



2021 SENATE BILL 432

June 24, 2021 - Introduced by Senators WIMBERGER and DARLING, cosponsored by Representatives BEHNKE, BROOKS, CABRAL-GUEVARA, DITTRICH, EDMING, GUNDRUM, HORLACHER, JAMES, KUGLITSCH, MURPHY, MURSAU, RAMTHUN, SCHRAA, TUSLER and KNODL. Referred to Committee on Elections, Election Process Reform and Ethics.

- 1 **AN ACT** *to create* 5.05 (5s) (an) of the statutes; **relating to:** submitting copies
2 of complaints filed with the Elections Commission to the legislature.

Analysis by the Legislative Reference Bureau

Under current law, any person may file a complaint with the Elections Commission alleging a violation of election laws by a voter or an election official. The commission may only initiate an investigation of an alleged violation of election laws based on a sworn complaint filed with the commission. Neither the commission nor the members or employees of the commission, including the administrator, may file a sworn complaint for the purposes of initiating an investigation. In addition, current law authorizes any eligible voter to file a complaint with the commission requesting the commission to compel an election official to conform his or her conduct to the law or to restrain the official from taking any action inconsistent with the law. Current law also authorizes a person to file a complaint with the commission indicating that the person believes a violation of the federal Help America Vote Act regarding an election for a national office in this state occurred, is occurring, or is proposed to occur.

Current law prohibits public access to records obtained or prepared by the Elections Commission in connection with an investigation, including the full text of any complaint filed with the commission, with certain exceptions. For example, the commission must provide such records to the Joint Committee on Finance in order to receive supplemental funds for an ongoing investigation. In addition, the commission must provide investigatory records to the Legislative Audit Bureau to the extent necessary for the bureau to carry out its duties.

