

**MEMORANDUM**

TO: Interested Parties

FROM: Mike Wittenwyler / Nate Zolik  
Godfrey & Kahn, S.C.

DATE: December 17, 2015

SUBJECT: 2015 Wisconsin Act 118 – G.A.B. Reorganization

Recently enacted 2015 Wisconsin Act 118 (the “Act”) dissolves the Government Accountability Board (the “G.A.B.”), effective June 30, 2016. In its place will be two independent commissions: the Elections Commission, and the Ethics Commission.

The Elections Commission will administer and oversee election administration laws (chapters 5 through 10 and 12 of the Wisconsin statutes). The Ethics Commission will administer and oversee campaign finance (chapter 11), lobbying (subchapter III of chapter 13), and ethics laws (subchapter III of chapter 19).<sup>1</sup>

The Act does not make substantive changes to Wisconsin’s election administration, campaign finance, lobbying, or ethics laws.

The two newly created commissions will have similar structures. Each is composed of at least six members, appointed to serve five-year terms. However, half of each commission’s initial members will serve terms expiring on May 1, 2019.

**Elections Commission**

The makeup of the Elections Commission will be:

- One member appointed by the senate majority leader;
- One member appointed by the senate minority leader;
- One member appointed by the speaker of the assembly;
- One member appointed by the assembly minority leader;
- Two members who formerly served as county or municipal clerks, appointed by the governor, and subject to senate confirmation; and,
- One member nominated by 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, appointed by the governor, and subject to senate confirmation. The governor chooses this third-party nominee from a list of three individuals prepared by the third party.

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<sup>1</sup> This division of subject areas is similar to (but not the same as) the pre-G.A.B. regime of separate Elections and Ethics Boards, under which the Elections Board handled election administration and campaign finance law; and the Ethics Board oversaw ethics and lobbying law.

## **Ethics Commission**

The makeup of the Ethics Commission will be:

- One member appointed by the senate majority leader;
- One member appointed by the senate minority leader;
- One member appointed by the speaker of the assembly;
- One member appointed by the assembly minority leader;
- Two members who formerly served as judges (and who were elected to their judicial positions), appointed by the governor, and subject to senate confirmation, and,
- One member nominated by 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, appointed by the governor, and subject to senate confirmation. The governor chooses this third-party nominee from a list of three individuals prepared by the third party.

## **Commission Chairpersons**

Chairpersons for both commissions must receive at least a two-thirds vote and may only be selected from the four commission members directly appointed by the senate and assembly leadership.

Except for its Director and General Counsel, the G.A.B.'s current staff and positions will be transferred to the two new commissions on June 30, 2016. The Secretary of the Department of Administration ("DOA") will by June 1, 2016, submit to the legislature's Joint Finance Committee ("JFC") an implementation plan for the transition to the two commissions.

## **Administrators**

Each commission will be supervised by an administrator. The administrator is appointed by a majority of each commission, outside the classified service, senate confirmed, for four-year terms expiring on July 1 of odd-numbered years. Administrators may be removed by the affirmative vote of a majority of all members of the commission.

## **Conclusion**

The Act effects mostly a structural reorganization of the G.A.B., splitting it into two separate commissions and changing governance composition. The new commissions are designed as partisan bodies each equally divided between the two major political parties. Further, the legislature will have a more significant oversight role: direct appointment power; sole authority to appoint chair-eligible members; JFC oversight of investigation funding; and the ability to directly appoint interim administrators.

Aside from governance changes, much of the current G.A.B. will survive: its staff will transfer and most of its existing investigatory and enforcement tools will be available. There is a new complaint procedure, explicitly requiring notice and an opportunity to respond for complaint subjects; and no complaints may be investigated unless sworn to by someone other than a commission employee or member. Otherwise, the Act allows much of existing G.A.B. practice to continue with the newly created commissions.

Please let us know if you have questions or need any additional information.