

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

WILLIAM WHITFORD, ROGER ANCLAM,)
EMILY BUNTING, MARY LYNNE DONOHUE,)
HELEN HARRIS, WAYNE JENSEN,)
WENDY SUE JOHNSON, JANET MITCHELL,)
ALLISON SEATON, JAMES SEATON,)
JEROME WALLACE, and DONALD WINTER,)

No. 15-cv-421-bbc

Plaintiffs,)

v.)

GERALD C. NICHOL, THOMAS BARLAND,)
JOHN FRANKE, HAROLD V. FROEHLICH,)
KEVIN J. KENNEDY, ELSA LAMELAS, and)
TIMOTHY VOCKE,)

Defendants.)

**STIPULATION REGARDING THE GOVERNMENT ACCOUNTABILITY BOARD
(GAB) AND LEGISLATIVE TECHNOLOGY SERVICES BUREAU (LTSB)**

Pursuant to the Court’s request, the parties hereby stipulate and agree as follows:

1. The Government Accountability Board (“GAB”) “is the state body charged with administering and enforcing all of Wisconsin's laws related to campaign finance, elections, ethics, lobbying, and contract disclosures.” *Baldus v. Members of Wisconsin Government Accountability Bd.*, 849 F. Supp. 2d 840, 847 (E.D. Wis. 2012); Wis. Stat. §505(1).¹

2. The Government Accountability Board is a nonpartisan independent agency comprised of six former judges serving six-year terms. Wis. Stat. § 15.60. Its members are appointed from nominations by a committee comprised of court of appeals judges from each

¹ On June 30, 2016, these duties will shift to the Elections and Ethics Commissions pursuant to 2015 Wisconsin Act 118. The GAB will be eliminated.

district chosen by lot. *Id.* Members must be approved by advice and consent of two-thirds of the Senate. Wis. Stat. § 15.07(1)(a)(2). Members cannot be lobbyists or members of any political party. Wis. Stat. § 15.60. They may not run for public office, hold public office (with the exception of office of circuit judge or court of appeals judge under Wis. Stat. § 753.075), or make campaign contributions during their terms. Wis. Stat. § 15.60.

3. The Government Accountability Board provides election data at the reporting unit level, which often combines two or more wards. *See* Ex. 2, Expert Report of Ken Mayer, dated July 3, 2015, Annex at 1; Wis. Stat. § 5.15(6)(b) (allowing municipalities with a population under 35,000 to combine wards for purposes of using a common polling place, and allowing for the tabulation and reporting of combined ward vote totals).

4. The Legislative Technology Services Bureau (LTSB) is an independent nonpartisan agency charged with “[p]rovid[ing] and coordinat[ing] information technology support and services to the legislative branch,” “reconcil[ing] and compil[ing]” the data from municipal clerks regarding municipality and ward boundaries after each census in order “to produce a statewide data base consisting of municipal boundary information for the entire state,” and “[p]articipat[ing], on behalf of [Wisconsin] in geographic boundary information programs when offered by the U.S. bureau of the census.” Wis. Stat. § 13.96 (1); *Albers-Anders v. Pocan*, 905 F. Supp. 2d 944, 949 (W.D. Wis. 2012) (“Five legislative services agencies in Wisconsin are required by statute to perform services in strictly non-partisan manner, including . . . the Legislative Technology Services Bureau.”).

5. The LTSB, as part of its duties, provided the Legislature with the GAB’s reporting unit level election data disaggregated to the ward level. *See* Ex. 2, Expert Report of Ken Mayer, dated July 3, 2015, Annex at 1.

Dated May 27, 2016

By: RATHJE WOODWARD, LLC

/s/ Douglas. M. Poland
Douglas M. Poland
State Bar No. 1055189
10 East Doty Street, Suite 507
Madison, WI 53703 (608) 960-7453
dpoland@rathjewoodward.com
One of the Attorneys for the Plaintiffs

By: /s/ Brian Keenan

Brian Keenan
State Bar. No. 1056525
Asst. Attorney General
Wisconsin Department of Justice
P.O. Box 7857
Madison, WI 53707-7857
Phone: (608) 266-0020
Fax: (608) 267-2223
keenanbp@doj.state.wi.us

One of the Attorneys for Defendants, Gerald Nichol, et al.