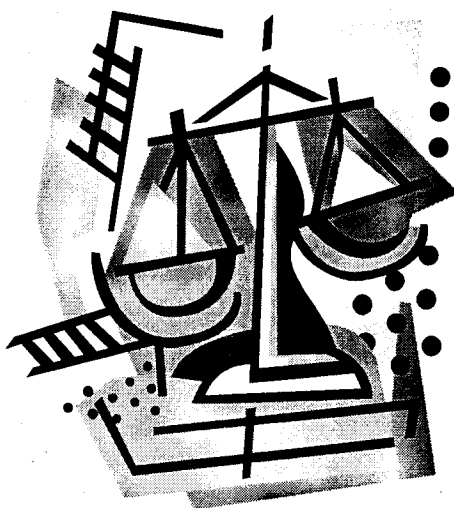


THE WISCONSIN ETHICS AND
ELECTIONS ACCOUNTABILITY
AND CONTROL BOARD



A PROPOSAL FOR CHANGE

By Senator Michael 'G. Ellis
and Senator Robert L. Cowles

Crisis in Confidence

Wisconsin is facing a crisis in confidence in government. Once, we enjoyed a national reputation as a leader in responsive, ethical government. Recent scandals involving public officials at all levels of government, however, have tarnished that reputation and Wisconsin is no longer seen as a model for other states to follow. The time has come to reinvigorate our watchdog and regulatory boards in order to reinstall the public's faith in our state and local government institutions.

Critics of the state's Ethics Board and Elections Board argue that neither agency is able to adequately act as a watchdog on political wrongdoing. The Elections Board is comprised of members designated by political parties, the Governor and partisan legislative leaders. Appointees of both boards are subject to approval by the state Senate. The Governor and the Legislature directly control both boards' budgets. Furthermore, neither agency is given the resources and authority needed to enforce our laws. Neither agency is able to fully investigate and independently prosecute violations of the law. Even when local district attorneys conduct prosecutions, we have seen allegations of partisanship leveled against the prosecutors.

Independent, Nonpartisan Agency Needed

Therefore, we are proposing to create a new independent Wisconsin Ethics and Elections Accountability and Control Board to oversee state and local public officials and to administer state election laws. This new board would incorporate into a single agency the current duties and functions of the State Elections Board and the State Ethics Board.

Our proposal would ensure the independence of this new agency by putting it under the oversight of the nonpartisan Wisconsin Supreme Court. Most importantly, we are proposing to arm this new agency with the authority to investigate allegations of misconduct in public office and with the authority to independently prosecute violations of state ethics and election laws.

Nonpartisan Supreme Court Provides Oversight, Independent Budgets

Under our proposal, the Wisconsin Ethics and Elections Accountability and Control Board would be organized and under the control of the state Supreme Court. The Board would be given a sum-sufficient budget subject to approval by the Supreme Court.

The Board would consist of nine members, eight of whom – one from each Congressional District – would be appointed by the Supreme Court. These members in turn would select the ninth member. None of the members would be subject to approval by either the Governor or the state Senate. Board members would also be responsible for hiring an Executive Director for the Board.

Board members would serve staggered, four-year terms. We are also proposing that members would be prohibited from having been members of a political party or from having run for a partisan political office for at least one year prior to serving on the Board. This is similar to the restrictions currently imposed on members of the state Ethics Board.

Three Divisions – Ethics, Elections, Enforcement

The Wisconsin Ethics and Elections Accountability and Control Board would be comprised of three divisions – Ethics, Elections and Enforcement.

The Ethics Division would assume the functions and duties of the current Wisconsin Ethics Board. It would administer the state ethics code and state lobbying laws and would advise state and local public officials, lobbyists and the public on these laws. The division would register lobbyists and would compile and disseminate information about the time and money spent by businesses and organizations in lobbying activities. It would file financial interest statements of state officials, candidates and nominees for public office.

The Elections Division would assume the functions and duties of the current Wisconsin Elections Board. It would administer state elections laws and campaign finance laws. It would have compliance review authority over local election officials' actions relating to ballot preparation, candidate nomination, voter qualifications and election administration. The division would administer the campaign finance registration and reporting system. It would administer the Wisconsin Election Campaign Fund, which provides public financing to eligible candidates for statewide and legislative offices.

Finally, a Division of Enforcement would be created that would include all investigation and enforcement authority currently authorized to the Elections and Ethics boards. This division, however, would be provided even greater investigative and prosecutorial authority than is granted either board under current law. The division would include a special prosecutor who can independently investigate allegations of misconduct and who will have independent authority to prosecute alleged violations, including criminal prosecutions, in court. This division will be authorized to act on complaints filed by either the Ethics Division or the Elections Division of the Board. It will also be able to respond to complaints brought to it by members of the public.

Nonpartisan Independence

Our proposal will be an important step in restoring integrity and the public's confidence in our public institutions. The Wisconsin Ethics and Elections Accountability and Control Board will be independent of partisan control in the appointment process and, just as importantly, in the development of its budget. By eliminating the current system of partisan appointments, subject to approval by the state Senate, and by insulating the Board's budget from direct intervention by the Governor or the Legislature, we will ensure that this new agency will be able to operate freely without the influence or threat of influence by outside interests. With an investigative staff and with prosecutorial authority the board will be provided the tools it needs to enforce our laws and to bring wrongdoers to justice.

WISCONSIN ETHICS AND ELECTIONS ACCOUNTABILITY AND CONTROL BOARD

WISCONSIN SUPREME COURT

WISCONSIN ETHICS AND ELECTIONS ACCOUNTABILITY AND CONTROL BOARD

Nine Members, Appointed by Supreme Court
Sum Sufficient Budget Approved by Supreme Court

ETHICS DIVISION

Administers Ethics Code and Lobby Laws
Registers Lobbyists and Reports Lobbying Activities
Files Financial Statements of Public Officials

ELECTIONS DIVISION

Administers Elections Laws For State and Local Elections
Administers Campaign Finance Registration and Reporting
Administers Wisconsin Clean Elections Campaign Fund

ENFORCEMENT DIVISION

Independent Investigations of Alleged Ethics and Elections Violations
Independent Prosecutorial Authority
Acts on Complaints by Ethics and Elections Divisions and by Public