



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-5257/1
JK:cdc&skw

2021 SENATE BILL 1077

March 9, 2022 - Introduced by Senators BERNIER and BALLWEG, cosponsored by Representative ARMSTRONG. Referred to Committee on Elections, Election Process Reform and Ethics.

1 **AN ACT** *to amend* 15.01 (2), 15.06 (2) (b) 1. and 15.06 (10); and *to create* 15.61
2 (1) (a) 5m. and 15.61 (5) (c) of the statutes; **relating to:** adding a member to the
3 Elections Commission and modifying the per diem for members of the Elections
4 Commission and Ethics Commission.

Analysis by the Legislative Reference Bureau

This bill adds a member to the Elections Commission. Under current law, the commission consists of the following members who serve five-year terms:

1. One member appointed by the senate majority leader.
2. One member appointed by the senate minority leader.
3. One member appointed by the speaker of the assembly.
4. One member appointed by the assembly minority leader.
5. Two members who formerly served as county or municipal clerks. The clerks are nominated by the governor from a list of three nominees that the legislative leadership of each major political party submits to the governor. The appointment of the clerks is subject to senate confirmation.
6. For each political party, other than the two major political parties, whose candidate for governor received at least 10 percent of the vote in the most recent gubernatorial election, one member, nominated by the governor from a list of three individuals selected by the chief officer of that political party. This appointment is also subject to senate confirmation. Currently, no political party qualifies to provide a list of nominees under this provision.

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Finally, current law provides that the members of the Elections Commission choose one of the members to serve as chairperson for two years. The chairperson is chosen by an affirmative vote of two-thirds of the members. In addition, current law requires that the political affiliation of the chairperson change every two years.

The bill provides for the appointment of a former judge to the Elections Commission. Under the bill, the chief justice of the Wisconsin Supreme Court appoints the judge from a list of four individuals that the legislative leadership of each major political party agrees to nominate for the appointment. Under the bill, the former judge who is appointed to the commission serves as the commission chairperson for the duration of his or her five-year term.

Under current law, a member of the Elections Commission and a member of the Ethics Commission receives a per diem of \$115 for each day on which the member attends or participates by audio or video conference call in a meeting of the member's commission. Under the bill, a member of either commission receives a per diem of \$197 for each day on which the member's attendance or participation in a meeting of the member's commission requires an overnight stay.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.01 (2) of the statutes is amended to read:

2 15.01 (2) "Commission" means a 3-member governing body in charge of a
3 department or independent agency or of a division or other subunit within a
4 department, except for the employment relations commission which shall consist of
5 one chairperson, the Wisconsin waterways commission which shall consist of 5
6 members, the elections commission which shall consist of at least ~~6~~ 7 members, the
7 ethics commission which shall consist of at least 6 members, and the parole
8 commission which shall consist of 4 members. A Wisconsin group created for
9 participation in a continuing interstate body, or the interstate body itself, shall be
10 known as a "commission", but is not a commission for purposes of s. 15.06. The parole
11 commission created under s. 15.145 (1) shall be known as a "commission", but is not
12 a commission for purposes of s. 15.06.

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1 **SECTION 2.** 15.06 (2) (b) 1. of the statutes is amended to read:

2 15.06 (2) (b) 1. The chairperson of the elections commission shall be chosen
3 ~~from the members the member~~ appointed under s. 15.61 (1) (a) ~~1. to 4.~~ by affirmative
4 ~~vote of at least two-thirds of the commission members at the commission's first~~
5 ~~meeting every 2 years. The chairperson shall serve a 2-year term. The first~~
6 ~~chairperson shall be chosen from the commissioners affiliated with the same major~~
7 ~~political party. The major political party from which to select the first chairperson~~
8 ~~shall be determined by lot. The 2nd chairperson shall be chosen from the~~
9 ~~commissioners affiliated with the other major political party. Each subsequent~~
10 ~~chairperson shall be chosen from the commissioners affiliated with the 2 major~~
11 ~~political parties on a rotating basis 5m.~~

12 **SECTION 3.** 15.06 (10) of the statutes is amended to read:

13 15.06 (10) COMPENSATION. A member of the elections commission and a member
14 of the ethics commission shall receive a per diem of \$115 for each day on which the
15 member attends or participates by audio or video conference call in a meeting of the
16 member's commission, except that a member shall receive a per diem of \$197 for each
17 day on which the member's attendance or participation, as described under this
18 subsection, requires an overnight stay.

19 **SECTION 4.** 15.61 (1) (a) 5m. of the statutes is created to read:

20 15.61 (1) (a) 5m. One member who formerly served as a judge of a court of record
21 in this state and who was elected to the position in which he or she served and who
22 shall be appointed by the chief justice of the supreme court. The legislative
23 leadership of the 2 major political parties that received the largest number of votes
24 for president shall prepare one list of 4 individuals that both parties agree to

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1 nominate for appointment under this subsection. The chief justice shall make the
2 appointment from that list.

3 **SECTION 5.** 15.61 (5) (c) of the statutes is created to read:

4 15.61 **(5)** (c) If a vacancy occurs for a member appointed under sub. (1) (a) 5m.,
5 a new member shall be appointed from the list provided under sub. (1) (a) 5m. no later
6 than 45 days after the date of the vacancy. The legislative leadership that provided
7 the list under sub. (1) (a) 5m. is not required to prepare a new list for purposes of this
8 paragraph unless any individual identified on the list is no longer willing or able to
9 serve. If a vacancy occurs for a member appointed under sub. (1) (a) 5m., the
10 remaining members of the commission shall choose a member to serve as
11 chairperson until a new member is appointed under sub. (1) (a) 5m.

12 (END)