

2001 ASSEMBLY BILL 912

March 14, 2002 – Introduced by Representatives BOYLE and REYNOLDS. Referred to Committee on Campaigns and Elections.

1 **AN ACT to repeal** 15.62 (1) and (3); **to consolidate, renumber and amend**
2 15.62 (intro.) and (2); **to amend** 15.61; and **to create** 15.07 (1) (a) 2m. of the
3 statutes; **relating to:** composition of the elections and ethics boards.

Analysis by the Legislative Reference Bureau

Under current law, the governor appoints all members of the elections board 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 and the Democratic parties).

Currently, members of the ethics board are 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.

This bill establishes different memberships for the elections and ethics boards. Under this bill, each justice of the supreme court must designate a person for

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membership on each of the boards. No designee may be a member of a political party nor, during the previous five years, may have run for partisan office or made a campaign contribution to a candidate for partisan office. In addition, the bill requires the chief officer of each political party qualifying for a separate ballot at the September primary in the even-numbered year preceding the appointment to designate one person for membership on each board. The members of both boards are appointed by the governor, without senate confirmation, to serve for two-year terms.

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

1 **SECTION 1.** 15.07 (1) (a) 2m. of the statutes is created to read:

2 15.07 **(1)** (a) 2m. Members of the ethics board shall be appointed as provided
3 in s. 15.62.

4 **SECTION 2.** 15.61 of the statutes is amended to read:

5 **15.61 Elections board; creation.** There is created an elections board
6 consisting of persons meeting the applicable qualifications established under this
7 section, who shall be appointed by the governor for 2-year terms as follows: ~~one~~
8 ~~member selected by the governor; one member each designated by the chief each~~
9 ~~justice of the supreme court, the speaker of the assembly, the senate majority leader,~~
10 ~~the minority leader in each house of the legislature, and the chief officer of each~~
11 ~~political party qualifying for a separate ballot under s. 5.62 (1) (b) or (2) whose~~
12 ~~candidate for governor received at least 10% of the vote in the most recent~~
13 ~~gubernatorial election at the September primary of the even-numbered year~~
14 ~~preceding the date of the appointment. A justice of the supreme court may not~~
15 ~~designate any person who is a member of a political party, as defined in s. 5.02 (13),~~
16 ~~has been a candidate for partisan office during the 5 years preceding the date of the~~
17 ~~designation, or has made a contribution, as defined in s. 11.01 (6), to a candidate for~~
18 ~~partisan office during the 5 years preceding the date of the designation.~~

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1 **SECTION 3.** 15.62 (intro.) and (2) of the statutes are consolidated, renumbered
2 15.62 and amended to read:

3 **15.62 Ethics board; creation.** There is created an ethics board consisting of
4 ~~6 residents of this state~~ members who shall be appointed by the governor for
5 ~~staggered 6-year~~ 2-year terms ~~subject to the following conditions:~~ One member
6 shall be designated by each justice of the supreme court and by the chief officer of
7 each political party qualifying for a separate ballot under s. 5.62 (1) (b) or (2) at the
8 September primary of the even-numbered year preceding the date of appointment.
9 ~~(2) No member, when appointed, for one year~~ designated by a justice may have been
10 a candidate for partisan office during the 5-year period immediately prior to the date
11 of appointment ~~or while serving on the board,~~ may have made a contribution, as
12 defined in s. 11.01 (6), during the 5-year period immediately prior to the date of
13 appointment, or may have been ~~be~~ a member of a political party, ~~an officer or member~~
14 of a committee in any partisan political club or organization or a candidate for any
15 partisan elective public office. ~~No member may become a candidate for or hold any~~
16 ~~such office while serving on the board~~ as defined in s. 5.02 (13).

17 **SECTION 4.** 15.62 (1) and (3) of the statutes are repealed.

18 **SECTION 5. Nonstatutory provisions.**

19 (1) ELECTIONS BOARD TERMS OF OFFICE.

20 (a) *New appointees.* No later than the first day of the 2nd month beginning after
21 the effective date of this paragraph, each justice of the supreme court and the chief
22 officer of each political party qualifying for a separate ballot under section 5.62 (1)
23 (b) or (2) of the statutes at the 2000 September primary shall designate one person
24 for membership on the elections board under section 15.61 of the statutes, as affected
25 by this act. No later than the first day of the 3rd month beginning after the effective

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1 date of this paragraph, the governor shall appoint persons to membership on the
2 elections board under section 15.61 of the statutes, as affected by this act.

3 (b) *Terms of office; current members.* Notwithstanding section 15.61, 1999
4 stats., and section 15.07 (1) (c) of the statutes, all members of the elections board
5 holding office at the time at which all members of the elections board who are
6 appointed as provided in paragraph (a) and qualified to take office shall cease to hold
7 office at that time.

8 (c) *Terms of office; new appointees.* All members of the elections board
9 appointed as provided in paragraph (a) and qualified to take office shall take office
10 immediately upon the expiration of the terms of office under paragraph (b).
11 Notwithstanding section 15.61 of the statutes, as affected by this act, and section
12 15.07 (1) (c) of the statutes, the terms of office of members of the elections board who
13 take office as provided in this paragraph shall expire on May 1, 2003.

14 (2) ETHICS BOARD TERMS OF OFFICE.

15 (a) *New appointees.* No later than the first day of the 2nd month beginning after
16 the effective date of this paragraph, each justice of the supreme court and the chief
17 officer of each political party qualifying for a separate ballot under section 5.62 (1)
18 (b) or (2) of the statutes at the 2000 September primary shall designate one person
19 for membership on the ethics board under section 15.62 of the statutes, as affected
20 by this act. No later than the first day of the 3rd month beginning after the effective
21 date of this paragraph, the governor shall appoint persons to membership on the
22 ethics board under section 15.62 of the statutes, as affected by this act.

23 (b) *Terms of office; current members.* Notwithstanding section 15.62, 1999
24 stats., and section 15.07 (1) (c) of the statutes, all members of the ethics board holding
25 office at the time at which all members of the ethics board who are appointed as

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1 provided in paragraph (a) and qualified to take office shall cease to hold office at that
2 time.

3 (c) *Terms of office; new appointees.* All members of the ethics board who are
4 appointed as provided in paragraph (a) and qualified to take office shall take office
5 immediately upon the expiration of the terms of office under paragraph (b).
6 Notwithstanding section 15.62 of the statutes, as affected by this act, and section
7 15.07 (1) (c) of the statutes, the terms of office of the members of the ethics board who
8 take office as provided in this paragraph shall expire on May 1, 2003.

9 (END)