Transition of the Government Accountability Board to the Ethics Commission and Elections Commission

2015 Wisconsin Act 118
Proposed Implementation Plan

WISCONSIN DEPARTMENT OF
ADMINSTRATION

Introduction and Background

Pursuant to 2015 Wisconsin Act 118, the Department of Administration (DOA) submits the following implementation plan to the Joint Committee on Finance for consideration under section 13.10 of the statutes in order to complete the transition from the Government Accountability Board to the Ethics Commission and Elections Commission.

This plan was formed in consultation with key staff of the Government Accountability Board (GAB), including the current director and general counsel, as directed by Act 118. The report proposes expenditure authority for the Ethics Commission and Elections Commission by appropriation and specifies the funding sources for all positions. The plan also addresses the transfer of the GAB's assets and liabilities; additional information on positions and the transition of employees; tangible personal property; contracts; rules, orders, and formal opinions; pending matters; and transitions and initial terms to the new commissions.

Expenditure and Position Authority

The recommended budgets and authorized position authority for the new commissions are as follows:

	Ethics Commission Budget		Ethics Commission FTE Positions		Elections Commission Budget		Elections Commission FTE Positions
GPR	874,000		4.55		2,046,500		9.75
PR	551,800		3.45		7,700		0.00
PRF	0		0.00		195,700		22.00
SEG	0		0.00		100		0.00
SEGF	0		0.00		2,819,400		0.00
TOTAL	$1,425,800		8.00		$5,069,400		31.75

This split is based largely on the salary and fringe benefit costs as of February, 2016 of employees under the proposed organizational structure for each commission and spending in prior years:

	Government Accountability Board Budget		Government Accountability Board FTE Positions
GPR	2,920,500		14.30
PR	559,500		3.45
PRF	195,700		22.00
SEG	100		0.00
SEGF	2,819,400		0.00
TOTAL	$6,495,200		39.75

General supplies and services funding was split 75% to the Elections Commission and 25% to the Ethics Commission based on an estimate of prior year spending. Similarly, the materials and services appropriation was split 40% to the Elections Commission and 60% to the Ethics Commission based on an estimate of prior year expenditures. In addition, the plan allocates $225,000 GPR and $25,000 GPR to the Ethics Commission and the Elections Commission for the respective investigation appropriations. The specific expenditure authority for each appropriation for the Ethics and Elections Commission is detailed in Appendix A.

The current appropriation under s.20.511 (1)(a) General program operations; general purpose revenue is a biennial appropriation and has been renumbered to s.20.510 (1)(a) in the Elections Commission. Consequently, any unspent GPR funds will carry forward to the successor appropriation.

In addition, it is estimated that there will be a cash balance in the following program revenue appropriations that will need to be carried forward to the appropriate appropriation and if relevant, split under the same assumptions as above:

- s.20.511 (1)(h) - Materials and Services
- s.20.511 (1)(i) - Elections administration; program revenue
- s. 20.511 (1)(im) - Lobbying administration; program revenue

Additional steps have been and will continue to be taken to ensure that the two commissions are able to operate beginning June 30, 2016, including:

- Establish agency business units, chart fields, combination codes and other agency specific configurations in STAR tables in production environment with a future effective date of June 30th;
- Establish security roles and role-mapping for each employee in STAR;
- Adjust the Consolidated Employer Identification Number and the Wisconsin Taxpayer Number for federal and state tax withholding and reporting purposes;
- Work with the State Controller's Office to establish employee identification numbers for state tax exempt certificate;
- Work with the commissions and US Bank to create new purchasing cards.

Positions and Employees

Act 118 transfers all incumbent employees, with the exception of the director and general counsel, to the new commissions. The proposed organizational charts for the Elections Commission Ethics Commission are attached to this plan as Appendix B and Appendix C.

Numerous internal process updates have occurred since the passage of Act 118 in order to ensure a smooth transfer of employees to the new commissions. First, new employing units were created for each of the new commissions. Next, DOA's Division of Personnel Management (DPM) conducted a review of the classifications for elections specialists and ethics specialists. Employees at the GAB who hold this title are the only employees in state service under this classification. A review was

completed to ensure that this was an appropriate classification level and pay range for the employees. At present, DPM determined that the employees are appropriately classified and the transition will create no change to the current classifications. Finally, DPM reviewed the Executive Salary Group (ESG) level for the future administrators of Ethics and Elections to ensure the pay range was equitable with similar administrator positions in other agencies and that the recruitments for the administrator positions is successful. The administrator positions will be set at an ESG 4 and the assistant administrator positions at an ESG 3.

GAB leadership has held multiple discussions with the current staff members to explain the transfer to the new commissions and to address any questions or concerns from the staff. After approval of this implementation plan, new appointment letters will be provided to incumbent employees with their new positions at the Ethics Commission and Elections Commission.

Ethics Commission:
The Ethics Commission will consist of eight full time equivalent positions, including the administrator and an attorney. While not recommended in this plan, if it is deemed necessary by the new Commission members, one position in the Ethics Commission could be converted to an unclassified assistant administrator position. With limited administrative support for the Ethics Commission, this plan proposes that a number of positions that will be housed in the Elections Commission will perform various administrative functions for the Ethics Commission through a memorandum of understanding (MOU). Functional areas that will be covered by this MOU include budget, human resources, contracts and purchasing, information technology support, website maintenance, administrative support and public information officer duties.

Elections Commission:
The Elections Commission will consist of 31.75 full time equivalent positions, including the unclassified administrator and assistant administrator positions. The organization of the Elections Commission includes elections specialists, IT support staff, administrative and accounting staff, an attorney and a public information officer. As noted in the section above, certain positions, including the chief administrative officer and the public information officer, will perform duties for both commissions.

It is important to note that of the 31.75 positions in the Elections Commission, 22 positions are currently funded through Help America Vote Act (HAVA) funding from the federal government. This funding was received in 2003 and the GAB estimates the funds will be completely depleted by the second quarter of the 2017-19 biennium. Alternative funding options for these positions will need to be discussed in the next biennial budget.

Tangible Personal Property, Assets and Liabilities

The tangible personal property of the Government Accountability Board has been assigned by GAB staff to either the Ethics Commission or Elections Commission. Examples of tangible personal property include desks, computer equipment, phones, supplies, and conference tables. Some

equipment, such as conference room tables and chairs, may need to be shared between the two commissions in order to hold meetings with the commissioners. This arrangement remains feasible because the two commissions will remain co-located at 212 E Washington Avenue, through at least the end of the current lease, which expires December 31, 2018, with two options to renew for an additional five years. The lease agreement includes standard escalators for rent through the duration of the lease. DOA's Division of Facilities Management will pro-rate the space charges for each commission based on the FTE position count.

GAB staff has developed three separate inventory documents allocating agency assets between the new commissions. An Information Technology Inventory has been developed listing all IT hardware and its allocation by user and commission, found in Appendix D. An Asset Inventory has been developed listing the allocation of furniture and other fixed assets, found in Appendix E.

Contracts

Currently, most contracts GAB utilizes are through statewide contracts and VendorNet. For example, GAB utilizes the IT services vendor contract to hire IT consultants each fiscal year. New purchase orders for fiscal year 2016-2017 will be created separately for the Ethics and Elections Commissions for all statewide contract use, including IT services.

Arrangements are being made to amend any contracts currently held with the GAB to reflect the applicable commission as the responsible party. For example, the maintenance agreement contract for the Campaign Finance Information System computer application will have to be amended to the Ethics Commission beginning June 30th for ongoing website maintenance and support. Additional contracts that will be amended can be found in Appendix F.

Rules, Orders, and Formal Opinions

Administrative Rules:
The Government Accountability Board has been working closely with the Legislative Reference Bureau in order to ensure the proper transfer of rules to each of the new commissions. For more information, please see the attached memo from the GAB to Bruce Hoesly of Legislative Reference Bureau addressing the administrative rules transition, found in Appendix G.

Orders:
There are no applicable orders that will need to be transferred to the new commissions. Most orders that have been issued by the GAB were to correct local election official actions based on one-time events.

Formal Opinions:

The Government Accountability Board staff has reviewed all formal opinions issued by the board in order to properly transfer the opinions to the commissions. The opinions have been allocated to the new commissions by subject matter and will be accessible from the applicable commission website on June 30, 2016. Due to the volume of formal opinions, an index is not being included as an appendix to this report. Current formal opinions can be found in two locations on the GAB's website: http://www.gab.wi.gov/node/788 and http://www.gab.wi.gov/node/789.

Pending Matters:
The GAB has identified three active lawsuits that will be transferred to the Ethics or Elections Commissions. The Department of Justice has been notified of the change in defendants effective June 30, 2016. This information can be found in the memo from GAB staff counsel Nathan Judnic to GAB Director Kevin Kennedy, in Appendix H. The GAB does not have any active or ongoing investigations; however, if there were active investigations, the investigation would be confidential by statute and would have to be discussed in closed session.

Transitions

Act 118 provides that appointed commission members for both the Ethics and Elections Commissions can participate in the GAB board meetings as non-voting members. The GAB has made new appointees aware of this and ensured that they receive the appropriate materials for those meetings. The GAB has conducted an orientation for new legislative appointees of the two commissions.

As the new appointees begin to attend meetings and orientations, they will be eligible to receive per diem. Once appointed, the commissioners are being added to the payroll system in order to process the per diem payments, within the GAB's current budget. GAB staff has collected and filed oaths from the commissioners as they have been appointed.

Current commissioners have begun the process for recruiting administrators to head the new commissions. It is expected that the new administrators will begin service on June 30, 2016 after selection by the full commissions.

Initial Terms

Under Section 266 of Act 118 (non-statutory provisions), one half of the members of the Elections Commission who are appointed as initial members of the commission shall serve a term expiring May 1, 2019. One half of the members of the Ethics Commission shall serve the same term length under Section 266. The Act, however, does not specify which members are to serve the term that expires on May 1, 2019. After consulting with the GAB and bill authors, the Department of Administration recommends the following plan be adopted by the Joint Committee on Finance:

- For the Elections Commission, the following appointees will serve the term that expires on May 1, 2019:
    - Governor's appointee from list prepared by the Speaker and Senate Majority Leader
    - Assembly Speaker appointee
    - Assembly Minority Leader appointee
- For the Ethics Commission, the following appointees will serve the term that expires on May 1, 2019:
    - Governor's appointee from list prepared by the Senate and Assembly minority leaders
    - Senate Majority Leader appointee
    - Senate Minority Leader appointee

This proposal ensures each appointing authority has one appointee who serves the shorter term expiring May 1, 2019.

Miscellaneous Items

Websites:
The GAB has several websites for general information and specific programs. The staff has created a transition plan to ensure online continuity, including creation of new commission websites, changes to program-specific websites and preservation of the GAB website for historical purposes.

The new Elections Commission and Ethics Commission will each need new websites. GAB has begun creating new websites for each commission, which will contain basic information about the commissions and their meetings before and after the June 30, 2016 transition date. Pages for substantive information about commission programs will initially link to the existing GAB website. After the transition, new commission staff will work with the webmaster/public information officer to finish building out the new websites with program information, forms, manuals and other publications.

Existing agency websites will be modified to reflect the transition from the GAB to the Elections and Ethics Commissions. In the case of program websites (such as Eye on Lobbying or MyVote Wisconsin), any changes needed should be minor. After the transition date, the main GAB website will need more extensive modifications to reflect its change in status, and to direct visitors to the new agency websites. Additionally, the GAB website will need to be maintained for several years as a historical record of Board actions.

IT Systems:
GAB staff is working with DOA's Division of Enterprise Technology (DET) to separate the H: Drive of electronic files and assign new email distribution lists. DET will need to allocate any IT chargebacks to the new commissions based on the IT asset allocation, Appendix D. The IT applications maintained by the GAB will be allocated to the respective Commissions.

Photo ID Funding:

If the Joint Committee on Finance approves the request from GAB regarding funding for a Photo ID education campaign, the money should be appropriated to the Elections Commission appropriation under s.20.510 (1)(a) General program operations; general purpose revenue.

Implementation Plan Appendix:

Appendix A.....Commission Expenditure Authority

Appendix B.....Elections Commission Organizational Chart

Appendix C.....Ethics Commission Organizational Chart

Appendix D.....IT Inventory

Appendix E.....Asset Inventory

Appendix F.....GAB Contracts

Appendix G.....Administrative Rules Memo

Appendix H.....Pending Matters

Elections Commission

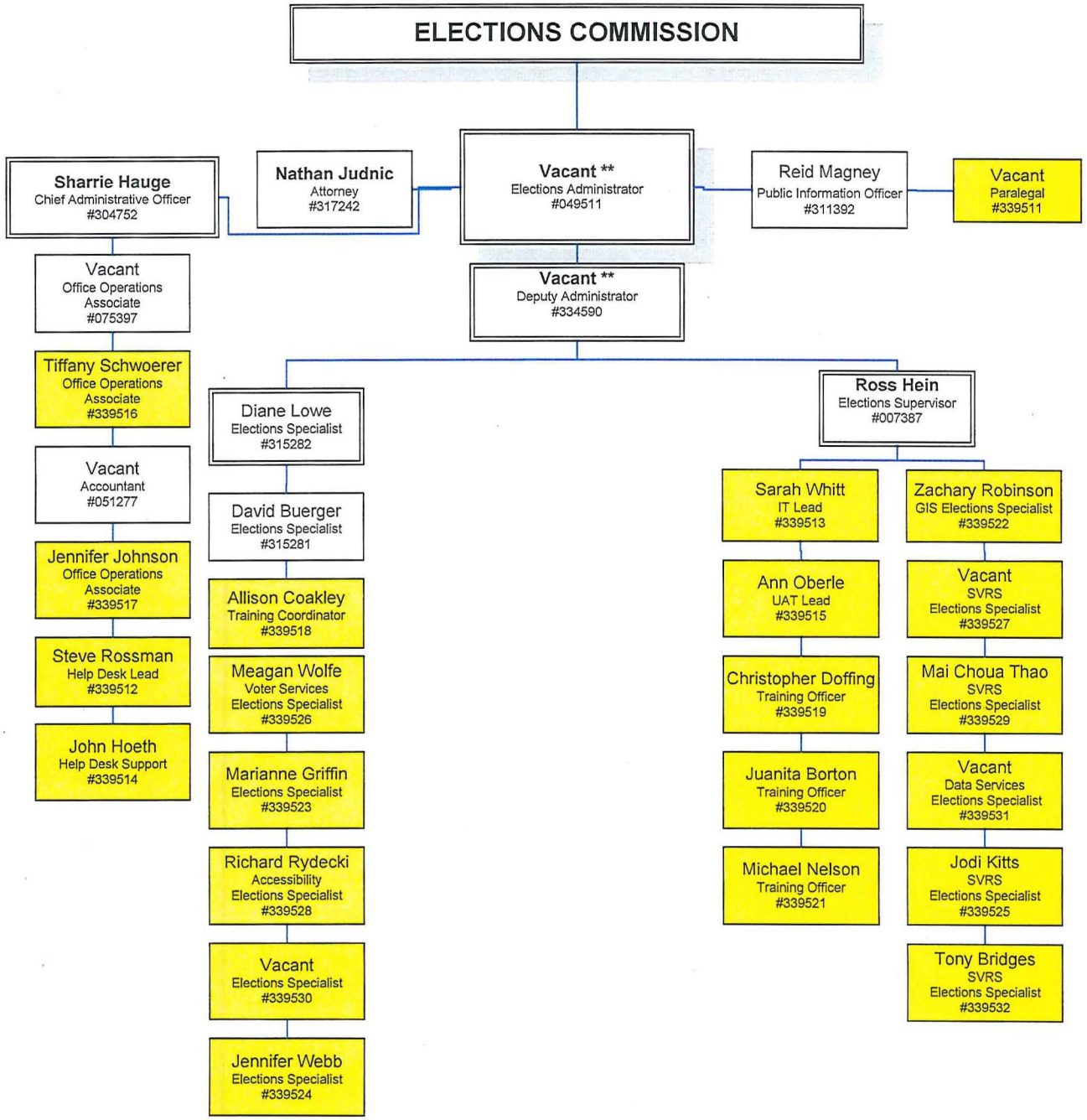
Agency	Program	Alpha	Numeric	Appropriation	Fund Source	Federal Service	Type	FY17 Funding	FY17 FTE
510	1	a	101	General program operations; general purpose revenue	GPR		B		
				01 Permanent Position Salaries				729,000	
				04 LTE/Misc. Salaries				29,800	
				05 Fringe Benefits				297,000	
				06 Supplies and Services				878,300	
				07 Permanent Property				4,800	
				Subtotal				1,938,900	
				19 Classified Positions Authorized					7.75
				20 Unclassified Positions Authorized					2.00
510	1	be	105	Investigations	GPR		A	25,000	
510	1	bm	106	Training of chief inspectors	GPR			0	
510	1	br	107	Special counsel	GPR		A	0	
510	1	c	109	Voter identification training	GPR		A		
				06 Supplies and Services				82,600	
510	1	d	110	Election administration transfer	GPR			0	
510	1	e	111	Elections administration	GPR		A	0	
510	1	g	120	Recount fees	PR		A	0	
510	1	h	121	Materials and services	PR		A		
				06 Supplies and Services				7,700	
510	1	jm	123	Gifts and grants	PR		A	0	
510	1	m	140	Federal aid	PR	F	A		
				06 Supplies and Services				195,700	
510	1	t	160	Election administration	SEG		A		
				06 Supplies and Services				100	

510	1	x	180	Federal aid; election administration fund	SEG	F	C		
				01 Permanent Position Salaries				987,700	
				03 Project Position Salaries				100	
				05 Fringe Benefits				406,100	
				06 Supplies and Services				1,425,500	
				Subtotal				2,819,400	
				18 Project Positions Authorized					0.00
				19 Classified Positions Authorized					22.00
				TOTAL	GPR			2,046,500	9.75
					PR			7,700	0.00
					PRF			195,700	22.00
					SEG			100	0.00
					SEGF			2,819,400	0.00
								$5,069,400	31.75

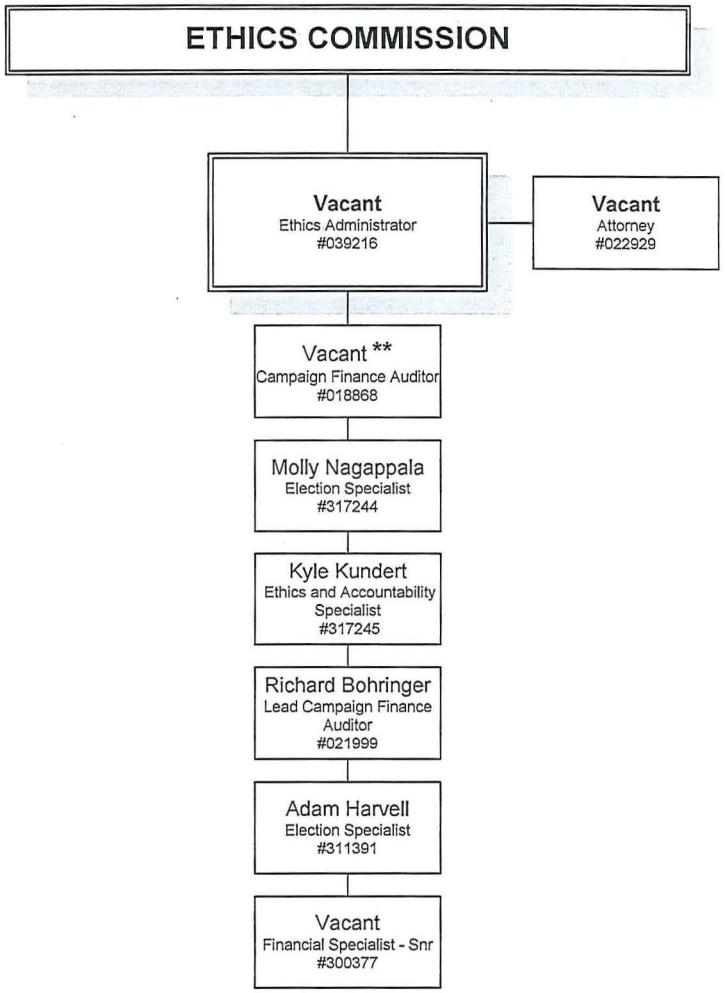
Ethics Commission

Agency	Program	Alpha	Numeric	Appropriation	Fund Source	Federal Service	Type	FY17 Funding	FY17 FTE
521	1	a	101	General program operations; general purpose revenue	GPR		A		
				01 Permanent Position Salaries				245,000	
				04 LTE/Misc. Salaries				9,900	
				05 Fringe Benefits				99,800	
				06 Supplies and Services				292,700	
				07 Permanent Property				1,600	
				Subtotal				649,000	
				19 Classified Positions Authorized					4.15
				20 Unclassified Positions Authorized					0.4
521	1	be	105	Investigations	GPR		A		
				06 Supplies and Services				225,000	
521	1	br	107	Special counsel	GPR		A	0	
521	1	g	120	General program operations; program revenue	PR		A		
				06 Supplies and Services				31,700	
521	1	h	121	Gifts and grants	PR		A	0	
521	1	i	122	Materials and services	PR		A		
				06 Supplies and Services				11,500	
521	1	im	123	Lobbying administration; program revenue	PR		A		
				01 Permanent Position Salaries				227,900	
				04 LTE/Misc. Salaries				1,000	
				05 Fringe Benefits				94,400	
				06 Supplies and Services				185,300	
				Subtotal				508,600	
				19 Classified Positions Authorized					2.85
				20 Unclassified Positions Authorized					0.60
521	1	j	124	Electronic filing software	PR		A	0	

				TOTAL					
					GPR			874,000	4.55
					PR			551,800	3.45
					TOTAL			$1,425,800	8.00



Federal Positions


ETHICS COMMISSION
Vacant
Ethics Administrator
#039216
Vacant
Attorney
#022929
Vacant **
Campaign Finance Auditor
#018868
Molly Nagappala
Election Specialist
#317244
Kyle Kundert
Ethics and Accountability Specialist
#317245
Richard Bohringer
Lead Campaign Finance Auditor
#021999
Adam Harvell
Election Specialist
#311391
Vacant
Financial Specialist - Snr
#300377

G.A.B. IS Equipment Assignments

5/5/2016

	A	B	C	D	E	F	G	H	I
1	G.A.B. Staff Assigned	User	Service Date	Warranty	Serial #				
2		GSB 511				Asset #	DT	Elite	Ultra
3	**Administrative**								
4	Kennedy, Kevin		Aug-13	2016	CNU3179W0D	108541			1
5	Sharrie Hauge		Aug-13	2016	CNU3179VLK	108544			1
6	Sharrie Hauge Coop		Dec-08	2012	2CE90495FZ	102831		1	
7	Nate Judnic		Aug-13	2016	CNU3179WKW	108540			1
8	Legal old		Aug-13	2016	5CB32106WR	108514		1	
9	Public Viewing		Jul-09	2013	2UA9220NG2	104622	1		
10	Board Room		Aug-13	2016	5CB32106WX	108527		1	
11	Kubica, Sonia - Old		Aug-13	2016	MXL3211F9M	108562	1		
12	Nischik, Julie OLD		Aug-13	2016	MXL3211F9H	108555	1		
13	Lauth, Mike OLD		Aug-13	2016	MXL3211F9N	108556	1		
14	Magney, Reid - Remote		Aug-13	2016	CNU3179WLH	108542			1
15	Magney, Reid		Aug-13	2016	MXL3211F9L	108561	1		
16									
17	**Elections Division**								
18	Jodi Kitts		Aug-13	2016	5CB32106WV	108524		1	
19	Borton, Juanita		Aug-13	2016	CNU3179W1G	108543			1
20	Buerger, David		Aug-13	2016	5CB32106WH	108511		1	
21	Kittzman, Matthew OLD		Aug-13	2016	CNU3179WJH	108538			1
22	Coakley, Allison		Aug-13	2016	5CB32106WQ	108512		1	
23	Doffing, Christopher		Feb-12	2015	MXL1520J3S	106643	1		
24	Christopher D extra		Jul-09	2013	2CE922CV31	104697		1	
25	Webb, Jennifer		Aug-13	2016	5CB32106X0	108520		1	
26	Haas, Mike		Aug-13	2016	CNU3179VP8	108537			1
27	Hein, Ross		Aug-13	2016	CNU3179WGD	108535			1
28	Help Desk 4		Aug-13	2016	MXL3211F9Q	108558	1		
29	Help Desk Tiffany		Aug-13	2016	MXL3211F9R	108559	1		
30	Hoeth, John		Aug-13	2016	CNU3179W7G	108536			1
31	Sm Conf Rm		Aug-13	2016	MXL3211F9J	108557	1		
32	Outside Mike's Office		Aug-13	2016	5CB32106WM	108521		1	
33	Kukula, Michael		Aug-13	2016	5CB32106WZ	108516		1	
34	Front Desk 2		Aug-13	2016	MXL3211F9D	108563	1		
35	Lowe, Diane		Aug-13	2016	5CB32106WY	108517		1	
36	Nelson, Michael		Aug-13	2016	CNU3179WBS	108539			1
37	Oberle, Ann		Aug-13	2016	MXL3211F9F	108554	1		
38	Oberle, Ann testing		Aug-13	2016	CNU3179WD7	108534			1
39	Griffin, Marianne		Aug-13	2016	5CB32106WN	108518		1	
40	Robinson, Zach		Aug-13	2016	MXL32110B6	108530	1		
41	Rossman, Steve		Aug-13	2016	MXL3211F9G	108553	1		
42	Rydecki, Rich		Aug-13	2016	5CB32106WF	108515			1
43	Front Desk-1		Aug-13	2016	MXL3211F9P	108560	1		
44	Adams, Colleen - Old cube		Aug-13	2016	CNU3179WMR	108549			1
45	Tony Bridges		Aug-13	2016	5CB32106WG	108526		1	
46	Thao, Mai Choua		Aug-13	2016	CNU3179VBH	108550			1
47	James, Peter Old		Aug-13	2016	5CB32106WK	108523		1	
48	Whitt, Sarah		Aug-13	2016	CNU3179W4W	108545			1
49	Wolfe, Meagan		Oct-14	2016		111352			1
50	Vacant		Aug-13	2016	5CB32106WJ	108513		1	
51	Spare HD		Aug-13	2016	5CB32106WS	108529		1	
52									
53	**WisVote DEV**								
54	Vacant		2/1/2008	2012		102342	1		
55	Vacant			2013		106506	1		
56	Matre, Megual			2013		106489	1		
57	Patel, Jigar			2013		106488	1		
58	Kader, Mohideen		Apr-12	2015	2UA210086T	106725	1		
59	Vacant		Apr-12	2015	2UA210086V	106726	1		
60	Vacant		Apr-12	2015	2UA210086W	106727	1		
61	Patel, Jigar		Apr-12	2015	2UA210086X	106728	1		
62	Yeo, James		Apr-12	2015	2UA210086Y	106729	1		
63	Dornala, Kavita		Feb-13	2015		107209	1		
64	Pasikanti, Kamal		Feb-13	2015		107208	1		

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5/5/2016

	A	B	C	D	E	F	G	H	I
1	G.A.B. Staff Assigned	User	Service Date	Warranty	Serial #				
2		GSB 511				Asset #	DT	Elite	Ultra
65									
66	**Ethics Division**								
67	Kyle Kundert		Aug-13	2016	CNU3179W94	108547			1
68	Molly Nagappala	123	Aug-13	2016	CNU3179WFZ	108533			1
69	Becker, Jon	500	Aug-13	2016	CNU3179VRM	108548			1
70	Bohringer, Rich	400	Aug-13	2016	5CB32106WT	108519		1	
71	Vacant	123	Aug-13	2016	5CB32106WL	108522		1	
72	Radcliff, James	100	Aug-13	2016	5CB32106WP	108528		1	
73	Harvell, Adam	500	Aug-13	2016	5CB32106WW	108525		1	
74	Dornala, Kavita	500	Aug-13	2016	MXL3211F9K	108552	1		
75						Sub Total	21	17	15
76						**53**			
77									
78									

Item	Ethics	Elections	Joint	Financial	Legal	Not Defined
3-drawer Cabinet	10	2	2			
5-drawer Cabinet	8	15		10	2	1
2 door Cabinet		1	1			
Gray 3-drawer Cabinet	9	39	2	5	2	1
Board room						
Chairs			32			
6 ft Tables			4			
7.5 ft Tables			2			
8 ft Tables			2			
Refrigerator - mini						1
Viewing area chairs			4			
Front area Chairs			6			
Extra Board chairs		6	27			
Bookcases	1	2				
Gray 2-drawer Cabinet	6	7		2	1	1
Shredder - big		2				
Shredder - small		1				
Office chairs	8	38	2	3	2	2
Tables in Offices	1	2				1
Chairs in Offices for Tables	3	4		2	4	5
Small Conference Room						
Table			1			
Chairs			6			
Large Conference Room						
Table			1			
Chairs			8			
4 drawer Cabinet	3	8			1	1
Supply Cabinets			3			

Government Accountability Board Transition: Contracts

A. Agency-wide (Transfers to Both Commissions)

1. Office Space: HUM West Wilson, LP (Mullins Group)

2. Office Desktop Support/Phone Support: Department of Administration – Division of Enterprise Technology

3. G.A.B. Website Hosting (combined with contract for Elections Division Website Hosting: Cruiskeen Consulting, LLC

B. Elections Division (Transfers to Elections Commission)

1. IT Contractors (4 separate contracts renewed each fiscal year): TAPFIN

2. IT Server Hosting (WisVote, MyVote, CRS, WEDCS, Access Elections): Department of Administration – Division of Enterprise Technology

3. Bring It to the Ballot Campaign and WisVote Learning Center Website Hosting (combined with contract for G.A.B Website Hosting): Cruiskeen Consulting, LLC

4. MyVote 2.0 website development: Knupp, Watson & Wallman (KW2) and Yahara Software

C. Ethics & Accountability Division (Transfers to Ethics Commission)

1. Campaign Finance Information System (CFIS) IT development and support: PCC Technology Group

2. IT Server Hosting (CFIS, Eye on Lobbying): Department of Administration – Division of Enterprise Technology

3. IT Server Hosting and support (Eye on Financial Relationships/SEI): Webhost4Life

4. IT Contractors (1 contract renewed each fiscal year): TAPFIN

State of Wisconsin \ Government Accountability Board

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http://gab.wi.gov

JUDGE VICTOR MANIAN
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: March 22, 2016

TO: Bruce Hoesly, Revising Attorney/Code Editor
Legislative Reference Bureau

FROM: Kevin J. Kennedy, Director and General Counsel
Wisconsin Government Accountability Board

SUBJECT: Administrative Rule Transition

Introduction

The Government Accountability Board ("Board") staff has been in contact with you recently regarding the Board's transition to two separate commissions – Elections Commission and Ethics Commission. This memorandum will outline the current Board rules, and which commission each of these rules should be transferred to effective June 30, 2016.

2015 Wis. Act 118

As you are aware, 2015 Wis. Act 118 includes the following non-statutory provision contained in § 266(6) regarding existing GAB rules:

> *(6) RULES, ORDERS, AND FORMAL OPINIONS. All rules promulgated and all formal opinions and orders issued by the government accountability board that are in effect on the effective date of this subsection are transferred to the elections commission and the ethics commission and shall remain in effect until the commission to which they are transferred amends or repeals a rule or order or changes or withdraws a formal opinion. The secretary of administration shall determine which rules, orders, and formal opinions are transferred to each commission.*

Rule Transfers to New Commissions

The chart below lists the current GAB rule chapter, and which commission this chapter should be transferred to, with an effective date of June 30, 2016.

Current GAB Rule	Transferred to Elections or Ethics Commission
Ch. GAB 1 – Campaign Financing	Ethics Commission
Ch. GAB 2 – Election Related Petitions	Elections Commission
Ch. GAB 3 – Voter Registration	Elections Commission

Ch. GAB 6 – Procedure	Elections and Ethics Commission*
Ch. GAB 7 – Approval of Electronic Voting Equipment	Elections Commission
Ch. GAB 9 – Challenges at a Polling Place	Elections Commission
Ch. GAB 10 – Voter Identification	Elections Commission
Ch. GAB 11 – Training and Certification of Election Inspectors	Elections Commission
Ch. GAB 12 – Certification and Training of Municipal Clerks	Elections Commission
Ch. GAB 15 – Statement of Economic Interests	Ethics Commission
Ch. GAB 16 – Lobbying	Ethics Commission
Ch. GAB 20 – Complaint Procedure	Elections Commission
Ch. GAB 21 – Practice and Procedure	Elections and Ethics Commission*
Ch. GAB 25 – Forms	Ethics Commission

*Portions of these rules are applicable to both the Elections and Ethics Commissions. Transferring the entire rule to both commissions and letting the commissions then repeal the portions that do not apply seems to be the best approach with these rules. A note in the rule, indicating that a portion of the rule may not apply to the respective commission could be considered.

Naming Conventions for New Commission Rules

The current naming convention for Board rules is "Chapter GAB ____." Rules that are transferred to the Elections Commission should be given the naming convention of "Chapter EL _____." Rules transferred to the Ethics Commission should be given the naming convention of "Chapter ETH ___."

Next Steps

- Legislative Reference Bureau begins the process of renumbering the rules based on the separation indicated in the chart above.
- Legislative Reference Bureau works to fix all cross-references contained in the rules.
- The Board transition team presents this memorandum and plan to the Department of Administration Transition team for inclusion into the final Implementation Plan submitted to the Joint Committee on Finance by June 1, 2016.
- Legislative Reference Bureau confirms to G.A.B. that the changes have been developed and will go into effect on June 30.

Pending Matters of the Government Accountability Board

The Government Accountability Board, its members, its director and general counsel and the elections division administrator are named in various pending lawsuits currently working their way through the court system. Below is a listing of the current cases, the named parties, the case number, court and a brief description of the subject matter. The GAB's staff counsel has been in touch with attorneys at the Wisconsin Department of Justice to inform them that the named Defendants in these lawsuits will be changed to reflect the transition to the Ethics and Elections Commission, effective June 30, 2016.

- *One Wisconsin Institute, Inc., et al., v. Judge Gerald C. Nichol, et al.*, Case No. 15-cv-324 (W. Dist. Wis., 2015)
    - Subject Matter: The case focuses deals with many aspects of election administration including absentee voting, in-person absentee voting, election observers, voter registration requirements and photo ID.
    - Transfers to Elections Commission

- *William Whitford, et al. v. Gerald Nichol, et. al.*, Case No. 15-CV-421-bbc (W. Dist. Wis., 2015)
    - Subject Matter: Current district maps
    - Transfers to Elections Commission

- *Ruthelle Frank, et al. v. Scott Walker, et al.*, Case No. 11-CV-1128 (E. Dist. Wis., 2011)
    - Subject Matter: Photo ID requirements
    - Transfers to Elections Commission

- *League of United Latin American Citizens of Wisconsin, et al. v. Judge David G. Deininger, et al.*, Case No. 12-CV-185 (E. Dist. Wis., 2012)
    - Subject Matter: Photo ID requirements
    - Transfers to Elections Commission

- *League of Women Voters of Wisconsin Education Network and Melanie Ramey v. Scott Walker, et al.*, Case No. 11 CV 4669 (Dane County Circuit Court, 2011)
    - Subject Matter: Photo ID requirements
    - Transfers to Elections Commission

- *Milwaukee Branch of the NAACP, et al., v. Scott Walker, et al.*, Case No. 11 CV 5492 (Dane County Circuit Court, 2011)
    - Subject Matter: Photo ID requirements
    - Transfers to Elections Commission