

State of Wisconsin\Government Accountability Board

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Chairperson

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September 29, 2015

The Honorable Scott Fitzgerald, Majority Leader
Wisconsin State Senate
Room 211 South, State Capitol
Madison, WI 53702

The Honorable Jennifer Shilling, Minority Leader
Wisconsin State Senate
Room 20 South, State Capitol
Madison, WI 53702

The Honorable Robin Vos, Speaker
Wisconsin State Assembly
Room 211 West, State Capitol
Madison, WI 53702

The Honorable Peter Barca, Minority Leader
Wisconsin State Assembly
Room 201 West, State Capitol
Madison, WI 53702

Dear Senator Fitzgerald, Senator Shilling, Representative Vos and Representative Barca:

I am writing this letter in anticipation of proposed legislation that would change the structure of the Government Accountability Board and possibly split the agency in two. I have shared this letter with other members of the Board; however, the views stated are my own.

I am concerned that the changes being considered to the G.A.B. could have serious consequences for Wisconsin's four statewide elections scheduled for 2016. The Board is served by an experienced, professional staff that has been unfairly maligned for partisanship, and it would be unfortunate to lose them. I can attest that the Board makes its own decisions guided by the law, not partisan politics.

Due to the uncertainty about the agency's future, we have already seen an exodus of staff members who perform critical agency functions supporting Wisconsin's 1,853 municipal clerks and 72 county clerks. In addition, the elections staff is responsible for reviewing nomination papers for 43 judicial races in the Spring Election and 195 congressional, legislative and district attorney races in the General Election.

Beyond those normal functions, 2016 will be the first year of full statewide use of photo ID, and clerks and election workers need support and training to ensure that the law is implemented correctly. In addition, our elections and IT staff are finishing work on a major upgrade to the Statewide Voter Registration System, which will roll out to clerks in early 2016 and will require

significant training and support efforts. Also, significant administrative efficiencies will be lost by returning to two separate agencies. Finally, I understand legislators are working on a major overhaul of campaign finance laws to comply with recent court rulings, which may require significant changes to the Campaign Finance Information System, manuals and training for campaign committee treasurers.

During the course of the past year there has been extended media coverage of the Legislature's dissatisfaction with the Government Accountability Board. By law, the Legislature has the unique opportunity to provide advice and direction to the agency through the Joint Legislative Committee on Organization. Wis. Stat. § 5.05(5f). In eight plus years, the Legislature and the Board have not opened this channel of communication.

The public and the agency's customers will not be well served by rushing through a sweeping reorganization at this point in the election cycle. A more deliberative approach may produce alternatives that would better serve the citizens of Wisconsin.

For example, the Legislature could authorize the appointment of two additional non-voting members of the Board who would be nominated by each of the major political parties. While these ex-officio members would be able to advocate for their parties' positions during Board deliberations, the main reason for adding them to the Board would be to allow them to study the agency's operations from the inside. They would have access to the same records and communications as current members, and would participate in both open and closed sessions of Board meetings.

After the 2016 elections are over, the ex-officio members would report their findings and impressions of the agency's operations to the Legislature, and make recommendations about whether any further changes to the agency are needed.

I understand that the Legislature has a perfect right to structure the agency however it sees fit, but a bipartisan Legislature in 2007 had very good reasons to establish the G.A.B. the way it did. One of those reasons was to provide candidates and officials with a single agency to answer their questions about running for office and complying with all applicable statutes.

In conclusion, I ask the Legislature to gather more information and consider all of its options before making major changes to the state's elections, campaign finance, ethics and lobbying agency which could have significant unintended consequences during the 2016 election cycle. The people of the State of Wisconsin need to have confidence that the 2016 elections will be handled by the capable, professional staff currently in place.

I hope that you will give these ideas careful consideration as you move forward.

Respectfully submitted,



Judge Gerald C. Nichol, Chair
Government Accountability Board