



KEVIN PETERSEN

STATE REPRESENTATIVE

Chairman Swearingen and Honorable members of the Assembly Committee on State Affairs.

Thank you for the opportunity to testify on AB 1008 whistleblower protection for municipal clerks who witness and report election fraud or irregularities.

A whistleblower is anyone who uncovers activities that could be illegal, unethical or inappropriate and then reports that activity to authorities or otherwise makes the activities known -- i.e., reporting the wrongdoing to a news outlet.

Currently Wisconsin Whistleblower Law (Sections 230.80-85, Wis. Stats.) protects state employees from retaliation for disclosing information about:

- A violation of any state or federal law, rule or regulation, or
- Mismanagement or abuse of authority in state or local government, or
- Substantial waste of public funds, or
- A danger to public health and safety.

To qualify for protection under the statute, an employee must disclose the protected information in writing to their immediate supervisor or to a governmental unit designated by the State of Wisconsin Equal Rights Division before sharing the information with anyone else other than an attorney, collective bargaining representative, legislator, or certain legal authorities.

Federal employees are protected by the Whistleblower Protection Act of 1989 which shields federal government employees in the United States from retaliatory action for voluntarily disclosing information about dishonest or illegal activities occurring in a government organization.

This law, sometimes called the WPA, also prohibits a federal agency from taking action or threatening to take action against an employee or applicant for disclosing information that he or she believes violated a law, compliance rule or another regulation. The disclosed information could include reports of management wrongdoing, the waste of funds, an abuse of authority, and a potential risk to public health or safety.

Notably, these whistleblower protections do not extend to municipal clerks.

AB 1008 would change this by providing whistleblower protection for municipal clerks who witness and report election fraud or irregularities. Under the bill, no municipal clerk may be discriminated against in regard to employment, including by being discharged, disciplined, or demoted, as a reprisal because the clerk lawfully reported, or is believed to have reported, witnessing what the clerk reasonably believed to be election fraud or irregularities.

By protecting clerks that disclose illegal or unethical acts related to an election, we can help ensure that attempts to influence or undermine our elections are revealed before an election.

STATE SENATOR KATHY BERNIER
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From: **Senator Kathy Bernier**
To: **The Assembly Committee on State Affairs**
Re: **Testimony on Assembly Bill 1008**
Relating to: whistleblower protection for municipal clerks who witness and report election fraud or irregularities.
Date: **February 21, 2022**

Hello Chairman Swearingen and Committee Members and thank you for hearing my testimony today.

This is a simple bill. I'll quote half of the bill here: "No municipal clerk may be discharged, disciplined, demoted, or otherwise discriminated against in regard to employment, or threatened with any such treatment, as a reprisal because the clerk lawfully reported, or is believed to have reported, witnessing what the clerk reasonably believed to be election fraud or irregularities.

It is no secret to anyone in this room that I used to be a clerk. Municipal clerks are responsible for running elections. If they witness anything that interferes with a clean and honest election, they must be able to report that incident without fear of reprisal.

As I just stated, clerks run elections. Mayors don't run elections. Outside consultants don't run elections. Only the clerk, and the clerk's staff, must be involved in election administration.

This bill is necessary. It directly responds to the situation that occurred in Green Bay in the November 2020 election, when a clerk was forced and bullied out of her position (strike one) and administration of the election was delegated first to the Mayor (strike two) and later outsourced to a third-party group with partisan ties (strike three). This bill will also provide certainty for clerks in the future who will feel more empowered to speak out for truth and against wrongdoing.

Thank you for your consideration of this simple yet vital bill and I ask for your support in passing it.