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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2003-04

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Education, Ethics and Elections...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

- Brenda Lewison, Wisconsin Elections Board
- Steven V. Ponto, Wisconsin Elections Board
- John P. Savage, Wisconsin Elections Board
- John C. Schober, Wisconsin Elections Board
- Jeralyn Wendelberger, Wisconsin Elections Board

Appearances for Information Only

- None.

Registrations For

- Jay Heck, Common Cause in Wisconsin, 152 W. Johnson St., Madison, WI 53703

Registrations Against

- Christopher Berge, 811 Jenifer St., Madison, WI 53703

May 14, 2003

EXECUTIVE SESSION HELD

Present: (7) Senators Ellis, S. Fitzgerald, Reynolds, Stepp, Jauch, Robson and Hansen.
 Absent: (0) None.

Moved by Senator Jauch, seconded by Senator Ellis that **SSAs0060/2** be recommended for introduction.

Ayes: (7) Senators Ellis, S. Fitzgerald, Reynolds, Stepp, Jauch, Robson and Hansen.
 Noes: (0) None.

INTRODUCTION OF SSAS0060/2 RECOMMENDED, Ayes 7, Noes 0

Moved by Senator Jauch, seconded by Senator Hansen that **SAA0519/3-SSAs0060/2** be recommended for introduction and adoption.

Ayes: (7) Senators Ellis, S. Fitzgerald, Reynolds, Stepp, Jauch, Robson and Hansen.
 Noes: (0) None.

INTRODUCTION AND ADOPTION OF SAA0519/3-SSAS0060/2 RECOMMENDED, Ayes 7, Noes 0

Moved by Senator Hansen, seconded by Senator Jauch that **SSAs0060** be recommended for adoption.

Ayes: (7) Senators Ellis, S. Fitzgerald, Reynolds, Stepp, Jauch, Robson and Hansen.

Noes: (0) None.

ADOPTION OF SSAS0060 RECOMMENDED, Ayes 7, Noes 0

Moved by Senator Jauch, seconded by Senator Hansen that **Senate Bill 11** be recommended for passage as amended.

Ayes: (6) Senators Ellis, S. Fitzgerald, Stepp, Jauch, Robson and Hansen.

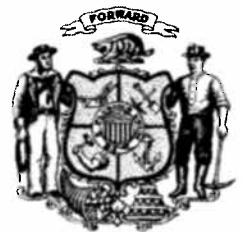
Noes: (1) Senator Reynolds.

PASSAGE AS AMENDED RECOMMENDED, Ayes 6, Noes 1

Michael Boerger
Committee Clerk



WISCONSIN STATE LEGISLATURE



March 26, 2003

TO: Members of the Committee on Education, Ethics and Elections

FROM: Don Millis, former Chairman of the Elections Board
Gail Shea, former Campaign Finance and Elections Administrator at the Elections Board

SUBJECT: Senate Bill 11 and Suggestions for Restructuring the Elections and Ethics Boards

Reforming the Elections and Ethics Boards is a critical part of comprehensive campaign finance reform. Our political system might not be in the trouble it is today if these two agencies had been better equipped to do their jobs.

However, structuring a combined board in a way that reduces political influence and insures vigorous enforcement is not an easy task. We agree with most of the elements in the proposal before the Committee today. But we have serious questions about the role of the Supreme Court. "Separation of powers" principles may well preclude the active role laid out for the Court in the selection of board members and the oversight of an administrative agency.

We have a suggestion for a different approach. This approach is the same as Senator Ellis' in many ways. It:

- Combines the boards into a single agency
- Establishes 4-year, staggered terms for board members
- Uses a criteria similar to the Ethics Board appointments for the public members of the combined board
- Creates a separate enforcement division
- Provides for independent funding for the enforcement division
- Permits the enforcement division to independently investigate and prosecute violations

However, it differs in several important ways. This proposal:

- Creates a combined board with at least six members, one appointment each for political parties that qualify for a separate ballot line, and four public members appointed by the governor, subject to qualifications similar to Ethic Board appointments and to confirmation by the Senate.
- Provides that the head of the enforcement division is selected by the Executive Director, subject to confirmation by the combined board, to serve a 6-year term.

We believe that this proposal achieves the same objectives as Senate Bill 11. It combines the two existing boards, reduces political influence and insures vigorous enforcement. The mechanisms for achieving these goals are listed below.

Advantages of combining the Boards:

- A wider range of backgrounds and knowledge would be brought to decision making by the members of a combined board
- “One-stop shopping” for candidates, lobbyists and the public who use the services of these boards and review their public records
- Economies of scale may reduce some costs.

Means of reducing political influence:

- Removes the power of legislative leaders to appoint members
- Subjects the governor’s appointments to confirmation by the Senate
- Uses criteria similar to those currently used for the Ethics Board for the public member appointments to the combined board
- Allows appointments by all ballot access political parties

Tools for insuring vigorous enforcement:

- Fixed term for the head of the Enforcement Division
- Funding for the Enforcement Division independent from the combined board
- Power to bring enforcement actions without the approval of the combined board



SENATE BILL 11

CURRENT LAW:

- The Elections Board consists of nine members, **appointed by the governor** without confirmation by the senate, to serve for two-year terms as follows: one member is selected by the **governor** and one member each is designated by the **chief justice of the Supreme Court, the speaker of the assembly, the senate majority leader, the minority leader in each house** of the legislature, and the **chief officer of each political party qualifying** for a separate ballot at the September primary whose candidate for governor at the most recent gubernatorial election received at least 10% of the vote (currently, the **Republican, Democratic, and Libertarian** parties).
- The Ethics Board consists of six members, **nominated by the governor**, and with the **advice and consent of the senate**, appointed to serve for staggered six-year terms. All members must be U.S. citizens and residents of this state, and no member may hold any other office or employment in the government of this state or any political subdivision thereof or in any state department. In addition, no member, 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.
- Under current law, the Elections and Ethics boards share civil enforcement authority with district attorneys and in some cases with the attorney general; and the district attorneys, and in some cases the attorney general, exercise criminal enforcement authority.
- Currently, the Elections and Ethics boards have **sum certain appropriations** derived from state general purpose revenue. In addition, both boards finance some of their operations with program revenue.

PROPOSED CHANGES:

- This bill replaces both boards with an Ethics and Elections Accountability and Control Board. Under the bill, the board is composed of **nine members** serving for **staggered four-year terms**. The bill provides for the **Supreme Court to appoint eight** of the members, which must include **one member residing in each congressional district** in this state. **These members then appoint the ninth member**. Under the bill, **none of the appointments is subject to senate confirmation**. No member, 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.
- The bill creates three divisions within the Ethics and Elections Accountability Board: an Elections Division, an Ethics Division, and an Enforcement Division. The Elections Division assumes the administrative responsibilities of the Elections Board, the Ethics Division assumes the administrative responsibilities of the Ethics Board, and the Enforcement Division is empowered to investigate violations and bring civil and criminal actions to enforce the elections, ethics, and lobbying regulation laws.

- The bill requires that the Enforcement Division include a full-time special prosecutor who has independent authority to investigate and prosecute violations of the elections, ethics, and lobbying regulation laws. (Five positions are authorized as follows: two administrator positions and three enforcement positions.)
- This bill provides for the general purpose revenue portion of the budget of the Ethics and Elections Accountability and Control Board to be funded with a sum sufficient appropriation.