



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2015 Senate Bill 294	Senate Amendments 1 and 2
<i>Memo published:</i> October 23, 2015 <i>Contact:</i> Jessica Karls-Ruplinger, Deputy Director (266-2230)	

2015 Senate Bill 294 replaces the Government Accountability Board (GAB) with two commissions: (1) the Elections Commission; and (2) the Ethics Commission. Under the bill, the Elections Commission administers and enforces election laws, and the Ethics Commission administers and enforces campaign finance, ethics, and lobbying laws.

Senate Amendments 1 and 2 make changes to the bill relating to commission structure, commission procedure, payments received by the Ethics Commission, and appropriations.

COMMISSION STRUCTURE

Membership

The Bill

Under the bill, the Elections Commission and the Ethics Commission each consists of at least **eight** members. The members serve for five-year terms.

Each commission has the following members: (1) one member appointed by the Senate Majority Leader; (2) one member appointed by the Senate Minority Leader; (3) one member appointed by the Assembly Speaker; (4) one member appointed by the Assembly Minority Leader; (5) one member for each political party qualifying for a separate ballot whose candidate for Governor received at least 10% of the vote in the most recent gubernatorial election and who is nominated by the Governor and confirmed by a majority of the Senate¹; and (6) for the

¹ For the members in category 5, the Governor must choose each nominee from a list of three individuals selected by the chief officer of that political party.

Elections Commission, two members who formerly served as county or municipal clerks and who are nominated by the Governor and confirmed by a majority of the Senate, and, for the Ethics Commission, two members nominated by the Governor and confirmed by a majority of the Senate.²

Senate Amendment 2

Under Senate Amendment 2, the Elections Commission and the Ethics Commission each consists of at least **six** members. Specifically, under the amendment, the two major political parties do not select a member under category 5, above. The selection of a member under that category only applies to each political party, other than the two major political parties, qualifying for a separate ballot whose candidate for Governor received at least 10% of the vote in the most recent gubernatorial election.

Service Prior to Senate Confirmation

The Bill

Under the bill, the initial appointees to the Elections Commission and the Ethics Commission may serve prior to Senate confirmation.

Senate Amendment 2

Senate Amendment 2 also allows appointees who are not initial appointees to serve prior to Senate confirmation.

Vacancy

The Bill

Under the bill, if a vacancy occurs for a member appointed by the Senate Majority Leader, Senate Minority Leader, Assembly Speaker, or Assembly Minority Leader, the legislator responsible for making the appointment must appoint a new member no later than 45 days after the date of the vacancy. If a vacancy occurs for a member nominated by the Governor, a new member must be selected, nominated, and submitted to the Senate for confirmation no later than 45 days after the date of the vacancy.

Senate Amendment 2

Senate Amendment 2 also provides that if the political party affiliation of the Senate Majority Leader, Senate Minority Leader, Assembly Speaker, or Assembly Minority Leader is not the same as the political party affiliation of the individual who made the initial appointment,

² For the members in category 6, the legislative leadership of the two recognized political parties that received the largest number of votes for President must prepare a list of not more than three individuals such that each recognized political party has prepared one list. The Governor must choose one nominee from each list.

the legislative leader of the political party that made the initial appointment must fill the vacancy.

Chairperson

The Bill

The bill provides that the chairperson of the Elections Commission and the Ethics Commission is chosen, by affirmative vote of at least two-thirds of the commission members, at the commission's first meeting each year.

Senate Amendment 2

Senate Amendment 2 provides a different procedure for the selection of a commission chairperson. Under the amendment, the chairperson is chosen by affirmative vote of at least two-thirds of the commission members at the commission's first meeting every two years. The chairperson serves a two-year term. The first chairperson is chosen from the commissioners affiliated with the same major political party. The major political party from which to select the first chairperson is determined by lot. The second chairperson is chosen from the commissioners affiliated with the other major political party. Each subsequent chairperson is chosen from the commissioners affiliated with the two major political parties on a rotating basis.

COMMISSION PROCEDURE

The Bill

The bill does not specifically require the Elections Commission or the Ethics Commission to conduct meetings in accordance with accepted parliamentary procedure.

Senate Amendment 2

Senate Amendment 2 requires the Elections Commission and the Ethics Commission to conduct meetings in accordance with accepted parliamentary procedure.

PAYMENTS

The Bill

Under the bill, the Elections Commission may accept payment by credit card, debit card, or other electronic payment mechanism for any amounts owed pursuant to the administration of election laws. In addition, the bill authorizes the commission to charge a surcharge to the payer to recover charges associated with the acceptance of that electronic payment.

Senate Amendment 2

Senate Amendment 2 also applies the payment provisions to the Ethics Commission. Specifically, the commission may accept payment by credit card, debit card, or other electronic

payment mechanism for any amounts owed pursuant to the administration of campaign finance, ethics, or lobbying law. In addition, the amendment authorizes the commission to charge a surcharge to the payer to recover charges associated with the acceptance of that electronic payment.

APPROPRIATIONS

The Bill

The bill generally assigns existing GAB appropriations to the Elections Commission or the Ethics Commission, creates new appropriations, and modifies existing appropriation types. In addition, the bill repeals the GAB lobbying appropriation and deposits moneys received from lobbying fees into a program-revenue funded appropriation for the Ethics Commission's general program operations.

Senate Amendment 1

Senate Amendment 1 creates a process for determining funding for the two commissions created by the bill. Specifically, under the amendment, the existing GAB appropriations in 2016-17 are reduced to \$0 and the same amount of expenditure authority that would have been available to the GAB in 2016-17 is transferred to supplemental appropriations of the Joint Committee on Finance.

Under the amendment, the DOA Secretary must submit an implementation plan by June 1, 2016, to the Joint Committee on Finance for approval under s. 13.10, Stats. In the plan, the Secretary must propose expenditure authority for the Elections Commission and the Ethics Commission by appropriation and must specify funding sources of all positions for each commission.

In addition, the amendment retains a separate lobbying administration appropriation for the Ethics Commissions, in which moneys received from lobbying fees are deposited.

BILL HISTORY

On October 21, 2015, Senate Amendments 1 and 2 were offered by Senator Vukmir. On October 22, 2015, the Senate Committee on Elections and Local Government recommended adoption of the amendments on votes of Ayes, 4; Noes, 1; and passage of the bill, as amended, on a vote of Ayes, 3; Noes, 2.

JKR:ty