

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

2003-04

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on
Campaigns &
Elections
(AC-CE)**

File Naming Example:

Record of Comm. Proceedings ... RCP

- 05hr_AC-Ed_RCP_pt01a
- 05hr_AC-Ed_RCP_pt01b
- 05hr_AC-Ed_RCP_pt02

Published Documents

➤ Committee Hearings ... CH (Public Hearing Announcements)

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Record of Comm. Proceedings ... RCP

➤ **

*Information Collected For Or
Against Proposal*

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

**

➤ Hearing Records ... HR (bills and resolutions)

➤ **03hr_sb0011_AC-CE_pt01**

➤ Miscellaneous ... Misc

➤ **

Description of Senate Substitute Amendment 1 to Senate Bill 11 Combination of Elections and Ethics Boards

Composition of Government Accountability Board

SSA 1 abolishes the Elections and Ethics boards and replaces them with a Government Accountability Board composed of at least six members of staggered four-year terms:

- 4 members nominated by the governor from a list submitted by the vote of 6 members of a Government Accountability Candidate Committee with the advice and consent of the senate;
- 1 member to represent each political party whose candidate for a statewide state office receives at least one percent of the vote at the general election, who is designated by the chief officer of that party.

The Government Accountability Candidate Committee consists of nine members:

- Chief justice of the Supreme Court,
- Dean of the University of Wisconsin law school,
- Dean of the Marquette University law school,
- Chief officer of each of the following:
 - Wisconsin Counties Association;
 - Wisconsin Towns Association;
 - League of Wisconsin Municipalities;
 - League of Women Voters of Wisconsin;
 - Wisconsin Newspaper Association;
 - State Bar of Wisconsin.

No member of the Government Accountability Board may hold a position that is subject to the code of ethics for state public officials or the code of ethics for local public officials. No member, other than a political party designee, for one year immediately prior to the date of appointment, may have been, and no member while serving on the board may become, a member of a political party, an officer or member of a committee in any partisan political club or organization, or a candidate for any partisan office. No member may be a lobbyist or an employee of a principal.

Enforcement Division

SSA 1 creates an Enforcement Division within the Government Accountability Board. The Enforcement Division is headed by an administrator who is appointed by the executive director of the board, and confirmed by the Board, outside the classified service for a term of not less than four years nor more than six years, expiring on

September 1 of an odd-numbered year. The administrator may not be removed during his or her term except for cause.

Independence of Enforcement Division

The Enforcement Division is empowered to investigate violations and bring civil and criminal actions to enforce the elections, ethics, and lobbying regulation laws. However, before bringing an action to prosecute any alleged criminal violation, the division must provide written notice to the district attorney for the county where the alleged violation occurs. If the district attorney fails to prosecute within 30 days after receiving the notice or declines to prosecute, the division may then prosecute the alleged violation. The Enforcement Division has independent authority to investigate and prosecute violations of the elections, ethics, and lobbying regulation laws without the consent of the Government Accountability Board. The Department of Justice shall provide investigatory and prosecutorial assistance upon request of the Enforcement Division. The Enforcement Division may appoint special counsel, to be paid from an existing GPR sum sufficient appropriation to assist the division. The Enforcement Division is bound by applicable laws, rules, formal opinions, and actions of the board, except that the division may nonacquiesce in any formal opinion or action of the board by publishing a notice of nonacquiescence in the Wisconsin Administrative Register. Thereafter, the division is not bound by that opinion or action.

Complaints and Investigation Procedures

Any person may file a sworn complaint with the division alleging a violation of the elections, ethics, or lobbying regulation laws. The division must investigate the complaint unless the division finds the complaint to be without merit. The division may investigate any violation of the elections, ethics, or lobbying regulation laws on its own initiative or upon direction of the board. The division may order an election official or private person to act in conformity with the elections, ethics, or lobbying regulation laws or rules of the board, and may impose a forfeiture for a violation.

Appeals

The decision of the division may be appealed to the board or may be appealed directly to circuit court. In deciding an appeal, the board is not bound by any findings of fact or conclusions of law made by the division with respect to the matter. If the decision of the division is not appealed or if the board does not modify or reverse a decision of the division after hearing an appeal, the decision of the division becomes the decision of the board. Any decision of the board is also subject to judicial review in circuit court. If the board modifies or reverses an action of the division, the division may also seek judicial review of the board's decision. The procedure does not apply to any alleged violation of

the elections, ethics, or lobbying regulation laws by the board or division, nor to any matter arising in connection with a recount.

Resources for Enforcement Division

SSA 1 creates a separate appropriation for the Enforcement Division funded from general purpose revenue and requires the board to forward the division's budget requests to the Department of Administration without change, except as concurred in by the division. The Enforcement Division may request supplementation of its appropriation by the Joint Committee on Finance without concurrence of the board.

Other Organization Provisions

SSA 1 permits the executive director to appoint up to two other division administrators outside the classified service. SSA 1 authorizes one new executive director position for the board, plus one new division administrator position, one new attorney position, and one new investigator position for the Enforcement Division. In addition, all members of the existing staffs of the Elections Board and Ethics Board and their positions are transferred to the Government Accountability Board and the staff members who have civil service rights retain those rights.

Transitional Provisions

SSA 1 provides for the bill to become law on November 1, 2003, after which date the members of the Government Accountability Board may be appointed and take office, the board may employ staff and the board may expend moneys from its appropriations. However, the existing Elections Board and Ethics Board continue in operation until May 1, 2004, and the Government Accountability Board may not exercise administrative or enforcement authority until that date. SSA 1 also provides that the director of the Legislative Council Staff shall serve as executive director of the Government Accountability Board, without additional compensation, until the initial executive director of the Government Accountability Board is appointed and qualified, and may exercise all of the functions of the executive director of the Government Accountability Board, the enforcement division, and the administrator of the enforcement division, including the retention and termination of all staff not transferred to the board under SSA 1.