



STATE OF WISCONSIN

**GOVERNMENT
ACCOUNTABILITY
BOARD**



**AGENCY
OVERVIEW**

**Wisconsin Government
Accountability Board**

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Government Accountability Board Overview

Agency Description

The Wisconsin Government Accountability Board (G.A.B.) is responsible for the administration and enforcement of campaign finance, elections, ethics and lobbying laws. The Board itself is comprised of six non-partisan members, each of whom must have formerly been elected to and served as a judge of a court of record in Wisconsin. Members are appointed to six-year terms by the Governor from nominations submitted by the Government Accountability Candidate Committee, which consists of four current Court of Appeals judges, one from each appellate district, who are selected randomly by the Supreme Court Chief Justice.

The Board employs a nonpartisan agency staff of approximately 43 workers, headed by the Director and General Counsel, who also serves as the state's chief election officer. The agency is organized into two divisions: Elections, and Ethics and Accountability, along with the Office of the Director and General Counsel.

In other states, elections and ethics are administered by elected or appointed partisan officials, or by bipartisan boards. The G.A.B. is unique to the United States, in that the Board members may not hold another state or local public office (except as reserve judge), engage in partisan political activities, become a candidate for state or local elected office, make political contributions, or be a lobbyist or employed by a person who employs a lobbyist. They also have limitations on political activities and certain types of contributions both during and 12 months prior to a member's term. Board staff members must also be nonpartisan.

Mission

The mission of the G.A.B. is to enhance representative democracy by ensuring the integrity of the electoral process and to further Wisconsin's tradition of clean and open government through its administration and enforcement of Wisconsin's elections and ethics codes, campaign finance and lobbying laws, and dissemination of information to the public.

History

The Wisconsin Legislature established the G.A.B. in January 2007 through bipartisan passage of 2007 Wisconsin Act 1. Act 1 also abolished the former State Elections Board and State Ethics Board and merged the staffs within the new agency, with the exception of their executive directors.

In accordance with statutes, four members of the Government Accountability Board Candidate Committee were chosen. The committee selected 12 candidates and sent their names to Governor Jim Doyle for review. On June 6, 2007, the Governor appointed six of those candidates as G.A.B.

members, and submitted three appointments to the State Senate and three to the State Assembly, which confirmed the appointments.

The original six G.A.B. members met for the first time on August 23, 2007, and began the nationwide search for a Director and General Counsel. The Board hired Kevin J. Kennedy, executive director of the Wisconsin State Elections Board, on November 5, 2007. On January 10, 2008, the G.A.B. staff was officially merged and began work as a new agency. As its first order of business, the Board began a statutorily-required review of formal opinions, administrative rules, guidance and internal operating procedures during which the Board could reaffirm them or allow them to expire. In January 2009, the agency consolidated its offices on the Third Floor of 212 East Washington Avenue, Madison.

The G.A.B.'s first few years were a period of transition in which the agency continued to establish itself as a unified agency in dealing with its customers, the Legislature and the public. In addition to completing its required review of administrative rules, the Board addressed numerous legal issues regarding new rules on campaign finance. The agency also embarked on an ambitious five-year election administration plan and a study of early voting procedures. In 2011 the Board and its staff began dealing with the first wave of State Senate recall elections, a statewide recount in the election for Supreme Court Justice, and implementation of the new Voter Photo ID Law. Attention on the agency intensified in 2012 with the second wave of recalls for the Governor, Lieutenant Governor and State Senators, as well as court decisions halting implementation of voter ID. In all, the G.A.B. administered eight State-level elections in 2012, compared to four regularly scheduled contests. In 2013 the Board helped defend challenges to the voter ID law in federal court and began preparations for the 2014 gubernatorial election cycle.

Board Operations

The six members of the G.A.B. serve six-year, staggered terms, so a new member is appointed each year. The Board typically holds six regular meetings each year, plus an organizational teleconference meeting in January during which the Board chair is chosen by lot, as required by statute. The vice chair and secretary for that year are also chosen by lot. The Board holds special meetings as needed.

Meetings of the Board are open to the public as required by the Open Meetings Law. At Board meetings, there is a four-vote minimum needed to pass any motion. In addition to acting on matters proposed by staff, the Board also sets aside time to hear testimony from members of the public on agenda items and other general concerns. Agendas, supporting materials and minutes for Board meetings are posted online: <http://gab.wi.gov/about/meetings>.

By statute, the Board is required to consider the following matters in closed session:

- Deliberating on requests for advice under the Code of Ethics for Public Officials and Employees, lobbying law, and campaign finance law

- Investigating possible violations of the Code of Ethics for Public Officials and Employees, lobbying law, and campaign finance law
- Conferring with counsel concerning pending litigation, and
- Considering the performance evaluation data of a public employee over which it exercises responsibility.

Elections Division

Introduction

The Elections Division is responsible for administering elections in partnership with Wisconsin's 1,852 municipal clerks and 72 county clerks. The division provides training and technical support to clerks and poll workers, and is responsible for the infrastructure to maintain Wisconsin's Statewide Voter Registration System (SVRS). In addition the division audits polling places for compliance with the Americans with Disabilities Act. The division has 28 employees, including 22 regular staff and six information technology contract developers.

General Election Administration

The Government Accountability Board, through its Director and General Counsel, is responsible for administering election laws in the state of Wisconsin. The Director and General Counsel is designated as Wisconsin's Chief Election Official, a role carried out in many other states by a Secretary of State.

The Board has general supervisory authority over the conduct of elections in the State of Wisconsin. The Board has compliance review authority over Wisconsin's 1,924 local election officials and their staffs. This means any complaint alleging an election official has acted contrary to law or abused the discretion vested in that official must be filed with the Government Accountability Board before it may proceed in court. The Director and General Counsel, in consultation with the Board Chair, has the authority to order local election officials to conform their conduct to law.

The G.A.B. is the filing office for candidates who are running for Congress in Wisconsin or for state public office, including governor, supreme court justices, attorney general, superintendent of public instruction, state senators, state representatives and appellate and circuit court judges. Declarations of candidacy and nominating petitions for candidates to get on the ballot are filed with the Board, which makes determinations about whether candidates have met the statutory requirements. The Board provides local election officials with the names of state candidates for the ballot. After an election, local and county boards of canvassers certify local election vote totals and report them to the G.A.B., which tabulates and certifies the final results.

An elected official who has been in office for one year can be recalled to stand for election again by the voters. When state public officials are recalled, the recall petitions are submitted to the G.A.B., which must determine whether there are enough valid signatures to trigger a recall election. In 2011 and 2012, there were an unprecedented number of recall elections in Wisconsin for State Senators, the Governor and Lieutenant Governor. During that time, the G.A.B. staff reviewed nearly 2 million signatures under intense time pressure to determine whether recall elections would take place.

Statewide Voter Registration System

The Government Accountability Board's Elections Division is charged with administering transparent, fair, and efficient elections for the citizens of Wisconsin. The Statewide Voter Registration System (SVRS) is one of the key tools used by the Board to carry out its critical election business practices.

The Help America Vote Act of 2002 (HAVA) required each state to set up a single, uniform, centralized and computerized statewide voter registration database. In 2006, the State of Wisconsin launched its SVRS, which contains information about all active and inactive registered voters in the State. Prior to 2006, cities, villages and towns maintained their own local voter registration lists, and those with populations of 5,000 or less were not required to maintain voter lists.

HAVA also required that the SVRS link with other state databases, including the Department of Corrections to obtain information on felons, the Department of Health Services to obtain information on deaths, and the Department of Transportation for validation of driver license and social security numbers.

The SVRS is not only a voter registration list, but a full elections administration package. The system is accessed by more than 1,600 users in 700 separate locations across the State. Users connect to the system using the internet. Some locations in Wisconsin do not have high-speed internet access available, in which case, the municipal clerk relies on another clerk (usually the county clerk) to perform data entry functions. The system includes several confidential fields, including driver license numbers, dates of birth, partial social security numbers and voters who are under a protective order, which must be protected by statute. Providing security for the system, while allowing authorized users to connect using the public internet, is a high priority.

Training

The Board has developed comprehensive training programs for local election officials and their staffs. These training programs prepare them to administer election laws and to work with the SVRS. The Board is required to emphasize the integrity and importance of the vote of each citizen in its training programs. The Board also trains and certifies chief election inspectors, the individuals in charge of each of the state's 2,822 polling places.

The Board has training officers who travel the state presenting programs for municipal clerks, chief election inspectors, and users of SVRS. The Board's training staff also develops and presents electronic training materials, including webinars, on many of these topics for local officials who are unable to attend in-person training sessions.

Election Data Collection

The G.A.B. collects a great deal of information from local election officials – everything from the number of votes each candidate receives in an election to the ages of poll workers. Wisconsin has been recognized nationally as a leader in collecting election data electronically. Most of the data collected is available on the G.A.B.'s website: <http://gab.wi.gov/elections-voting/statistics>.

Electronic Voting Equipment

The Government Accountability Board is responsible for approving and auditing electronic voting equipment systems used in the State of Wisconsin. Approximately 90 percent of votes in the state are cast on paper ballots that are tabulated by an optical scanning system, while 5 percent are cast on touch-screen systems known as direct recording equipment (DRE). The remaining 5 percent are cast on hand-counted paper ballots.

Local election officials are responsible for purchasing and maintaining their own voting equipment. However, before any voting system may be used in the State of Wisconsin, it must be accredited by the U.S. Election Assistance Commission and then approved by the Government Accountability Board.

Voting equipment and materials are reviewed by G.A.B. staff and an advisory panel of local election officials, who review a vendor's demonstration of a series of mock elections. After the G.A.B. staff and the advisory panel have reviewed the test results and examined the equipment, the system is demonstrated at a Board meeting. The G.A.B. review consists of a demonstration and a review of the evaluation made by the advisory panel and Board staff. The Board makes the final determination on the approval of the voting system at a public meeting.

After each November general election, the Government Accountability Board is required to direct an audit of each voting system used in the state to determine the error rate of the system in counting ballots that are validly cast by electors. The audit consists of two independent hand-tallies of ballots tabulated by electronic voting systems. The results of the hand-count are verified against the results report produced by the voting system.

Polling Place Accessibility

Every Wisconsin voter has a right to cast a ballot privately and independently at their polling place on Election Day. In addition, HAVA requires that every polling place in the State of Wisconsin

meet Americans with Disabilities Act (ADA) accessibility standards. Local election officials have a responsibility to guarantee that each of their polling places meets these standards and that all voters are provided with an equal opportunity to cast a ballot.

The G.A.B. conducts audits of polling places around the state for each election and works with municipalities to correct identified problems and improve accessibility. The results of those audits are reported to each municipality and a Plan of Action is required from the municipal clerk to address any concerns found during the audit. Municipal clerks are then able to request accessibility-related supplies from the G.A.B. to assist them with bringing their polling places into compliance.

The information gathered during polling place audits is analyzed and used to improve and update clerk and poll worker training materials and voter outreach information. This data is also used to inform the Wisconsin State Legislature about the barriers that citizens with disabilities face when voting.

Redistricting

In Wisconsin, responsibility for redrawing legislative and congressional district lines rests with the legislature. The legislature is required to redraw legislative and congressional districts every 10 years based upon the results of the decennial federal census. After the new legislative and congressional district boundaries have been approved, the G.A.B. is responsible for working with county and municipal clerks to implement the new districts. After the most recent redistricting, G.A.B. staff spent considerable time updating district boundary maps in SVRS.

Voter Photo ID

In 2011, the Governor signed into law 2011 Act 23, which contained new requirements that electors present a government-issued identification card or document before they received a ballot to vote. The G.A.B. was tasked with implementing the new law, including providing training and support to local election officials, and developing a public education and outreach campaign to ensure voters have the required ID to be able to participate in elections. Shortly after the law went into effect in 2012, two separate circuit court judges struck down the law as unconstitutional, forcing the G.A.B. to halt implementation. There are also challenges to the law pending in federal court. If and when the courts approve continued enforcement of the voter photo ID law, the G.A.B. will resume implementation.

Ethics and Accountability Division

Introduction

The Ethics and Accountability Division is responsible for three main areas: campaign finance, lobbying and ethics. At the discretion of the Board, division staff investigates and audits groups and individuals under these areas. The division has seven employees, including six regular staff and one contract information technology developer.

Campaign Finance

All state-level candidates, political action committees, and party committees in the state are overseen by the Ethics and Accountability Division. At the heart of the division's work in this area is the Campaign Finance Information System (CFIS), an online database of all state candidates, committees and contributors, as well as their campaign spending, donations and transfers. CFIS contains campaign finance data from July 1, 2008 to the present.

The campaign finance staff conducts the following audits on campaign finance data received through the many reports filed with our office:

- \$10,000 annual individual contribution limit
- Annual contribution limit for individuals
- Campaign period limit for committees
- Lobbyist contributions outside of the allowable window
- Corporate contributions
- Employer information for certain contributions
- Termination audits for non-continuing committees
- Audits of specific committees triggered by a complaint.

Staff activities in this area include:

- Providing education, training and information to elections officials, candidates, the Wisconsin electorate and the general public
- Conducted campaign finance law sessions across the state on registration, reporting, contribution limits, and duties of the local filing officer.
- Presenting material at conferences to educate the community on campaign finance requirements
- Reviewing campaign finance law to determine how the statutes should be modified or interpreted.

Ethics

Each year, state public officials are required to file a Statement of Economic Interests (SEI) that details various financial and employment information that assists the public in determining if a material conflict could exist between their job duties and the financial interests they maintain. Statements for these annual filers are due April 30 each year. Gubernatorial nominees to various state boards and commissions that require Senate approval must also file SEIs within 21 days of their nomination or appointment. Candidates for state office as well as municipal judges must file a statement within three days of the deadline for filing nomination papers for that office.

Statements of Economic Interests are public documents available upon request; however, statutes require requestors to identify themselves and provide contact information. In addition, they are required to disclose whether they are requesting the information behalf of another person, and identify that person. In turn, the G.A.B. notifies filers about who has viewed their statement. Staff regularly processes these requests – some small and some very large.

The ethics staff is also responsible for the collection of:

- State of Wisconsin Investment Board quarterly transaction reports (four times a year)
- Agency legislative liaison reports (twice a year)
- Solicitation of Funds or Items of Value report filed by the Department of Tourism and the Wisconsin Economic Development Corporation (filed annually).

Staff activities in this area include:

- Conducting training for newly elected legislators and for legislative staff on standards of conduct for state officials
- Presenting ethics training at the Judicial College (all of the state's judges must complete this training at least once every six years)
- Presenting ethics training for cabinet secretaries and their key appointees
- Responding to oral and written requests for advice about the ethics code and lobbying law, and ensuring that the Board's opinions are reasonable and consistent
- Maintaining a searchable, online index to the personal financial interests of Wisconsin's governmental officials
- Investigating allegations of misconduct by public officials

Lobbying

Similar to campaign finance, the Ethics and Accountability Division is responsible for overseeing all lobbying at the state level in Wisconsin. Since 1997, the state has maintained an online database of

lobbying activities which allows the public to monitor efforts to influence the Legislature in real time. In 2012, G.A.B. staff launched a new and enhanced version of the Eye on Lobbying information system.

For the 2013-2014 legislative session:

- 644 organizations registered as lobbying principals
- 466 single client lobbyist licenses were issued
- 110 multiple-client lobbyist licenses were issued
- 1,202 lobbyist authorizations were issued by lobbying principals

Staff activities in this area include:

- Training users of the new Eye of Lobbying website
- Training legislators, legislative staff and state agency officials on application of lobbying laws and standards of conduct for state officials

Investigations

The Ethics Division has broad authority to investigate potential violations of law contained in Chapter 11, Chapter 13, subchapter III, Chapter 19, subchapter III, *Wisconsin Statutes*. These chapters cover campaign finance, lobbying, ethics of public officials, and financial disclosure requirements and deadlines. The majority of investigations conducted by the ethics division are initiated by a complaint from an interested party. By statute, investigative work done by the Ethics Division is by and large confidential. The Ethics and Accountability Division Administrator and other ethics staff members spend a great deal of time on investigations and complaints.

Office of Director and General Counsel

The Office of Director and General Counsel encompasses the agency's leadership, legal, administrative and public information functions. It has eight staff members.

Legal

In addition to the Director and General Counsel, the Government Accountability Board has two full-time staff counsel attorneys who provide legal counsel and support to the Board members and the agency staff.

Under the general policy direction of the Director and General Counsel, staff counsels are responsible for providing legal advice on the application of campaign finance, election, ethics and lobbying laws to the Board and its staff along with authoritative and timely advice and information to political registrants, state and local election officials, state public officials and the general public. They are responsible for preparing legal opinions, enforcement orders and administrative rules to implement agency policy and authority. They are also responsible for agency investigation and enforcement of campaign finance, election, ethics and lobbying law violations. Finally, they serve as part of the agency enforcement team along with the Director and Division Administrators.

Administrative Services

The Government Accountability Board's Administrative Services Section operates within the Office of the Director and General Counsel. The section consists of four employees, headed by the Chief Administrative Officer. The section is responsible for financial operations of the agency, as well as providing administrative support.

Public Information

The G.A.B.'s Public Information Officer is responsible for maintaining the agency's website (<http://gab.wi.gov>), responding to public records requests, issuing news releases, and serving as a primary source of contact for the news media. The agency also maintains social media presences on Facebook (www.facebook.com/WisconsinGovernmentAccountabilityBoard) and Twitter (www.twitter.com/Wisconsin_GAB).