

2003 SENATE BILL 298

October 29, 2003 – Introduced by LAW REVISION COMMITTEE. Referred to Committee on Education, Ethics and Elections.

1 **AN ACT** *to amend* 19.42 (7w) (d) and 19.43 (4); and *to create* 19.42 (7w) (cs) of
2 the statutes; **relating to:** coverage of certain members of the district boards of
3 local professional baseball park districts and local cultural arts districts under
4 the Code of Ethics for Local Public Officials, applicability of the Code of Ethics
5 for Local Public Officials to certain positions, and filing of statements of
6 economic interests by candidates for joint municipal judgeships (suggested as
7 remedial legislation by the Ethics Board).

Analysis by the Legislative Reference Bureau

This bill makes one change to the Code of Ethics for State Public Officials and one change to the Code of Ethics for Local Public Officials. The changes are:

Coverage of certain members of baseball park district boards

Currently, the members of the district board of a local professional baseball park district are either appointed by the governor to serve for a term specified by law or appointed by various local elective officials to serve at the pleasure of those officials. Members of a district board who are appointed by the governor are subject to the statutory Code of Ethics for Local Public Officials, which prohibits certain specified conduct that would create a conflict of interest. In addition, all members of a district board are required to adhere to additional standards of conduct that parallel the standards required of state public officials.

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Currently, if a local cultural arts district is created by a first class city (currently only Milwaukee), the membership of the district board that governs the district may be structured by the city in such a way that some or all of the members are not subject to the Code of Ethics for Local Public Officials. If a cultural arts district is created by any other city, all members of the district board are subject to the Code of Ethics for Local Public Officials.

This bill requires those members of the district board of a local professional baseball park district who are appointed by local elective officials, as well as all members of the district board of a cultural arts district created by a first class city, to adhere to the same standards of conduct that are currently applicable to other local public officials, including other members of a district board.

Applicability of Code of Ethics for Local Public Officials

Currently, the Code of Ethics for Local Public Officials applies to certain appointive offices and positions of local governments in which the incumbent serves for a specified term. Currently, there is no definition of the term “local government” that can be used to determine precisely the offices and positions to which the code applies. This bill inserts a broad definition that is used elsewhere in the code, which clarifies precisely the appointive offices or positions of local governments to which the code applies.

Statements of economic interests by candidates for joint municipal judgeships

Currently, candidates for the office of municipal judge are required to file statements of economic interests containing certain information with the state Ethics Board. Municipal clerks and boards of election commissioners are prohibited from certifying the names of candidates for the office of municipal judge for placement on the ballot at an election until the candidates have complied with this requirement. Currently, two or more municipalities may create a joint municipal judgeship. In that case, the filing officer or agency that certifies the names of the candidates for placement on the ballot is the county clerk or board of election commissioners of the county having the largest portion of the population within the jurisdiction served by the municipal judge.

This bill prohibits a county clerk from certifying the name of a candidate for the office of municipal judge serving two or more municipalities until the candidate has filed a statement of economic interests containing the required information with the state Ethics Board.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Ethics Board and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the

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bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 19.42 (7w) (cs) of the statutes is created to read:

2 19.42 (7w) (cs) The position of member of a board of directors or district board
3 of a district created under subch. II, III, IV, or V of ch. 229.

NOTE: Under current law, members of the board of a local professional baseball park district are appointed in one of two ways. They can be appointed by the governor to serve a term specified by law, or they can be appointed by specified local officials to serve at the officials' pleasure. Under current law, board members are subject to different ethical requirements depending on how the board member is appointed. Though all board members must comply with ethical standards that parallel the standards for state public officials, only those appointed by the governor are subject to the statutory Code of Ethics for Local Public Officials. SECTION 1 requires board members appointed by local officials to comply with the Code of Ethics for Local Public Officials.

Under current law, members of district boards of local exposition districts, local professional football stadium districts and local cultural arts districts, except some or all of the members of district boards of cultural arts districts created by 1st class cities, are subject to the Code of Ethics for Local Public Officials. SECTION 1 adds those officials to the list of local public officials for ease of reference, and also adds all members of district boards of cultural arts districts created by 1st class cities to the list of those officials.

4 **SECTION 2.** 19.42 (7w) (d) of the statutes is amended to read:

5 19.42 (7w) (d) An appointive office or position of a local government
6 governmental unit which is filled by the governing body of the local government
7 governmental unit or the executive or administrative head of the local government
8 governmental unit and in which the incumbent serves at the pleasure of the
9 appointing authority, except a clerical position, a position limited to the exercise of
10 ministerial action or a position filled by an independent contractor.

NOTE: The term "local governmental unit" is defined in, and used consistently throughout subch. III of ch. 19, stats. SECTION 2 changes the term "local government" to "local governmental unit" in order to avoid any ambiguity over the meaning of the term.

11 **SECTION 3.** 19.43 (4) of the statutes is amended to read:

12 19.43 (4) A candidate for state public office shall file with the board a statement
13 of economic interests meeting each of the requirements of s. 19.44 (1) no later than
14 4:30 p.m. on the 3rd day following the last day for filing nomination papers for the
15 office which the candidate seeks, or no later than 4:30 p.m. on the next business day

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1 after the last day whenever that candidate is granted an extension of time for filing
2 nomination papers or a declaration of candidacy under s. 8.05 (1) (j), 8.10 (2) (a), 8.15
3 (1), or 8.20 (8) (a), no later than 4:30 p.m. on the 5th day after notification of
4 nomination is mailed or personally delivered to the candidate by the municipal clerk
5 in the case of a candidate who is nominated at a caucus, or no later than 4:30 p.m.
6 on the 3rd day after notification of nomination is mailed or personally delivered to
7 the candidate by the appropriate official or agency in the case of a write-in candidate
8 or candidate who is appointed to fill a vacancy in nomination under s. 8.35 (2) (a).
9 The information contained on the statement shall be current as of December 31 of
10 the year preceding the filing deadline. Before certifying the name of any candidate
11 for state public office under s. 7.08 (2) (a), the elections board, county clerk, municipal
12 clerk, or board of election commissioners shall ascertain whether that candidate has
13 complied with this subsection. If not, the elections board, county clerk, municipal
14 clerk, or board of election commissioners may not certify the candidate's name for
15 ballot placement.

NOTE: A candidate for a municipal judgeship must file a statement of economic interests with the Ethics Board. Current law requires the Elections Board, the municipal clerk, or the board of election commissioners to ascertain whether the candidate has complied with this requirement, and prohibits those three bodies from certifying the candidate's name for ballot placement if the candidate has not complied. Elections for joint jurisdiction municipal court judges, however, are not necessarily administered by the Elections Board, the municipal clerk, or the board of election commissioners. The county clerk may have that responsibility. SECTION 2 subjects the county clerk to the same requirements as the Elections Board, the municipal clerk, and the board of election commissioners: the county clerk must verify compliance and is prohibited from certifying the name of a candidate who fails to comply.