

Government Accountability Board

State of Wisconsin

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Statement on Recall Petition Verification

MADISON, WI – The Government Accountability Board issued the following statement by Director and General Counsel Kevin Kennedy regarding news media reports about how the Board will handle potentially fictitious names on recall petitions:

Comments made at our Board meeting Tuesday by elections specialists have been taken out of context. They were answering questions about one aspect of the petition verification process. Wisconsin's recall petition process is designed with multiple checks and balances provided by the non-partisan G.A.B., as well as the competing partisan interests of the recall committee and the incumbent officeholder. These competing interests ensure that ineligible signers, duplicate signatures and fake names get weeded out. Focusing on any one aspect of the process in isolation misses the forest for a few trees.

The recall process starts at the grassroots level with petition circulators. They personally obtain each signature on the page and are responsible for striking any signature that does not match the name given to them by the person signing the petition. These circulators sign each petition page stating that they understand that falsifying the certification is a punishable offense under state law, which is a felony.

The Board understands that the recall committees are doing their own quality control prior to filing petitions in January, involving hand-entering names from each petition page into a database that will allow them to identify duplicate signatures and fake names. It is in the recall committees' interests to do this to build their own mailing lists, as well as to help ensure that the petitions they file with the G.A.B. will stand up to the scrutiny of challenges.

Wisconsin law requires the G.A.B. to presume that petition signatures are valid, which means that the staff cannot automatically strike names that might appear to be fake. That level of review would require a change in law as well as much greater resources than are available or practical. However, the G.A.B. staff and temporary workers reviewing the petitions will be flagging apparently fictitious names for review by higher-level staff.

At the same time G.A.B. is conducting its review, the incumbent officeholders' committees will be reviewing copies of the petitions as part of the challenge process. If and when the incumbents' committees submit challenges to individual signatures, the G.A.B. staff must evaluate each signature and the documentation provided by the challenger, and may use outside sources such as voter registration lists and telephone directories to determine the validity of signatures. The Government Accountability Board members will then vote on all the challenges

at a public meeting to determine whether the petition has a sufficient number of signatures to trigger a recall election. Additionally, both the petitioner and the incumbent officeholder have the ability to appeal the Board's decision to the circuit court.

The right of Wisconsin residents to recall elected officials is guaranteed in the Wisconsin Constitution, and the laws of this state spell out the process by which that can happen. These laws can seem complicated. The process for any recall petition review will be consistent with the rules that were in place for both parties in the 2011 recall elections. In reviewing approximately 215,000 signatures as part of the 2011 recalls, only a handful of signatures were successfully challenged on the basis that the name was fictitious or of a deceased individual.

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The Government Accountability Board is responsible for administration and enforcement of campaign finance, elections, ethics and lobbying laws in Wisconsin. The board is made up of six non-partisan, former judges and is supported by an agency of non-partisan staff members. Additional information about the mission of the Government Accountability Board is available by telephone at **608-266-8005**, by electronic mail at **gab@wi.gov**, or through the Internet at **<http://gab.wi.gov>**.