

Friends of Scott Walker

WSEB #12575
PO Box 100828
Milwaukee WI 53202
(414) 298-2006

June 20, 2005

Mr. George Dunst
Legal Counsel
State of Wisconsin Elections Board
PO Box 2973
Madison WI 53701

Dear Mr. Dunst:

This letter is in response to your letter of May 12, 2005, regarding EIBd Cpt.05-10.

As a threshold matter, because the Milwaukee County Election Commission, exercising the authority specifically granted to it pursuant Wis. Stat. § 7.21, has already fully considered and disposed of this matter, the State Elections Board should not rehear the issue. The State Elections Board should not become, and Wis. Stat. § 5.05 does not contemplate, that the State Elections Board should function as an appellate body when a county Board of Election Commissioners has fully and properly exercised its duties and jurisdiction over a matter solely involving a committee registered for a county office. (Obviously, this Complaint is really about gubernatorial politics, however it is important to remember that at the time all relevant actions in the Complaint occurred, Friends of Scott Walker was registered solely for the office of Milwaukee County Executive and Scott Walker was not a candidate for any state office.)

The issue raised in EIBd. Cpt.05-10 were brought to the Milwaukee County Election Commission **by** the Friends of Scott Walker on November 5, 2004. The Milwaukee Board of Election Commissioners was the appropriate body to bring this matter to because the issue solely involved activities by a committee registered for county office. Having full notice of all the facts involved in EIBd. Cpt.05-10 in November, 2003, provided directly by the Friends of Scott Walker, the Milwaukee County Election Commission chose not respond with any action.

Then, almost six months after the Milwaukee County Election Commission was already aware of all of the facts, the Complainants in EIBd. Cpt.05-10 entered a complaint to the Milwaukee County Election Commission. The Milwaukee County Election Commission, exercising its authority and jurisdiction pursuant Wis. Stat. § 7.21, received written responses, documentary evidence, and held a public hearing. After considering all of the evidence, the Milwaukee County Election Commission found that no action was necessary related to the allegations contained in EIBd. Cpt.05-10. A copy of the minutes from that meeting are attached. Not satisfied with the answer received from the Milwaukee County Election Commission, the Complainants now come to the State Elections Board with the exact same allegations, all related to a committee solely registered for county purposes at the time of all relevant actions.

While Wis. Stat. §§ 5.05(1) and 7.21(1) grant concurrent jurisdiction over Wis. Stat. Chapters 5 to 12 to two regulatory bodies, that legislative grant should not be taken an invitation to blatant forum shopping and the misuse of that two regulatory bodies to advance purely political ends. The Complainants chose, appropriately given the county-based nature of the relevant committee and the relevant facts, to bring this matter to the Milwaukee County Election Commission.

We urge the State Elections Board to, after considering all the ramifications of allowing dissatisfied complainants on an issue properly before the Milwaukee County Election

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Commission to simply take the fight to the State Elections Board, decline jurisdiction over this matter.

Notwithstanding that the Elections Board should not take jurisdiction over this matter, it is readily apparent that the Milwaukee County Election Commission properly disposed of this matter and that the State Elections Board should reach the same conclusions if it chooses to proceed.

The State Elections Board, in its May 12, 2005 letter, posed a series of questions. Following are the answers to each of those questions:

- The vendor used for the recorded calls was Calling Post Communications. They were subcontracted for by our general consultant, The Markesan Group LLC.
- A transcript of the call is attached as exhibit C.
- Nothing other than the disclaimer at the end of the message seems to have been omitted from the call.
- The calls were made on November 4th and 5th, 2004. A total of 40,000 calls were made over the two day period. We are not sure how many went out without the disclaimer, but the calls were stopped about 11am on the first day, November 4, 2004.

The call was recorded over a phone line to the vendor, Calling Post. Several versions may have been recorded before a final version was agreed upon. During the process of recording and re-recording the disclaimer was omitted.

We fully intended for the disclaimer to be at the end of the message. It is not clear to us how, during the editing process, the disclaimer was omitted. Keep in mind that it was our committee that discovered the error and corrected it as soon as we knew. My phone number as the committee treasurer is on the list to be called as a control feature. When I received the call and realized that the disclaimer was not on the recording I immediately called to have the calls stopped.

Further, it was our committee who brought this matter to the attention of both the Wisconsin State Elections Board and the Milwaukee County Elections Commission. I called both bodies and was told to fax a letter explaining the situation. That letter was faxed to both on November 5, 2004 as directed by staff.

This clearly was not an attempt to disseminate political communications from our committee anonymously or in violation of the applicable law.

Sincerely,

Friends of Scott Walker

John Hiller
Treasurer

Friends of Scott Walker

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State of Wisconsin)
)
Ozaukee County)ss.

I have fully reviewed this letter and hereby swear that, to the best of my knowledge, all statements and facts contained herein are true and accurate.

John Hiller,
Treasurer Friends of Scott Walker

Subscribed and sworn before me this 20th day of June 2005

Notary Public
My Commission Expires _____

CC: Milwaukee County Executive Scott Walker
John Weishan 2605 S. 82nd West Allis WI 53219
Gerry Broderick 1800 E. Newberry Milwaukee WI 53211