

Former GAB Members Respond to Call for Investigation

The Government Accountability Board was for eight years the nonpartisan administrator of Wisconsin elections and the state's ethics and campaign finance laws. As required by law, the Board was comprised of former judges appointed by the Governor through a multi-step process designed to eliminate partisan influence.

While most who served on the GAB had some political affiliation in the past, the most recent and significant public service of GAB members had been as members of the state's nonpartisan judiciary. GAB members' sole allegiance was to the fair and impartial administration of Wisconsin's elections and its laws governing public official ethics and campaign financing. The Board expected and received the same commitment from its administrators and staff. Board members diligently oversaw staff activities, especially those involving sensitive or "high profile" investigations or legal interpretations. While staff recommendations were considered carefully, members at times disagreed with those recommendations and with each other regarding what the law required in specific situations.

Some state legislators have accused the GAB and its staff of demonstrating partisanship during the 2011-12 legislative and gubernatorial recalls. State law mandated the Board's involvement in reviewing the recall petitions and challenges to them, as well as in scheduling and certifying the results of the elections that ensued. The Board came under fire from both

Democrats and Republicans for certain procedural decisions and interpretations of what the recall statutes required, but throughout the politically-charged environment, the GAB and its staff remained true to its obligation to administer the law fairly and impartially.

The “John Doe” investigation of possible ethics and campaign finance violations that followed the recalls has also spawned charges of partisanship. Local prosecutors presented information to the GAB indicating possible violations of state ethics and campaign finance laws which the GAB had a legal duty to investigate. The settled law at that time, affirmed by Wisconsin court decisions and past opinions of both the GAB and its predecessor Elections Board, was that expenditures and activities by outside groups undertaken in coordination with candidate campaign committees were deemed to be political contributions subject to the limitations and reporting requirements of Wisconsin’s campaign finance laws. The Wisconsin Supreme Court decision that ultimately terminated the second John Doe investigation significantly altered previous interpretations of the laws in question.

The recalls and the John Doe investigation each gave rise to numerous lawsuits alleging various errors and improper behavior on the part of the GAB, but to date, none have resulted in adverse findings against the GAB or its staff. A previous state audit of the GAB’s operations, as well as several outside evaluations of its structure and functioning, all concluded that,

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during its existence, the GAB and its staff fairly and effectively administered state elections and ethics and campaign finance laws.

As former members of the GAB, we are proud of the work we did and of the people who worked for us. We welcome a fair and honest review of that work that is free of political considerations. We hope and trust that the recently authorized Attorney General's investigation of the GAB's activities will be such a review.

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