed from the voter list.

The primary concern then focuses upon those in Category 3. At this point in time, it appears to be the intent of the GAB to take no action of any kind with the Category 3 registration activities. In short, the State will have completed the HAVA Check, generated non-matches, those non-matches will have been in no manner addressed or cleared up, however, that will in no way be reflected upon the voting registration list. As discussed in more detail below, we do not believe that this course of action represents sound policy or is allowable under state and federal law. Therefore, we ask the GAB to address this issue at its August 27th meeting, and take appropriate action to insure that reasonable steps are taken to address non-matches generated by the HAVA Check.

A second major concern is that, although the HAVA Check system is now operable and the State has the ability to check all voter registration activity completed under the HAVA rules that require a state-issued identification number or social security information to be provided, the GAB's intent at this point is to do nothing with any registration activity completed prior to August 6, 2008. There is absolutely no sound policy basis why the HAVA Check would not be run on all registration activity for which it is possible to complete the check on. Further, we believe that federal law does not allow the GAB to randomly treat registration activity completed prior to August 6, 2008 in a different manner than registration activity occurring after August 6, 2008. This is particularly true when the GAB has the ability to treat such registration activity equally, and take reasonable steps to preserve the integrity of the vote by running the HAVA Check on all possible registration activity. We ask the GAB to also address this issue at its upcoming meeting on August 27, 2008.

PROTECTION OF THE INTEGRITY OF THE VOTE REQUIRES THE "HAVA CHECK" BE COMPLETED ON ALL NEW REGISTRATION ACTIVITY, AND THAT NON-MATCHES BE REQUIRED TO CONFIRM THE VALIDITY OF THE REGISTRATION ACTIVITY.

As we were all reminded just last week and again today, there are those who, unfortunately, are willing to attempt to utilize Wisconsin's exceptionally lax registration rules to gain unfair advantage. The HAVA Check, activated last week, could be an important tool in combating and/or dissuading such activity. However, under the current plans of the GAB, the HAVA Check will not be used in that manner. Instead, hundreds of thousands of registration actions will not even be run through the HAVA Check, and for that remaining percentage of registration activity occurring after August 6, 2008 which will be subject to the HAVA Check, in many cases problems that are found (non-matches) will result in absolutely no corrective action.

Take the following example: we now know that certain deputy registrars in Wisconsin have been “registering” voters using fake driver’s license numbers. If these fraudulent registrations were submitted using an address the Post Office recognized as deliverable, the HAVA Check is the sole screen that would capture such activity. Under the GAB’s plan, the HAVA Check would not even be run if the “registration” was completed prior to August 6, 2008. Further, if the HAVA Check was completed after August 6, 2008, thereby catching the fraudulent driver’s license number, and the Ping letter was deliverable but no follow up occurred, absolutely no change would be made to the voter registration list on Election Day. This is true notwithstanding the fact that the HAVA Check identified that there was a problem with the registration.

This is simply not sound public policy, and leaves the integrity of our election process needlessly open to manipulation and question. The GAB expended tens-of-millions of dollars to develop the HAVA Check system. We did so because we all believe that the integrity of the vote must be guarded as closely as possible. There is no sound argument to then not use that system to screen as many registration activities as possible, and to use the non-matches generated by the HAVA Check to insure that problems are addressed before a vote is cast under that registration activity.

Furthermore, Federal and State law anticipates such issues, and has provided a mechanism to guarantee that, even for those voters that fall into Category 3 (a non-match in the HAVA Check, and no corrective action from the Ping letter), their ability to vote can be completely protected. The provisional ballot process allows such a voter to cast a ballot even if the problem has not been addressed, and allows the voter to then address the problem with the clerk anytime until 4PM the day after the election.

FEDERAL AND STATE LAW DO NOT ALLOW THE GAB TO IGNORE PRE-AUGUST 6, 2008 REGISTRATION ACTIVITY AND THE HAVA CHECK, OR TO IGNORE THE NON-MATCHES IN THE HAVA CHECK WHEN THE PING LETTER GENERATES NO CORRECTIVE ACTION.

Although the State of Wisconsin was unable to make its HAVA Check system operable until August 6, 2008, that does not change the effective dates of the requirements of HAVA. In fact, under Section 303(a)(1)(A)(iv), of HAVA, GAB is required to coordinate the statewide voter registration list with other agency databases. That federal requirement did not begin on August 6, 2008. It was effective on January 1, 2006. HAVA, Section 303(a)(2) requires the GAB to engage in ongoing list maintenance.

That maintenance “shall” be conducted to insure that only appropriately registered voters remain on the list. That maintenance must be performed on a “regular” basis.

Pursuant HAVA Section 303(a)(4)(A), the GAB is required to conduct file maintenance and must make a “reasonable effort” to remove registrants who are ineligible to vote. While the phrase, “reasonable effort” certainly allows for discretion in how to meet the federal law requirements, GAB’s proposed plan to not run any check on registrations prior to August 6, 2008, although the ability exists to do so, and to ignore non-matches that fall in Category 3 above, does not constitute a “reasonable effort.”

Finally, pursuant HAVA Section 303(a)(5)(iii), the GAB, “shall determine whether the information provided by an individual is sufficient to meet the requirements [of verification of voter registration information], in accordance with State law.” Again, notwithstanding the operational date for the

HAVA Check system in Wisconsin of August 6, 2008, this federal requirement (“shall”) exists on registration activity beginning on January 1, 2006.

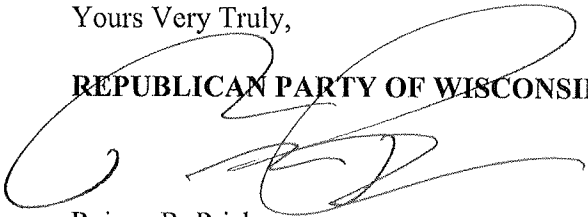
The GAB’s proposed course of action is not consistent with these provisions of HAVA.

Further, Wisconsin law, which is also incorporated into HAVA Section at 303(a)(2)(A)(iii), requires corrective action when a clerk has, “reliable information that a proposed elector is not qualified.” This requirement is repeated at Wis.Stats. § 6.32(2), 6.48(1) and 6.50(3). A generation of a non-match in the HAVA Check certainly qualifies as such information, and therefore requires action under Wisconsin law, in addition to HAVA.

For all the above reasons we ask the GAB to address this important topic at its August 27th meeting, and to direct that reasonable actions to preserve the integrity of the election and to conform with the requirements of both HAVA and Wisconsin law be taken. Thank you for your attention to this urgent matter.

Yours Very Truly,

REPUBLICAN PARTY OF WISCONSIN



Reince R. Priebus
Chairman

“Birthplace of the Republican Party”

Authorized and paid for by The Republican Party of Wisconsin.

www.wisgop.org

Not authorized by any candidate or candidate committee.

State of Wisconsin\Government Accountability Board

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JUDGE THOMAS CANE
Chair

KEVIN J. KENNEDY
Director and General Counsel

WISCONSIN GOVERNMENT ACCOUNTABILITY BOARD
Room 150, Risser Justice Building
120 Martin Luther King, Jr. Boulevard
Madison, Wisconsin
August 27 and 28, 2008
9:30 a.m.

Open Session Minutes

<u>Summary of Significant Actions Taken</u>	<u>Page</u>
A. Approved proposed administrative rules relating to voter registration.	3
B. Continued SVRS 'HAVA Check' procedure in effect since August 6, 2008, through the fall election.	4
C. Approved proposed administrative rules relating to election observers.	4
D. Reaffirmed four former Elections Board opinions relating to the Wisconsin Election Campaign Fund.	5
E. Reaffirmed five former Elections Board administrative rules relating to the Wisconsin Election Campaign Fund.	5
F. Reaffirmed two formal opinions for the former Elections Board relating to campaign finance solicitation.	5
G. Reaffirmed four informal former Elections Board opinions relating to MCFL organizations.	
H. Approved draft recount manual and requested further review.	5
I. Reaffirmed former Elections Board staff opinion on exit polls.	5
J. Reaffirmed nine opinions of the former Ethics Board.	5
K. Reaffirmed opinions of the former Ethics Board discussed at its July meeting.	6
L. Reaffirmed GAB 1.28 (issue ads) and directed staff to draft a revised rule.	8

Present: Judge Thomas Cane, Judge Michael Brennan, Judge William Eich, Judge Victor Manian, Judge Gordon Myse, Judge Gerald Nichol

Staff present: Kevin Kennedy, Jonathan Becker, Nat Robinson, George Dunst, Rich Bohringer, Barbara Hansen, Sharrie Hauge, Kyle Richmond and Tommy Winkler

A. Call to order

Chairman Cane called the meeting to order at 9:36 a.m.

B. Director's confirmation of appropriate notice of meeting

The G.A.B. Director informed the Board that a proper notice of meeting was given for the two-day Board meeting.

C. Approval of Minutes of Previous Meeting.

MOTION: Approve the minutes of the July 15 & 16, 2008, Government Accountability Board meeting. Moved by Nichol, seconded by Eich. Motion carried.

D. Public Comment

1. **Bob Ohlsen**, Dane County Clerk, appeared to comment about proposed administrative rules relating to voter registration. Materials related to this topic can be found on page 11 of the G.A.B. meeting packet for the August 27 & 28 meeting.
2. **Mike Wittenwyler**, Association of Wisconsin Lobbyists, appeared to comment about the Board's on-going review of administrative rules promulgated by the former Ethics Board. Materials related to this topic can be found on page 97 of the G.A.B. meeting packet for the August 27 & 28 meeting.

Jonathan Becker, Ethics & Accountability Division Administrator, discussed Mr. Wittenwyler's comments with the Board, and the Board agreed by consensus to take up the issues at its December 17, 2008, meeting or in January 2009.
3. **Robert Marchant**, Wisconsin Senate Chief Clerk, appeared to comment on select former Ethics Board opinions and guidelines, and provided the Board with a handout. Materials related to this topic can be found on page 97 of the G.A.B. meeting packet for the August 27 & 28 meeting.
4. **John Washburn** appeared to comment about proposed emergency administrative rules relating to election observers. Materials related to this topic can be found on page 40 of the G.A.B. meeting packet for the August 27 & 28 meeting.
5. **Matt O'Neill**, Democratic Party of Wisconsin, appeared to comment about proposed emergency administrative rules relating to election observers. Materials related to this topic can be found on page 40 of the G.A.B. meeting packet for the August 27 & 28 meeting.
6. **Mark Jefferson**, representing the Republican Party of Wisconsin, and **Christopher Mohrman**, representing the Michael Best Law Firm and attorney for

the Republican Party of Wisconsin and the McCain Campaign, appeared to comment about the Republican Party's request for the Board to review proposed 'HAVA Check' procedures. Materials related to this topic can be found on page 35 of the G.A.B. meeting packet for the August 27 & 28 meeting.

7. **Robert Freibert**, Freibert, Finerty and St. John Law Firm and representing Obama for America and Democratic Party of Wisconsin, appeared to comment about the Republican Party's request for the Board to review proposed 'HAVA Check' procedures. Materials related to this topic can be found on page 35 of the G.A.B. meeting packet for the August 27 & 28 meeting.
8. **Andrea Kaminski**, League of Women Voters of Wisconsin, appeared to comment about the Republican Party's request for the Board to review proposed 'HAVA Check' procedures. Materials related to this topic can be found on page 35 of the G.A.B. meeting packet for the August 27 & 28 meeting.
9. **Julee Helt**, past president, Wisconsin Municipal Clerks Association and Village of Waunakee clerk, appeared to comment about the Republican Party's request for the Board to review proposed 'HAVA Check' procedures. Materials related to this topic can be found on page 35 of the G.A.B. meeting packet for the August 27 & 28 meeting.
10. **Kim Bushey**, president of the Wisconsin County Clerks Association and Walworth County Clerk, appeared to comment about the Republican Party's request for the Board to review proposed 'HAVA Check' procedures. Materials related to this topic can be found on page 35 of the G.A.B. meeting packet for the August 27 & 28 meeting.
11. **Bob Ohlsen**, Dane County Clerk, appeared to comment about the Republican Party's request for the Board to review proposed 'HAVA Check' procedures. Materials related to this topic can be found on page 35 of the G.A.B. meeting packet for the August 27 & 28 meeting.

Judge Myse arrived just after noon.

Hearing no objections, the Chairman called a recess at 12:10 p.m. and reconvened the meeting at 1:07 p.m.

E. Proposed Administrative Rules Relating to Voter Registration
(presented by Nathan Judnic)

MOTION: Approve the proposed administrative rules relating to voter registration.
Moved by Nichol, seconded by Eich. Motion carried.

F. Republican Party Request to Review Proposed HAVA Check Procedures

MOTION: Approve Option 1, which recommends beginning a five-step process with new voter applications processed on or after September 10, 2008 and the adoption of a proposed emergency administrative rule authorizing the issuance of a provisional ballot in limited circumstances as recommended by Elections Division staff memo. Moved by Eich, seconded by Nichol.

MOTION: Amend previous motion to change date of 'HAVA Check' to August 6, 2008. Moved by Myse, seconded by Eich. Motion to amend carried.

Hearing no objections, the Chairman called a recess at 2:40 p.m. and reconvened the meeting at 2:54 p.m.

MOTION: Approve the original motion as amended. Moved by Eich, seconded by Nichol.

Roll call vote:	Brennan:	No	Cane:	Aye
	Eich:	No	Myse:	No
	Nichol:	Aye	Manian:	Aye

Motion failed, 3-3.

MOTION: Continue with the 'HAVA Check' procedure in effect as of August 6, 2008, through the fall election, and correct the SVRS database later. A mismatch with Wisconsin DOT data, in and of itself, shall not result in disqualification of a voter. Moved by Myse, seconded by Eich.

Throughout the discussion on the "HAVA Check," county and municipal clerks spoke from the audience on the difficulty and adverse impact of making the "HAVA Check" process retroactive back to January 1, 2006.

Roll call vote:	Brennan:	Aye	Cane:	Aye
	Eich:	Aye	Myse:	Aye
	Nichol:	Aye	Manian:	No

Motion carried, 5-1.

G. Proposed Administrative Rules Relating to Election Observers

MOTION: Amend Section GAB 4.01(19) to maintain language restricting observer attire that makes reference to a candidate, political party or a referendum group and delete references to rights and responsibilities of voters. Moved by Eich, seconded by Nichol.

Roll call vote:	Brennan:	Aye	Cane:	Aye
	Eich:	Aye	Myse:	Aye
	Nichol:	Aye	Manian:	Aye

Motion carried, 6-0.

MOTION: Approve staff proposal as amended. Moved by Eich, seconded by Manian. Motion carried.

H. Review of Select Former Elections Board Operating Procedures, Opinions and/or Rules Related to:

1. Wisconsin Election Campaign Fund
2. Campaign Finance Solicitation
3. Informal Elections Board Opinions on MCFL Organizations
4. Recount Manual
5. Exit Polls
6. Review of Ability of Municipal Clerk to Conduct Late Voter Registration at Alternate Locations

MOTION: Reaffirm four opinions relating to WECF. Moved by Eich, seconded by Nichol. Motion carried.

MOTION: Reaffirm five administrative rules relating to WECF. Moved by Eich, seconded by Myse. Motion carried.

MOTION: Reaffirm two formal opinions relating to campaign finance solicitation. Moved by Nichol, seconded by Myse. Motion carried.

MOTION: Reaffirm four informal opinions relating MCFL organizations. Moved by Myse, seconded by Manian. Motion carried.

MOTION: Approve the draft revised recount manual and place on the next agenda for further review. Moved by Eich, seconded by Nichol.

MOTION: Reaffirm staff opinion on exit polls. Moved by Brennan, seconded by Myse. Motion carried.

By consensus, the Board requested that staff draft an opinion regarding the review of the ability of the municipal clerk to conduct late voter registration at alternate locations.

I. Review of Select Former Ethics Board Opinions and/or Guidelines Related to:

1. Accepting meals and travel
2. Acceptance of fees and honoraria
3. Lobbying registration and reporting
4. Three miscellaneous opinions

By consensus, the Board allowed former Ethics Board opinions from 1978 to 1989 to lapse.

MOTION: Reaffirm nine opinions of the Ethics Board identified by the Senate Chief Clerk during testimony. Moved by Eich, seconded by Brennan.

MOTION: Affirm Ethics Board opinions referred to at July 15, 2008 G.A.B. meeting, except those objected to by Judge Myse, Mr. Whittenwyler and Mr. Marchant. Moved by Nichol, seconded by Eich. Motion carried.

J. Director's Report

Elections Division Report

(presented by Nathaniel E. Robinson)

By consensus, the Board agreed to respond to the Attorney General's letter regarding the 'HAVA Check' process. The Director will respond with an explanation of the Board's decision on August 27, 2008.

Hearing no objection, the Chair called a five-minute recess at 4:46 p.m.

Ethics & Accountability Division Report

(presented by Jonathan Becker)

Office of the General Counsel Report

(presented by Kevin J. Kennedy and Sharrie Hauge)

MOTION: Authorize Director to certify candidates for president and vice president. Moved by Myse, seconded by Eich. Motion carried.

K. Adjourn to closed session to consider written requests for advisory opinions and the investigation of possible violations of Wisconsin's lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees; and confer with counsel concerning pending litigation:

MOTION: Move to closed session pursuant to Sections 5.05(6a), 19.85(1) (c), (g), (h), and 19.851 Wis. Stats., to consider written requests for advisory opinions, the investigation of possible violations of Wisconsin's lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees; confer with counsel concerning pending litigation; and consider compensation and performance of Legal Counsel. Moved by Eich, seconded by Nichol.

Roll call vote:	Brennan:	Aye	Cane:	Aye
	Eich:	Aye	Myse:	Aye
	Nichol:	Aye	Manian:	Aye

Motion carried. The Board convened in closed session beginning at 4:55 p.m.

Summary of Significant Actions Taken in Closed Session

- A. Requests for Advice: One item considered and closed.
- B. Investigations: Eleven items considered; six items closed.

The meeting adjourned at 5:58 p.m. until the next day.

Thursday, August 28, 2008

Return to Open Session

Present: Judge Thomas Cane, Judge William Eich, Judge Michael Brennan, Judge Gerald Nichol, Judge Victor Manian, Judge Gordon Myse

Staff Present: Kevin Kennedy, Jonathan Becker, Nat Robinson, Rich Bohringer, Kyle Brown, George Dunst, Barbara Hansen, Sharrie Hauge, and Kyle Richmond.

L. Call to Order

Chairman Cane called the meeting to order at 9:15 a.m.

M. Review of Former Elections Board Administrative Rule Related to Scope of Regulation GAB 1.28. (Note: This includes the regulation of political communications described as “issues ads.”)

Jonathan Becker, Ethics & Accountability Division Administrator, presented a summary of GAB 1.28 and “issue ads” to the Board.

N. Public Comment

1. **Beverly Speer**, Wisconsin Democracy Campaign, appeared to comment about the rule related to the scope of regulation GAB 1.28. Materials related to this topic can be found on page 135 of the G.A.B. meeting packet for the August 27 & 28 meeting.
2. **Randy Elf**, James Madison Center for Free Speech, appeared to comment about the rule related to the scope of regulation GAB 1.28. Materials related to this topic can be found on page 135 of the G.A.B. meeting packet for the August 27 & 28 meeting.
3. **Steve Hoersting**, Center for Competitive Politics, appeared to comment about the rule related to the scope of regulation GAB 1.28. Materials related to this topic can be found on page 135 of the G.A.B. meeting packet for the August 27 & 28 meeting.

4. **Mike Wittenwyler**, Association of Wisconsin Lobbyists, appeared to comment about the rule related to the scope of regulation GAB 1.28. Materials related to this topic can be found on page 135 of the G.A.B. meeting packet for the August 27 & 28 meeting.

Hearing no objections, the Chair called for a break at 10:57 a.m. and reconvened the meeting at 11:18 a.m.

5. **Jay Heck**, Common Cause in Wisconsin, appeared to comment about the rule related to the scope of regulation GAB 1.28. Materials related to this topic can be found on page 135 of the G.A.B. meeting packet for the August 27 & 28 meeting.
6. **James Buchen**, Wisconsin Manufacturers and Commerce, appeared to comment about the rule related to the scope of regulation GAB 1.28. Materials related to this topic can be found on page 135 of the G.A.B. meeting packet for the August 27 & 28 meeting.

Hear no objections, the Chair called for a lunch break at 12:30 p.m. and reconvened the meeting at 1:08 p.m.

M. Review of Former Elections Board Administrative Rule Related to Scope of Regulation GAB 1.28. (continued) (Note: This includes the regulation of political communications described as “issues ads.”)

MOTION: Affirm GAB 1.28 as it is currently written. Moved by Nichol, seconded by Manian.

Roll call vote:	Brennan:	Aye	Cane:	Aye
	Eich:	Aye	Myse:	Aye
	Nichol:	Aye	Manian:	Aye

Motion carried, 6-0.

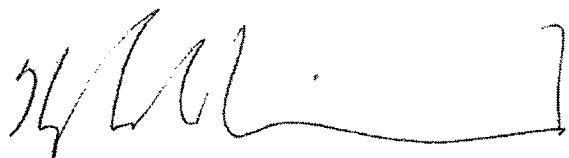
By consensus, the Board directed staff to draft a revised rule for consideration at the October Government Accountability Board meeting.

MOTION: Adjourn the meeting. Moved by Eich, seconded by Nichol. Motion carried.

The meeting was adjourned at 1:30 p.m.

The next meeting of the Government Accountability Board is scheduled for 9:30 a.m., Monday, October 6, 2008, in Room 150 of the Risser Justice Center, 120 Martin Luther King Jr. Boulevard, Madison, Wisconsin.

August 27 and 28, 2008 Government Accountability Board meeting minutes prepared by:

A handwritten signature in black ink, appearing to read 'K. Richmond', written over a horizontal line.

Kyle R. Richmond, Public Information Officer

August 27 and 28, 2008 Government Accountability Board meeting minutes certified by:

Judge Michael Brennan, Board Secretary