



STATE OF WISCONSIN

## Legislative Audit Bureau

22 East Mifflin Street, Suite 500 ■ Madison, WI 53703 ■ (608) 266-2818 ■ Hotline: 1-877-FRAUD-17 ■ [www.legis.wisconsin.gov/lab](http://www.legis.wisconsin.gov/lab)


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Joe Chrisman  
State Auditor

DATE: April 6, 2015

TO: Senator Robert Cowles and  
Representative Samantha Kerkman, Co-chairpersons  
Joint Legislative Audit Committee

FROM: Joe Chrisman  
State Auditor 

SUBJECT: Proposed Audit of Complaints Considered by the Government Accountability  
Board—Background Information

At your request, we have gathered some background information the Joint Legislative Audit Committee may find useful in discussing a proposed audit of complaints considered by the Government Accountability Board (GAB).

Created by 2007 Wisconsin Act 1, GAB oversees and investigates alleged violations of Wisconsin's election, campaign finance, lobbying, and code of ethics laws. GAB is also statutorily responsible for helping local election officials to administer elections and providing training to local election officials, lobbyists, and others. GAB's six members are each appointed for a six-year term and must have formerly been elected to and served as a judge of a court of record in Wisconsin. GAB appoints a Director and General Counsel, who serves as the agency's head, and two administrators of the agency's Elections Division and the Ethics and Accountability Division. Statutes require GAB's staff to be nonpartisan.

In December 2014, we released an audit of GAB (report 14-14). The scope of report 14-14 was limited because the Attorney General opined in July 2014 that statutes prohibited GAB from providing us with certain records. As a result, in response to our request for information on all complaints GAB received from fiscal year (FY) 2010-11 through FY 2012-13, GAB's staff provided us with information about a selected 576 complaints filed with the Elections Division, including the names of the complainants and the individuals against whom complaints were filed, but provided us with no information about what they indicated were 1,334 other election-related complaints. GAB staff provided us with incomplete information on complaints filed with the Ethics and Accountability Division.

Statutes allow GAB to retain special investigators to conduct investigations. GAB's staff cited confidentiality provisions in statutes and declined to provide us with complete information related to special investigators, including the contracts to hire them. As a result, we were unable to assess GAB's use of special investigators. Similarly, GAB staff cited confidentiality provisions in statutes and declined to provide us with unredacted minutes of the closed portions of GAB's meetings at which complaints and investigations were discussed.

In January 2015, the Joint Legislative Audit Committee introduced legislation relating to the Legislative Audit Bureau's access to confidential records. 2015 Wisconsin Act 2, which became effective in March 2015, requires GAB to release investigatory records to the Legislative Audit Bureau in order for us to carry out our statutory responsibilities. The Act also reaffirms that the Legislative Audit Bureau has access to all records and documents, including those that are confidential by law. As a result, the Legislative Audit Bureau is now assured access to certain records that were not provided to us during our audit fieldwork for report 14-14.

An audit of complaints considered by GAB could evaluate:

- complaints and concerns that GAB received in recent years, including how GAB considered and investigated these complaints and concerns;
- the use of special investigators hired by GAB in recent years; and
- information discussed during the closed portions of GAB's meetings, such as GAB's consideration and investigation of complaints and concerns and its use of special investigators.

I hope you find this information helpful. If you have any additional questions regarding this request, please contact me.

JC/DS/bm

cc: Senator Mary Lazich	Representative John Macco
Senator Alberta Darling	Representative John Nygren
Senator Kathleen Vinehout	Representative Melissa Sargent
Senator Janet Bewley	Representative Terese Berceau

Kevin Kennedy, Director and General Counsel  
Government Accountability Board