

elbd010_EmR0803.pdf **Government Accountability Board – Affects Ch. Eth 3 and ElBd 10 – EmR0803**
NOTICE OF ORDER OF THE GOVERNMENT ACCOUNTABILITY BOARD

To adopt an emergency rule repealing section Eth 3.01, relating to the filing of all written communications and documents intended for the former Ethics Board; to repeal section Eth 3.04, relating to transcripts of proceedings before the former Ethics Board; and to amend section ElBd 10.01, relating to procedures for complaints with the former State Elections Board.

Statutory authority: ss.5.05(1)(f), and 227.11(2)(a), Stats.
Statutes interpreted: Subchapter I of Chapter 5 of the Wisconsin Statutes

This rule repeals rules sections Eth 3.01 and 3.04, and amends section ElBd 10.01, which would have interpreted Subchapter I of Chapter 5 of the Wisconsin Statutes, as amended by 2007 Wisconsin Act 1. Those rules prescribe procedures related to processing complaints with the former State Ethics Board and with the former State Elections Board. Under 2007 Wisconsin Act 1, those agencies have merged to become the Government Accountability Board. The complaint procedure under ss.Eth 3.01 and 3.04 no longer applies to complaints filed with the Government Accountability Board under 2007 Wisconsin Act 1 and the complaint procedure under ElBd ch.10 no longer applies to campaign finance complaints. The previous complaint procedure of the former Ethics Board, and the previous campaign finance complaint procedure of the Elections Board is inconsistent with the new Government Accountability Board complaint procedure, which is now provided by statute rather than administrative rule. Therefore, those rules need to be repealed.

The Government Accountability Board finds that an emergency exists in the possible confusion that potential complainants may find in attempting to file a complaint with the Government Accountability Board and further exists in that, as a result of the confusion, those complainants may be dissuaded from filing a complaint over which the Board has jurisdiction; or, because of that confusion, may fail to file that complaint in a timely fashion.

Pursuant to the authority vested in the State of Wisconsin Government Accountability Board by ss.5.05(1)(f) and 227.11(2)(a), Stats., the Government Accountability Board hereby repeals Rules ss.Eth 3.01 and 3.04 and amends ElBd s.10.01, as follows:

SECTION 1. Eth 3.01 and 3.04 are repealed.

SECTION 2. ElBd 10.01 is amended to read:

ElBd 10.01 Applicability. This chapter applies to complaints filed with the state elections board pursuant to ~~ss.5.05(3), 5.06, 11.60(5) and 11.66~~ 5.061, Stats., requesting the elections board to enforce the election ~~and campaign finance~~ laws and compliance with the Help America Vote Act. This chapter does not apply to complaints to challenge nomination papers or petitions which are filed under s.2.05 or 2.11.

The repeal of ss.Eth 3.01 and 3.04 and the amendment to s. ElBd 10.01 consolidates and clarifies the new ethics, lobbying and campaign finance complaint procedure under 2007 Wisconsin Act 1 and clarifies the procedure for complaints filed under ss.5.06 and 5.061, Stats., to enable persons with elections, ethics, lobbying, contract disclosure or campaign finance complaints to be able to bring that complaint to the new Government Accountability Board.

The creation of this rule will take effect upon its publication in the official state newspaper, the Wisconsin State Journal, pursuant to s.227.24, Stats.

Dated February 14, 2008