

# Wisconsin's Government Accountability Board by Judge Tom Barland May 9, 2011

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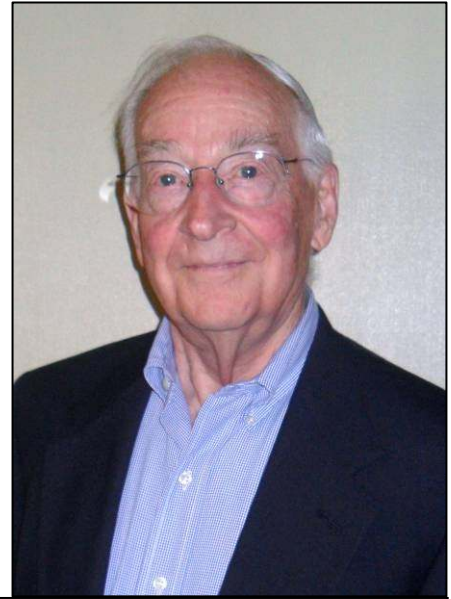
Legislation passed in 2007 created Wisconsin's Government Accountability Board ("GAB") that is charged with oversight of Wisconsin's campaign finance, elections, ethics and lobbying laws. It replaced the State Elections Board and the State Ethics Board, and by virtue of the GAB being comprised of six former judges, it is designed to promote impartiality in areas that had otherwise become very partisan. In addition to the six-member Board, this relatively small agency has a 47 member staff.

**Judge Tom Barland**, who is the current chair of the GAB and a fellow Rotarian, was on hand to provide more information on the Board, including some of the current issues they are managing.

According to Barland, the Board has responsibilities in three primary areas... Contract Sunshine, Ethics and Elections. The Contract Sunshine Act was designed to enhance citizen's confidence in the State's granting of contracts. Unfortunately, it is not working too well because it has not been adequately funded. Therefore, not all agencies have been able to submit their contracts, with the UW system being the biggest culprit.

In the broad area of ethics, there is a code of ethics that all elected officials should follow, plus campaign finance laws and lobbying laws. The GAB is responsible for accepting and investigating complaints in these areas and then to either prosecute or refer these matters to a local District Attorney's office. There was a recent high profile case in which a railroad company executive agreed to plead guilty to two felony counts related to making illegal campaign contributions, and to make a settlement by paying a civil forfeiture of \$167,000.

The third GAB responsibility is elections, including the conduct of all elections, and following up on any election related complaints that are filed with the Board. According to Barland, it is by far the largest and most difficult role for the Board. He said that we are in a wild period following several U.S. Supreme Court rulings that have changed the election landscape. For example, in *White vs. Minnesota*, the court ruled that it is acceptable for candidates for judicial offices to "announce" their position on disputed legal or political issues. And in the *Citizens United* case, the court in effect stated that corporations have protected speech in



**Judge Thomas H. Barland**, chair of the Wisconsin's Government Accountability Board (file photo).

The following bio is copied from "Fair Elections Wisconsin" at ([www.fairelectionswi.com/gab/members.html](http://www.fairelectionswi.com/gab/members.html)):

**Thomas H. Barland** is a reserve judge living in Eau Claire, after having served more than 33 years as a county and circuit judge. He also serves as a mediator, arbitrator, and court referee. He received his B.A. from the University of Wisconsin-Madison and his LLB from the University of Wisconsin Law School in 1956. He was appointed Eau Claire County Judge in 1967, after having served six years in the Wisconsin Legislature. In 1976, he became Circuit Judge for Eau Claire and Trempealeau Counties. In 1978, through court reorganization, he became the Eau Claire County Circuit Judge for Branch One and served as such until his retirement in 2000. He served on the committee that drafted the Wisconsin Code of Evidence and, upon its adoption by the Wisconsin Supreme Court, taught in many State Bar evidence seminars. Judge Barland also taught at the Wisconsin Judicial College for 24 years, as well as at the National Judicial College. He is a judicial fellow of the American College of Trust and Estate Counsel, a life fellow of the American Bar Foundation, past chair of the Jury Management Committee of the National Conference of State Trial Judges, and past chair of the Wisconsin Judicial Conduct Advisory Committee. He was also the chair of the Criminal Penalties Study Committee during its lifetime. In 1996, he was the first recipient of the State Bar Judge of the Year Award; in 1999, he was selected as Judge of the Year by the Wisconsin Academy of Trial Lawyers (now the Wisconsin Association for Justice); and in 2000, he received the National Conference of State Trial Judges' Award for Judicial Excellence. In 2008, the Eau Claire County Community Foundation honored him for helping to start a restorative justice program in Eau Claire County.

the area of political spending. This means that government cannot limit the corporations' spending on (issue) ads that support or denounce candidates in individual elections.

Barland commented on a couple of other issues that our state is dealing with. First, there is the ongoing recount of the recent State Supreme Court election. While the recount request is permissible under state law and the cost will be borne by the taxpayers, it is extremely rare that a recount actually changes the outcome of an election, and that also appears to be the case for this recount. Second, we are looking at a number of State Senate recall elections taking place later this year. If all of the recall efforts are successful, the Senate majority might be changed, but in Barland's opinion, this will not be the case.

Judge Barland then responded to questions.

For more information on the Government Accountability Board, go to: <http://gab.wi.gov>.

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