



## GOVERNMENT ACCOUNTABILITY BOARD

The Government Accountability Board convened at 8:30 a.m. on Thursday, November 1, 2007, in the Wisconsin Legislative Council Conference Room. Chair Cane called the meeting to order. The roll was called and a quorum was noted present.

**MEMBERS PRESENT:** Honorable Michael Brennan; Honorable Thomas Cane; Honorable David Deininger; Honorable William Eich; Honorable James Mohr; and Honorable Gerald Nichol.

**STAFF PRESENT:** Terry C. Anderson, Government Accountability Board Interim Director; and Wendy Ulrich, Legislative Council Support Staff.

**GUESTS PRESENT:** A. Peter Cannon; Mike McCabe; Cheryl Elkinton; William Benedict; John Washburn; and Peter C. Christianson.

Chair Cane stated that today's business was to receive public testimony regarding the desired qualifications of a successful applicant for the position of Legal Counsel. Next, the Board would go into closed session, pursuant to s. 19.85 (1) (c), Stats., for the purpose of discussing the applications received for the position of Legal Counsel and to interview selected applicants for that position. If needed, the Board would then reconvene in open session, pursuant to s. 19.85 (2), Stats., for the purpose of selecting a Legal Counsel.

Judge Brennan asked that an email he had received supporting the appointment of Roth Judd be included in the master file. Chair Cane directed staff to add this to Mr. Judd's file.

**Peter Cannon**, representing himself, stated that the impetus for the legislation that established the Government Accountability Board was a general dissatisfaction with the job being done by the existing oversight agencies. The Legislature abolished those two boards and created the Government Accountability Board. He pointed out that if the Legislature had not wanted change, they would have done nothing or simply tinkered with the existing agencies.

Mr. Cannon said that if the Board chooses someone as the Legal Counsel of the Government Accountability Board who is publicly identified with the Elections Board or the Ethics Board, that this would be perceived as a signal that this is business as usual.

In conclusion, he noted that it is extremely important that we restore faith in government. He believes the Board's choice of a general counsel will play a significant role in shaping that success. He stated: "This is not a time for business as usual. This is a time to shape something new and positive. It is a time to choose new directions. Please choose a legal counsel with no ties to the past."

**Mike McCabe**, Wisconsin Democracy Campaign, said that the law that created the Government Accountability Board is based on the idea that the old agencies could not be fixed. Something entirely new needed to be put in their place.

He stated that the Wisconsin Democracy Campaign believes the most important single qualification for the position of Legal Counsel is a commitment to a new and different approach to enforcement of ethics, election, campaign finance, and lobbying laws.

He noted that if you wish to educate those you are responsible for regulating, the best educational tool is swift and sure enforcement, and swift and certain penalties for violations. An unmistakable message needs to be sent to all participants in the political process that our laws need to be obeyed and there will be serious consequences for failure to do so.

Another qualification for Legal Counsel is someone who has the ability to manage complex computer projects.

In conclusion, he reiterated that the law that created this new Board was based on the belief that the old agencies could not be reformed and needed replacement. He stated: "This is no time to rearrange the deck chairs. It's time to board a new ship and chart a new course. We hope your staffing decisions will reflect that."

**Cheryl Elkinton**, representing herself, noted the following qualifications she felt were necessary for the position of Legal Counsel:

- Needs to use caution when using law enforcement on people because of false arrests.
- Needs to work with the Government Accountability Board, not have full control.
- Experience is the best school.
- Needs to be open-minded; willing to take nondiscriminatory position.
- Needs to use knowledge, rather than theory.
- Needs to know how to come up with solutions.
- Needs to be willing to help beat out honesty.
- Needs to reduce confusion.
- Needs to be healthy.

**William Benedict**, representing himself, began by saying that as a father and grandfather who is committed to preserving our increasingly threatened democracy for

future generations, he is honored to be given the opportunity to speak before the Board today.

He said that in addition to formal qualifications which are already in place for the position of Legal Counsel, he strongly supports the need for a Legal Counsel who is devoted to clarity and pro-activeness, as well as the need for a fresh face. He believes these qualities are necessary if Wisconsin is to reclaim its reputation for clean, open, and accountable government.

Mr. Benedict referred to the 2007 publication by the Brennan Center for Justice, entitled "Campaign Finance in Wisconsin," where the authors report appalling Wisconsin performance results in an independent nationwide study.

He pointed out that the Board's disclosure database is its number one weapon in defense of democracy in Wisconsin. The need for this information to be in user friendly form, readily accessible and transparent, complete and accurate, is perhaps the Board's number one priority.

In conclusion, Mr. Benedict stated: "It's clear that the old Boards and their leadership have failed and lost the confidence of the Wisconsin citizen. If the word "accountability" in the Board's new name is to have any real credibility, it seems to me, the last thing the Board should do is retain the old leadership. When this personnel decision is viewed in the context of our recent corruption scandal along with the subsequent public disfavor and mistrust, there is no valid alternative."

**John Washburn**, representing himself, stated that he saw the course of action of the Elections Board and the Ethics Board as an uncontrolled quality assurance process. He cited some examples of when he had gone to the agencies for information, the lack of information, or inconsistent information, he had received. He is asking that more focus be given on Chapter 7, Election Officials; Boards; Selection and Duties; Canvassing.

*It was moved by Judge Nichol, seconded by Judge Brennan, to go into closed session pursuant to s. 19.85 (1) (c), Stats., for the purpose of discussing the applications received for the position of Legal Counsel and to interview selected applicants for that position. The motion was approved by unanimous vote.*

The Board completed its work in closed session. A conference call was set for 10:00 a.m., on Monday, November 5. The conference call was set as a time for the Board to complete their selection of Legal Counsel.

Respectfully submitted,

Terry C. Anderson  
Interim Director  
Government Accountability Board