

Putting Political Parties Back in Charge of Elections and Ethics?

Posted on Oct 13, Posted by [Kathleen Vinehout, State Senator 31st District](#) Category [Wisconsin](#)



Republican politicians in Madison want to replace the Government Accountability Board (GAB) with partisan appointed commissions. The GAB has received national recognition and needs to remain non-partisan. The legislation is rapidly moving through the Legislature.

MADISON - "Wisconsin is the only state with a truly nonpartisan board structure," wrote Professor Daniel Tokaji in 2013. The Ohio State law professor hailed the Government Accountability Board as "America's Top Model" of nonpartisan elections.

Clean elections and corruption free elected officials are goals most of us share. Yet few states have laws that truly create a nonpartisan watchdog to assure public confidence. Wisconsin is blessed to be a national leader.

"The United States is an outlier among democratic countries when it comes to the institutions charged with running our democratic elections," Professor Tokaji wrote in the UC Irvine Law Review. He continued, "There is one conspicuous exception to the partisan character of state election administration: Wisconsin's Government Accountability Board (GAB)."

The GAB and its staff have received several awards and accolades.

In January of 2014 the Presidential Commission on Election Administration cited the GAB as a

model for improving accessibility to polling places for the disabled. Their frequent and unannounced audits of polling places identified 10,488 issues for disabled voters during the study period April 2011 to April 2013 as reported in a 2014 Legislative Audit Bureau report.

In April of 2014 the PEW Charitable Trusts ranked Wisconsin third in the US for election performance. The nonpartisan group measured elections 17 different ways including ballots rejected, post-election audits, voter turnout, registration rate, waiting time to vote, online voter education materials. PEW researchers reported only Minnesota had a higher voter participation rate than Wisconsin in the 2012 presidential race. Researchers also reported Wisconsin had dramatically improved its data since 2008 – the year the GAB began operations.

These accolades are but a few received by the only nonpartisan state watchdog of elections in the United States. Adding further to the evidence of a well-run government accountability agency, the Legislative Audit Bureau recently released an analysis of complaints and investigations conducted by the GAB and found no major concerns with the activities of the agency. Auditors recommended a quicker resolution to complaints and the GAB responded with a new computer system to track complaints.

As a reward for excellent service to the people of the state, two western Wisconsin legislators, Representatives Dean Knutson and Kathy Bernier, introduced legislation to kill the watchdog and fire its long serving administrator. It is widely believed this legislation is partisan “payback” for investigations in which the GAB was involved.

The bill replaces the nonpartisan judges of the GAB with two partisan appointed commissions to control elections and ethics and creates a partisan confirmed administrator of the commissions.

Notably, the bill restricts the ability of the new commissions to initiate investigations including prohibiting any member of the commissions from submitting a sworn complaint to initiate an investigation. The bill limits money to conduct an investigation to that specified by the legislature – and makes no release of funds. The effect of curtailing access to money is to shut down investigations of illegal activities related to elections, ethics and lobbying.

Currently the GAB has access to funds needed to conduct an ethics or elections violation. The bill forces the commissions to come back to the legislature to beg for money needed to

investigate – leaving the lawmakers holding the purse and, essentially, starving the watchdog.

Any current employee or investigation would be reviewed by the politically appointed Secretary of Administration who would direct the transition to the new system, deciding which employees, assets, contracts and other matters are transferred to which of the two new commissions.

The proposed law would be in place for the 2016 elections.

In less than a week the bill has gone from invitation for cosponsors to a full joint hearing – providing citizens with what is likely to be the only opportunity for testimony.

Professor Tokaji concluded his article saying, “the GAB’s experience therefore provides a ray of hope for those of us who believe that the United States should move away from its partisan system of election administration.”

The people of Wisconsin now appear to be the last ray of hope remaining to save the GAB. Please let lawmakers know you want to keep our nonpartisan system of elections and ethics. Our democracy is at stake!

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