



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 02/06/2014 (Per: TKK)

Compile Draft – Appendix B

Appendix A  The 2013 drafting file for LRB–3680

Appendix B  The 2013 drafting file for LRB–3682

Appendix C  The 2013 drafting file for LRB–3683

Appendix D  The 2013 drafting file for LRB–3684

has been copied/added to the drafting file for

2013 LRB–4217

2013 DRAFTING REQUEST

Bill

Received: 11/20/2013 Received By: jkuesel
Wanted: Today Same as LRB:
For: Jill Billings (608) 266-5780 By/Representing: Kathy Divine
May Contact: Drafter: tkuczens
Subject: Ethics Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Billings@legis.wisconsin.gov
Carbon copy (CC) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Filing statements of economic interests

Instructions:

Per attached E mail, 11/12/13, # 3.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 12/20/2013			_____			
/P1		scalvin 1/2/2014	rschluet 1/2/2014	_____	srose 1/2/2014		

FE Sent For:

<END>

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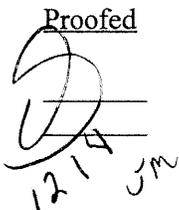
Topic:

Filing statements of economic interests ✓

Instructions:

Per attached E mail, 11/12/13, # 3.

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/?	jkuesel	1/PI sac 12/26/2013	1/PI sac 01/02/2014				

FE Sent For:

<END>

Kuesel, Jeffery

From: Divine, Kathy
Sent: Tuesday, November 12, 2013 11:27 AM
To: Kuesel, Jeffery
Subject: Drafting Request

Hi Jeff,

I have several bill draft requests for Rep. Billings, based on research/work we have done for the Constitution and Ethics committee. We would want these each to be drafted as separate bills—although #3 and #4 might be better to combine.

Some of these suggestions came from an unofficial 2002 document from the GAB. I've included this memo in case there are specifics or clarifications that might be useful to you in drafting.

If you have any questions, please let me know.

Thanks,

Kathy

1. Codify Requirements for Ethics Training for Legislators

Require a member of the Legislature to complete two hours of ethics training administered by GAB before the oath of office is administered to the member. (This was included in the sub for AB 225, but we would like to draft a separate bill).

2. Integration of Ethics Code and lobbying law

Source: GAB 2002 Suggestions

Reorganize Ethics Code and lobbying law into one statute consisting of the following parts:

- Definitions
- Reporting of financial interests by public officials
- Registration, licensing, and reporting by lobbyists and principals
- Standards of conduct for public officials, lobbyists, and principals
- Administrative matters.

3. Filing Statements of Economic Interests

Source: GAB 2002 Suggestions (Sec. D)

- Change filing date from April 30 to February 28. ✓
- Require officials leaving state government to file within 21 days unless the official has filed a statement within 6 months. ✓
- Require a filing within 21 days of nomination or appointment for the first time, and then annually on February 28. (Takes care of multiple filing issue; does not affect candidate filing dates).
- Redraft language concerning due date for candidates to require filing with nomination papers with an automatic 3 day grace period. ✓

- Require listing of financial holdings, associated organizations, and creditors for entire year, not just on a specific date; filer should indicate interests still held as of filing date. ✓
- Better define filing requirement for VTAE assistant, etc. directors. (?)

4. Contents of Statements of Economic Interests

Source: GAB 2002 Suggestions

- **If** an official, or a member of an official's immediate family either (1) owns or controls 5% or more of a business, or (2) owns securities in a business valued at \$25,000 or more, or (3) is an employee of a business, **then** the official should identify the twenty entities from which the business receives the largest amounts of its income (of at least \$1,000), **unless** the business in which the official owns an interest or by which it is employed is a business whose securities are publicly traded.
- Eliminate requirement to identify savings accounts, money market funds, mutual funds, certificates of deposit, and the like.
- Require the identification of persons who owe an official \$5,000 or more (other than relatives).
- Require the identification of persons for whom an official is a guarantor of a loan over \$5,000 (other than relatives) and the lenders of such loans.

Apply Ethics Code's Standards of Conduct to Officers-Elect

Source: GAB 2002 Suggestions (#15)

The law currently applies to individuals elected to office only after they have assumed office. Apply the Ethics Code's standards of conduct to individuals upon their election to office.

Apply Lobbying Law's Standards of Conduct to Officers-Elect

Source: GAB 2002 Suggestions

The lobbying law currently applies to individuals elected to office only after they have assumed office. Apply the lobbying law's prohibited practices provisions to individuals upon their election to office.



58Recommendati...

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 Assembly District 95
 State Capitol – 307W
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8.10(5)
 8.15(4)(b)
 8.20(6)
 8.50(3)(a)
 19.43(1), (2), (3), (4), (8)
 19.44(1)(a) (intro.)
 19.44(1)(b) => (intro) + 2.
 19.44(1)(c), (d)

D. Enhance Statements of Economic Interests. Enhance Ethics Board's ability to provide information about governmental officials' financial interests to confirm for the public the absence of conflicting interests or to identify conflicts meriting attention.

✱ 1. Advance date for annual update of Statement of Economic Interests from April 30 to February 28

Under current law, officials required to file who hold office in January must file a Statement of Economic Interests by April 30. Change the filing date to February 28.

Reason -- This change would make filed information less stale and, because many new officials are appointed in January and must file then, would mean that information reported by both new and continuing officials would be filed nearer in time. A January 31 filing date is impractical because lobbying filings are due at that time and because brokerage houses mail year-end statements in January.)

✱ 2. Report financial interests held throughout reporting period.

Under current law, an official updating a Statement of Economic Interests identifies organizations with which he or she is associated, organizations in which the official or his or her immediate family owns \$5,000 or more in securities, creditors of \$5,000 or more, and interests in Wisconsin real estate only as of a specific date. The information is to be current as of the prior December 31. For a person updating a Statement, have the person identify the interests held since the last date for which the Statement was current.

Reason -- This change would more fully and fairly reflect an official's interests and relationships for periods during which an official was engaged in policymaking. The current "snapshot" approach leads to arbitrary disclosure results.

This adjustment will also address a circumstance that sometimes currently requires a person who is appointed to a position in January and who enters upon the new duties in the same month to file a Statement with information current both as of the appointment date and as of the prior December 31.

3. Require identification of certain business creditors.

Expand the current requirement to identify creditors of an official or the official's family, to include identification of the creditors of a business with which the official is associated.

Reason -- The identification of creditors of an individual's business seems to be as significant as the identification of an individual's creditors and are likely to be as important with respect to the overall financial status of an official.

4. Require identification of a person whose loan the official has guaranteed.

Require the identification of persons (other than relatives) for whom an official is a guarantor of a loan of \$5,000 or more and of the lenders of such loans.

Reason -- This requirement will identify those organizations and individuals in whose financial status an official has an economic interest.

5. Eliminate identification of money market and mutual funds.

Under current law, officials identify every organization in which an official owns \$5,000 or more of securities. This leads to the identification of many mutual funds and money market funds. Eliminate the need for an official to identify investments held by money market funds and large, diversified funds.

Reason -- The identification of investments in large, diversified mutual funds serves little public purpose. Of more importance is an official's connection to a specific business. Requiring listing of mutual funds obscures more important information and can be an irritant to filers.

6. Eliminate identification of mortgage lenders.

Under current law, officials must identify all creditors to whom the official or a member of the official's immediate family owes \$5,000 or more. This change would eliminate the need to identify commercial mortgage lenders.

Reason -- The identification of commercial mortgage lenders serves little public purpose. Such lenders are subject to extensive regulations and an official is unlikely to be able to use public office for private benefit through any official action on behalf of a commercial mortgage lender.

7. Clarify that an official must report an organization that is a source of income, even if the official also receives dividends or interest from the source.

This would amend §19.44(1)(f) to insert the word "only" before the word "dividends" in that section that provides that an official need not report a source of income from which the official receives dividends or interest.

Reason – This change clarifies that an official must report an organization that is a source of income, even if the official also receives dividends or interest from the source but need not identify businesses from which the official receives only dividends or interest.

✱ 8. Create an automatic extension of time for candidates.

The Ethics Board currently has the authority to extend the time for filing a Statement of Economic Interests upon the request of any individual upon specified grounds. A candidate's Statement is due three days after nomination papers are due. Change the due date to coincide with the date for filing nomination papers but permit an automatic three-day extension upon request. Withdraw from the Board authority to grant a further extension in this context.

Reason – Most requests for an extension are received from individuals running for office who are kept off the ballot as a result of failing to file a Statement of Economic Interests on a timely basis. The Ethics Board has never granted an extension in these circumstances and the legal effect such a decision would have is unclear. This proposal would insure certainty and uniformity in treatment with respect to this issue and avoid potential litigation.

✱ 9. Facilitate departing official's filing of final Statement of Economic Interests

10. Treat a candidate for municipal judge serving two or more municipalities in same way as other candidates for municipal judge.

Prohibit a county clerk from certifying the name of a candidate for the office of municipal judge serving two or more municipalities until the candidate has filed a statement of economic interests containing the required information with the state ethics board.

Candidates for the office of municipal judge are required to file Statements of Economic Interests containing certain information with the Ethics Board. Municipal clerks and boards of election commissioners are prohibited from certifying the names of candidates for the office of municipal judge for placement on the ballot at an election until the candidates have complied with this requirement.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3682A P1
TKK:.)....
RMR
see

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

12/20/13
SD07

gen cat

1 AN ACT *gen cat*; relating to: the requirement to file and the required content of
2 statements of economic interest.

Analysis by the Legislative Reference Bureau

Current law requires state public officials and nominees and candidates for state public office to file statements of economic interests with the Government Accountability Board (board). Current law defines "state public official" to include individuals appointed to their office, such as appointees of the governor, and individuals elected into office, such as members of the state assembly and state senate, the governor, and state supreme court justices. This bill makes changes to the requirements to file and to the content of these statements, including the following:

1. Currently, a state public official who serves in office during January of any year must file a statement of economic interests with the board covering the preceding calendar year no later than April 30 following the calendar year. This bill changes the filing deadline to February 28.

* 2. Currently, a state public official, ^{an} appointee to a state public office, or a nominee or candidate for state public office must file a statement of economic interests that is current as of a date specified by law. In addition to other information, the statement identifies certain organizations with which the individual or a member of his or her immediate family is associated or has an ownership interest, and certain creditors and real estate holdings of the individual or a member of his or her immediate family. This bill requires this information to be provided for the 12-month period ending on the date for which the information is currently provided.

3. Currently, a state public official who serves in office during January of any year and who assumes that office or another state public office in that same month or who is nominated for appointment to that office or another state public office in that same month is subject to the requirement to file a regular statement of economic interests, which must be current to December 31 of the preceding year, as well as a requirement to file a special statement of economic interests, which must be current to the date the official assumes office or the nominee is nominated. This bill provides that such an official or nominee is subject only to a requirement to file a statement of economic interests that is current to the date on which the official assumes office or the nominee is nominated.

* 4. Currently, a candidate for state public office who has not filed a statement of economic interests must file a statement no later than the 3rd day following the last day for filing nomination papers for the office which he or she seeks, unless the candidate seeks an office held by an incumbent who does not seek reelection and did not announce his or her noncandidacy, in which case the deadline is one business day after the last day for filing nomination papers. The board may, on its own motion or at the request of any individual who is required to file a statement, extend the time for filing a statement. This bill changes the deadline for filing a candidate's statement to the last day permitted for the candidate to file nomination papers for the office which the candidate seeks (including any extended deadline), but requires the board to grant a 3-day extension of the time prescribed by law for filing a statement only upon request of an individual who is required to file a statement of economic interests, and not the board's own initiative. ^{e-third}

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

γ

1 SECTION 1. 8.10 (5) of the statutes is amended to read:

2 8.10 (5) Nomination papers shall be accompanied by a declaration of candidacy
3 under s. 8.21. If a candidate has not filed a registration statement under s. 11.05 at
4 the time he or she files nomination papers, the candidate shall file the statement
5 with the papers. A candidate for state office or municipal judge shall also file a
6 statement of economic interests with the board under s. 19.43 (4) no later than 4:30
7 p.m. on the 3rd day following the last day for filing permitted for that candidate to
8 file nomination papers under sub. (2) (a), ~~or no later than 4:30 p.m. on the next~~

1 ~~business day after the last day whenever that candidate is granted an extension of~~
2 ~~time for filing nomination papers under sub. (2) (a).~~

History: 1971 c. 304 s. 29 (1), (2); 1973 c. 289; 1973 c. 334 s. 57; 1975 c. 93, 328, 422; 1977 c. 187, 340, 427, 445, 449; 1979 c. 221, 249, 260, 355; 1983 a. 484; 1985 a. 89, 304; 1989 a. 88, 290; 1993 a. 140, 184, 266; 1995 a. 16 s. 2; 1999 a. 150 s. 672; 1999 a. 182; 2001 a. 103; 2005 a. 451; 2007 a. 1; 2011 a. 62, 75.

3 **SECTION 2.** 8.15 (4) (b) of the statutes is amended to read:

4 8.15 (4) (b) Nomination papers shall be accompanied by a declaration of
5 candidacy under s. 8.21. If a candidate for state or local office has not filed a
6 registration statement under s. 11.05 at the time he or she files nomination papers,
7 the candidate shall file the statement with the papers. A candidate for state office
8 shall also file a statement of economic interests with the board under s. 19.43 (4) no
9 later than 4:30 p.m. on the ~~3rd day following the last day for filing permitted for that~~
10 ~~candidate to file nomination papers under sub. (1), or no later than 4:30 p.m. on the~~
11 ~~next business day after the last day whenever that candidate is granted an extension~~
12 ~~of time for filing nomination papers under sub. (1).~~

History: 1971 c. 304 ss. 13, 29 (1), (2); 1973 c. 334 s. 57; 1977 c. 107, 427; 1979 c. 249, 260, 311; 1983 a. 29, 484; 1985 a. 304; 1989 a. 31; 1993 a. 140, 213, 266; 1999 a. 182; 2001 a. 109; 2005 a. 451; 2007 a. 1; 2011 a. 32, 75.

13 **SECTION 3.** 8.20 (6) of the statutes is amended to read:

14 8.20 (6) Nomination papers shall be accompanied by a declaration of candidacy
15 under s. 8.21. If a candidate for state or local office has not filed a registration
16 statement under s. 11.05 at the time he or she files nomination papers, the candidate
17 shall file the statement with the papers. A candidate for state office shall also file
18 a statement of economic interests with the board under s. 19.43 (4) no later than 4:30
19 p.m. on the ~~3rd day following the last day for filing permitted for that candidate to~~
20 ~~file nomination papers under sub. (8) (a), or no later than 4:30 p.m. on the next~~
21 ~~business day after the last day whenever that candidate is granted an extension of~~
22 ~~time for filing nomination papers under sub. (8) (a).~~

History: 1971 c. 242, 304; 1973 c. 334 s. 57; 1976 c. 369; 1977 c. 107, 287, 427; 1979 c. 249, 260; 1981 c. 377; 1983 a. 29, 484; 1985 a. 304; 1987 a. 391; 1993 a. 140, 266; 1999 a. 6, 32, 182, 186; 2001 a. 109; 2005 a. 451; 2007 a. 1; 2011 a. 32, 75.

23 **SECTION 4.** 8.50 (3) (a) of the statutes is amended to read:

1 8.50 (3) (a) Nomination papers may be circulated no sooner than the day the
2 order for the special election is filed and shall be filed not later than 5 p.m. 28 days
3 before the day that the special primary will or would be held, if required, except when
4 a special election is held concurrently with the spring election or general election, the
5 deadline for filing nomination papers shall be specified in the order and the date shall
6 be no earlier than the date provided in s. 8.10 (2) (a) or 8.15 (1), respectively, and no
7 later than 35 days prior to the date of the spring primary or no later than June 1
8 preceding the partisan primary. Nomination papers may be filed in the manner
9 specified in s. 8.10, 8.15, or 8.20. Each candidate shall file a declaration of candidacy
10 in the manner provided in s. 8.21 no later than the latest time provided in the order
11 for filing nomination papers. If a candidate for state or local office has not filed a
12 registration statement under s. 11.05 at the time he or she files nomination papers,
13 the candidate shall file the statement with the papers. A candidate for state office
14 shall also file a statement of economic interests with the board under s. 19.43 (4) no
15 later than the end of the 3rd day following 4:30 p.m. on the last day for filing
16 permitted for that candidate to file nomination papers specified in the order.

History: 1971 c. 1, 40; 1973 c. 334 ss. 22, 57; 1977 c. 336; 1975 c. 80, 93, 199, 369; 1977 c. 26, 107, 187, 340, 427, 445, 447, 449; 1979 c. 27, 32, 260, 311; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 359; 1993 a. 184; 1995 a. 16 s. 2; 1999 a. 182; 2005 a. 248; 2007 a. 1; 2011 a. 32, 75.

17 **SECTION 5.** 19.43 (1) of the statutes is amended to read:

18 19.43 (1) Each individual who in January of any year is an official required to
19 file shall file with the board no later than ~~April 30~~ February 28 of that year a
20 statement of economic interests meeting each of the requirements of s. 19.44 (1). The
21 information contained on the statement shall be ~~current as of~~ provided for the period
22 beginning on January 1 and ending on December 31 of the preceding year. This
23 subsection does not apply to an official required to file who assumes office or is
24 nominated in January of any year, with respect to the year in which the official

1 assumes office or is nominated, if the official is required to file a report under sub.
2 (2) or (3) in that year.

History: 1973 c. 90; Stats. 1973 s. 11.03; 1973 c. 333; 1973 c. 334 s. 33; Stats. 1973 s. 19.43; 1977 c. 223, 277; 1979 c. 221; 1983 a. 166 ss. 5, 16; 1983 a. 484, 538; 1985 a. 29, 304; 1987 a. 399; 1989 a. 31; 1993 a. 266; 2003 a. 33; 2007 a. 1.

3 **SECTION 6.** 19.43 (2) of the statutes is amended to read:

4 19.43 (2) An official required to file shall file with the board a statement of
5 economic interests meeting each of the requirements of s. 19.44 (1) no later than 21
6 days following the date he or she assumes office if the official has not previously filed
7 a statement of economic interests with the board during that year. The information
8 on the statement shall be ~~current as per~~ provided for the period beginning one year
9 prior to the date the official assumes office and ending on the date he or she assumes
10 office.

History: 1973 c. 90; Stats. 1973 s. 11.03; 1973 c. 333; 1973 c. 334 s. 33; Stats. 1973 s. 19.43; 1977 c. 223, 277; 1979 c. 221; 1983 a. 166 ss. 5, 16; 1983 a. 484, 538; 1985 a. 29, 304; 1987 a. 399; 1989 a. 31; 1993 a. 266; 2003 a. 33; 2007 a. 1.

11 **SECTION 7.** 19.43 (2m) of the statutes is created to read:

12 19.43 (2m) An official required to file shall file with the board a statement of
13 economic interests meeting each of the requirements of s. 19.44 (1) no later than 21
14 days following the date he or she leaves office if the official has not previously filed
15 a statement of economic interests with the board within the 6 months preceding the
16 date he or she leaves office. The information on the statement shall be provided for
17 the period beginning one year prior to the date the official leaves office and ending
18 on the date he or she leaves office.

19 **SECTION 8.** 19.43 (3) of the statutes is amended to read:

20 19.43 (3) A nominee shall file with the board a statement of economic interests
21 meeting each of the requirements of s. 19.44 (1) within 21 days of being nominated
22 unless the nominee has previously filed a statement of economic interests with the
23 board during that year. The information on the statement shall be ~~current as per~~

1 provided for the period beginning one year prior to the date the nominee was
2 nominated and ending on the date he or she was nominated. Following the receipt
3 of a nominee's statement of economic interests, the board shall forward copies of such
4 statement to the members of the committee of the senate to which the nomination
5 is referred.

History: 1973 c. 90; Stats. 1973 s. 11.03; 1973 c. 343; 1973 c. 334 s. 33; Stats. 1973 s. 19.43; 1977 c. 223, 277; 1979 c. 221; 1983 a. 166 ss. 5, 16; 1983 a. 484, 538; 1985 a. 29, 304; 1987 a. 399; 1989 a. 31; 1993 a. 266; 2003 a. 33; 2007 a. 1.

6 **SECTION 9.** 19.43 (4) of the statutes is amended to read:

7 19.43 (4) A candidate for state public office shall file with the board a statement
8 of economic interests meeting each of the requirements of s. 19.44 (1) no later than
9 4:30 p.m. on the ~~3rd day following the last day permitted for filing that candidate to~~
10 file nomination papers for the office which the candidate seeks, ~~or no later than 4:30~~
11 ~~p.m. on the next business day after the last day whenever that candidate is granted~~
12 ~~an extension of time for filing nomination papers or a declaration of candidacy under~~
13 ~~s. 8.05 (1) (j), 8.10 (2) (a), 8.15 (1), or 8.20 (8) (a),~~ no later than 4:30 p.m. on the 5th
14 day after notification of nomination is mailed or personally delivered to the
15 candidate by the municipal clerk in the case of a candidate who is nominated at a
16 caucus, or no later than 4:30 p.m. on the 3rd day after notification of nomination is
17 mailed or personally delivered to the candidate by the appropriate official or agency
18 in the case of a write-in candidate or candidate who is appointed to fill a vacancy in
19 nomination under s. 8.35 (2) (a). The information contained on the statement shall
20 ~~be current as of~~ provided for the period beginning on January 1 of the year preceding
21 the filing deadline and ending on December 31 of the year preceding the filing
22 deadline. Before certifying the name of any candidate for state public office under
23 s. 7.08 (2) (a), the government accountability board, municipal clerk, or board of
24 election commissioners shall ascertain whether that candidate has complied with

1 this subsection. If not, the government accountability board, municipal clerk, or
2 board of election commissioners may not certify the candidate's name for ballot
3 placement.

History: 1973 c. 90; Stats. 1973 s. 11.03; 1973 c. 333; 1973 c. 334 s. 33; Stats. 1973 s. 19.43; 1977 c. 223, 277; 1979 c. 221; 1983 a. 166 ss. 5, 16; 1983 a. 484, 538; 1985 a. 29, 304; 1987 a. 399; 1989 a. 31; 1993 a. 266; 2003 a. 33; 2007 a. 1.

4 **SECTION 10.** 19.43 (8) of the statutes is amended to read:

5 19.43 (8) ~~On its own motion or at~~ At the written request of any individual who
6 is required to file a statement of economic interests, received by the board prior to
7 the latest time prescribed by law for filing the statement, the board ~~may~~ shall extend
8 the time for filing ~~or a statement by 3 days.~~ On its own motion or at the request of
9 any individual who is required to file a statement of economic interests, the board
10 may waive any filing requirement, other than a filing deadline, if the board
11 determines that the literal application of the filing requirements of this subchapter
12 would work an unreasonable hardship on that individual or that the ~~extension of the~~
13 ~~time for filing or~~ waiver is in the public interest. The board shall set forth in writing
14 as a matter of public record its reason for the ~~extension or~~ waiver.

History: 1973 c. 90; Stats. 1973 s. 11.03; 1973 c. 333; 1973 c. 334 s. 33; Stats. 1973 s. 19.43; 1977 c. 223, 277; 1979 c. 221; 1983 a. 166 ss. 5, 16; 1983 a. 484, 538; 1985 a. 29, 304; 1987 a. 399; 1989 a. 31; 1993 a. 266; 2003 a. 33; 2007 a. 1.

15 **SECTION 11.** 19.44 (1) (a) (intro.) of the statutes is amended to read:

16 19.44 (1) (a) (intro.) The identity of every organization with which the
17 individual required to file ^{was} ~~is~~ ^{during the period to which the statement applies} associated and the nature of his or her association with
18 the organization, except that no identification need be made of:

History: 1973 c. 90; Stats. 1973 s. 11.04; 1973 c. 334 ss. 33, 57, 58; Stats. 1973 s. 19.44; 1977 c. 277; 1979 c. 110 s. 60 (4), (11); 1983 a. 61; 1983 a. 166 ss. 6, 16; 1983 a. 538; 1989 a. 303, 338; 1991 a. 39; 1993 a. 112, 490; 1995 a. 27; 2011 a. 32.

19 **SECTION 12.** 19.44 (1) (b) of the statutes is renumbered 19.44 (1) (b) (intro.) and
20 amended to read:

21 19.44 (1) (b) (intro.) The identity of every organization or body politic in which
22 the individual who is required to file or that individual's immediate family, severally
23 or in the aggregate, owns owned, directly or indirectly, during the period to which the

1 statement applies, securities having a value of \$5,000 or more, the identity of such
2 securities and their approximate value on the last day of that period or on the date
3 that the securities were disposed of, whichever is earlier, except that ~~no~~:

4 2. No identification need be made of a security or issuer of a security when it
5 is issued by any organization not doing business in this state or by any government
6 or instrumentality or agency thereof, or an authority or public corporation created
7 and regulated by an act of such government, other than the state of Wisconsin, its
8 instrumentalities, agencies and political subdivisions, or authorities or public
9 corporations created and regulated by an act of the legislature.

History: 1973 c. 90; Stats. 1973 s. 11.04; 1973 c. 334 ss. 33, 57, 58; Stats. 1973 s. 19.44; 1977 c. 277; 1979 c. 110 s. 60 (4), (11); 1983 a. 61; 1983 a. 166 ss. 6, 16; 1983 a. 538; 1989 a. 303, 338; 1991 a. 39; 1993 a. 112, 490; 1995 a. 27; 2011 a. 32.

10 **SECTION 13.** 19.44 (1) (b) 1. of the statutes is created to read:

11 19.44 (1) (b) 1. Identification of a security issued by an organization is required
12 only if the security consists of an ownership interest in a particular profit-making
13 business or an industry group.

14 **SECTION 14.** 19.44 (1) (c) of the statutes is amended to read:

15 19.44 (1) (c) The name of any creditor to whom the individual who is required
16 to file or such individual's immediate family, severally or in the aggregate, ~~owes~~ owed
17 \$5,000 or more during the period to which the statement applies and the maximum
18 approximate amount owed during that period.

History: 1973 c. 90; Stats. 1973 s. 11.04; 1973 c. 334 ss. 33, 57, 58; Stats. 1973 s. 19.44; 1977 c. 277; 1979 c. 110 s. 60 (4), (11); 1983 a. 61; 1983 a. 166 ss. 6, 16; 1983 a. 538; 1989 a. 303, 338; 1991 a. 39; 1993 a. 112, 490; 1995 a. 27; 2011 a. 32.

19 **SECTION 15.** 19.44 (1) (d) of the statutes is amended to read:

20 19.44 (1) (d) The real property located in this state in which the individual who
21 is required to file or such individual's immediate family ~~holds~~ held an interest during
22 the period to which the statement applies, other than the principal residence of the
23 individual or his or her immediate family, and the nature of the interest held. An

1 individual's interest in real property does not include a proportional share of
 2 interests in real property if the individual's proportional share is was less than ~~10%~~
 3 ^{10 percent} of the outstanding shares or is was less than an equity value of \$5,000 at all times
 4 during that period.

History: 1973 c. 90; Stats. 1973 s. 11.04; 1973 c. 334 ss. 33, 57, 58; Stats. 1973 s. 19.44; 1977 c. 277; 1979 c. 110 s. 60 (4), (11); 1983 a. 61; 1983 a. 166 ss. 6, 16; 1983 a. 538; 1989 a. 303, 338; 1991 a. 39; 1993 a. 112, 490; 1995 a. 27; 2011 a. 32.

5 **SECTION 16. Initial applicability.**

6 (1) In this section, "state public office" has the meaning given in section 19.42
 7 (13) of the statutes.

8 (2) This act first applies ^gto to a state public official, ^gnominee, ^gor candidate for ^{holding or a}
 9 state public office who becomes subject to a requirement to file an initial or updated
 10 statement of economic interests under section 19.43 of the statutes on the effective
 11 date of this subsection.

12 (END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3682/P1
TKK:sac:rs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to renumber and amend* 19.44 (1) (b); *to amend* 8.10 (5), 8.15 (4) (b),
2 8.20 (6), 8.50 (3) (a), 19.43 (1), 19.43 (2), 19.43 (3), 19.43 (4), 19.43 (8), 19.44 (1)
3 (a) (intro.), 19.44 (1) (c) and 19.44 (1) (d); and *to create* 19.43 (2m) and 19.44
4 (1) (b) 1. of the statutes; **relating to:** the requirement to file and the required
5 content of statements of economic interest.

Analysis by the Legislative Reference Bureau

Current law requires state public officials and nominees and candidates for state public office to file statements of economic interests with the Government Accountability Board (board). Current law defines "state public official" to include individuals appointed to their office, such as appointees of the governor, and individuals elected into office, such as members of the state assembly and state senate, the governor, and state supreme court justices. This bill makes changes to the requirements to file and to the content of these statements, including the following:

1. Currently, a state public official who serves in office during January of any year must file a statement of economic interests with the board covering the preceding calendar year no later than April 30 following the calendar year. This bill changes the filing deadline to February 28.

2. Currently, a state public official, an appointee to a state public office, or a nominee or candidate for state public office must file a statement of economic interests that is current as of a date specified by law. In addition to other

information, the statement identifies certain organizations with which the individual or a member of his or her immediate family is associated or has an ownership interest, and certain creditors and real estate holdings of the individual or a member of his or her immediate family. This bill requires this information to be provided for the 12-month period ending on the date for which the information is currently provided. *or*

3. Currently, a state public official who serves in office during January of any year and who assumes that office or another state public office in that same month or who is nominated for appointment to that office or another state public office in that same month is subject to the requirement to file a regular statement of economic interests, which must be current to December 31 of the preceding year, as well as a requirement to file a special statement of economic interests, which must be current to the date the official assumes office or the nominee is nominated. This bill provides that such an official or nominee is subject only to a requirement to file a statement of economic interests that is current to the date on which the official assumes office or the nominee is nominated.

4. Currently, a candidate for state public office who has not filed a statement of economic interests must file a statement no later than the third day following the last day for filing nomination papers for the office which he or she seeks, unless the candidate seeks an office held by an incumbent who does not seek reelection and did not announce his or her noncandidacy, in which case the deadline is one business day after the last day for filing nomination papers. The board may, on its own motion or at the request of any individual who is required to file a statement, extend the time for filing a statement. This bill changes the deadline for filing a candidate's statement to the last day permitted for the candidate to file nomination papers for the office which the candidate seeks (including any extended deadline), but requires the board to grant a three-day extension of the time prescribed by law for filing a statement only upon request of an individual who is required to file a statement of economic interests, and not the board's own initiative.

*in date
section 7
in ency 53*

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 **SECTION 1.** 8.10 (5) of the statutes is amended to read:
- 2 8.10 (5) Nomination papers shall be accompanied by a declaration of candidacy
- 3 under s. 8.21. If a candidate has not filed a registration statement under s. 11.05 at
- 4 the time he or she files nomination papers, the candidate shall file the statement
- 5 with the papers. A candidate for state office or municipal judge shall also file a
- 6 statement of economic interests with the board under s. 19.43 (4) no later than 4:30

1 p.m. on the ~~3rd day following the last day for filing permitted for that candidate to~~
2 file nomination papers under sub. (2) (a), ~~or no later than 4:30 p.m. on the next~~
3 ~~business day after the last day whenever that candidate is granted an extension of~~
4 ~~time for filing nomination papers under sub. (2) (a).~~

5 **SECTION 2.** 8.15 (4) (b) of the statutes is amended to read:

6 8.15 (4) (b) Nomination papers shall be accompanied by a declaration of
7 candidacy under s. 8.21. If a candidate for state or local office has not filed a
8 registration statement under s. 11.05 at the time he or she files nomination papers,
9 the candidate shall file the statement with the papers. A candidate for state office
10 shall also file a statement of economic interests with the board under s. 19.43 (4) no
11 later than 4:30 p.m. on the ~~3rd day following the last day for filing permitted for that~~
12 candidate to file nomination papers under sub. (1), ~~or no later than 4:30 p.m. on the~~
13 ~~next business day after the last day whenever that candidate is granted an extension~~
14 ~~of time for filing nomination papers under sub. (1).~~

15 **SECTION 3.** 8.20 (6) of the statutes is amended to read:

16 8.20 (6) Nomination papers shall be accompanied by a declaration of candidacy
17 under s. 8.21. If a candidate for state or local office has not filed a registration
18 statement under s. 11.05 at the time he or she files nomination papers, the candidate
19 shall file the statement with the papers. A candidate for state office shall also file
20 a statement of economic interests with the board under s. 19.43 (4) no later than 4:30
21 p.m. on the ~~3rd day following the last day for filing permitted for that candidate to~~
22 file nomination papers under sub. (8) (a), ~~or no later than 4:30 p.m. on the next~~
23 ~~business day after the last day whenever that candidate is granted an extension of~~
24 ~~time for filing nomination papers under sub. (8) (a).~~

25 **SECTION 4.** 8.50 (3) (a) of the statutes is amended to read:

1 8.50 (3) (a) Nomination papers may be circulated no sooner than the day the
2 order for the special election is filed and shall be filed not later than 5 p.m. 28 days
3 before the day that the special primary will or would be held, if required, except when
4 a special election is held concurrently with the spring election or general election, the
5 deadline for filing nomination papers shall be specified in the order and the date shall
6 be no earlier than the date provided in s. 8.10 (2) (a) or 8.15 (1), respectively, and no
7 later than 35 days prior to the date of the spring primary or no later than June 1
8 preceding the partisan primary. Nomination papers may be filed in the manner
9 specified in s. 8.10, 8.15, or 8.20. Each candidate shall file a declaration of candidacy
10 in the manner provided in s. 8.21 no later than the latest time provided in the order
11 for filing nomination papers. If a candidate for state or local office has not filed a
12 registration statement under s. 11.05 at the time he or she files nomination papers,
13 the candidate shall file the statement with the papers. A candidate for state office
14 shall also file a statement of economic interests with the board under s. 19.43 (4) no
15 later than the end of the 3rd day following 4:30 p.m. on the last day for filing
16 permitted for that candidate to file nomination papers specified in the order.

17 **SECTION 5.** 19.43 (1) of the statutes is amended to read:

18 19.43 (1) Each individual who in January of any year is an official required to
19 file shall file with the board no later than ~~April 30~~ February 28 of that year a
20 statement of economic interests meeting each of the requirements of s. 19.44 (1). The
21 information contained on the statement shall be ~~current as of~~ provided for the period
22 beginning on January 1 and ending on December 31 of the preceding year. This
23 subsection does not apply to an official required to file who assumes office or is
24 nominated in January of any year, with respect to the year in which the official

1 assumes office or is nominated, if the official is required to file a report under sub.
2 (2) or (3) in that year.

3 **SECTION 6.** 19.43 (2) of the statutes is amended to read:

4 19.43 (2) An official required to file shall file with the board a statement of
5 economic interests meeting each of the requirements of s. 19.44 (1) no later than 21
6 days following the date he or she assumes office if the official has not previously filed
7 a statement of economic interests with the board during that year. The information
8 on the statement shall be ~~current as per~~ provided for the period beginning one year
9 prior to the date the official assumes office and ending on the date he or she assumes
10 office.

11 **SECTION 7.** 19.43 (2m) of the statutes is created to read:

12 19.43 (2m) An official required to file shall file with the board a statement of
13 economic interests meeting each of the requirements of s. 19.44 (1) no later than 21
14 days following the date he or she leaves office if the official has not previously filed
15 a statement of economic interests with the board within the 6 months preceding the
16 date he or she leaves office. The information on the statement shall be provided for
17 the period beginning one year prior to the date the official leaves office and ending
18 on the date he or she leaves office.

19 **SECTION 8.** 19.43 (3) of the statutes is amended to read:

20 19.43 (3) A nominee shall file with the board a statement of economic interests
21 meeting each of the requirements of s. 19.44 (1) within 21 days of being nominated
22 unless the nominee has previously filed a statement of economic interests with the
23 board during that year. The information on the statement shall be ~~current as per~~
24 provided for the period beginning one year prior to the date the nominee was
25 nominated and ending on the date he or she was nominated. Following the receipt

1 of a nominee's statement of economic interests, the board shall forward copies of such
2 statement to the members of the committee of the senate to which the nomination
3 is referred.

4 SECTION 9. 19.43 (4) of the statutes is amended to read:

5 19.43 (4) A candidate for state public office shall file with the board a statement
6 of economic interests meeting each of the requirements of s. 19.44 (1) no later than
7 4:30 p.m. on the ~~3rd day following the last day permitted for filing that candidate to~~
8 file nomination papers for the office which the candidate seeks, or no later than 4:30
9 p.m. on the next business day after the last day whenever that candidate is granted
10 an extension of time for filing nomination papers or a declaration of candidacy under
11 s. 8.05 (1) (j), 8.10 (2) (a), 8.15 (1), or 8.20 (8) (a), no later than 4:30 p.m. on the 5th
12 day after notification of nomination is mailed or personally delivered to the
13 candidate by the municipal clerk in the case of a candidate who is nominated at a
14 caucus, or no later than 4:30 p.m. on the 3rd day after notification of nomination is
15 mailed or personally delivered to the candidate by the appropriate official or agency
16 in the case of a write-in candidate or candidate who is appointed to fill a vacancy in
17 nomination under s. 8.35 (2) (a). The information contained on the statement shall
18 be current as of provided for the period beginning on January 1 of the year preceding
19 the filing deadline and ending on December 31 of the year preceding the filing
20 deadline. Before certifying the name of any candidate for state public office under
21 s. 7.08 (2) (a), the government accountability board, municipal clerk, or board of
22 election commissioners shall ascertain whether that candidate has complied with
23 this subsection. If not, the government accountability board, municipal clerk, or
24 board of election commissioners may not certify the candidate's name for ballot
25 placement.

1 **SECTION 10.** 19.43 (8) of the statutes is amended to read:

2 19.43 (8) ~~On its own motion or at~~ At the written request of any individual who
3 is required to file a statement of economic interests, received by the board prior to
4 the latest time prescribed by law for filing the statement, the board ~~may~~ shall extend
5 the time for filing ~~or a statement by 3 days.~~ On its own motion or at the request of
6 any individual who is required to file a statement of economic interests, the board
7 may waive any filing requirement, other than a filing deadline, if the board
8 determines that the literal application of the filing requirements of this subchapter
9 would work an unreasonable hardship on that individual or that the ~~extension of the~~
10 ~~time for filing or~~ waiver is in the public interest. The board shall set forth in writing
11 as a matter of public record its reason for the ~~extension or~~ waiver.

12 **SECTION 11.** 19.44 (1) (a) (intro.) of the statutes is amended to read:

13 19.44 (1) (a) (intro.) The identity of every organization with which the
14 individual required to file ~~is~~ was associated during the period to which the statement
15 applies and the nature of his or her association with the organization, except that no
16 identification need be made of:

17 **SECTION 12.** 19.44 (1) (b) of the statutes is renumbered 19.44 (1) (b) (intro.) and
18 amended to read:

19 19.44 (1) (b) (intro.) The identity of every organization or body politic in which
20 the individual who is required to file or that individual's immediate family, severally
21 or in the aggregate, ~~owns~~ owned, directly or indirectly, during the period to which the
22 statement applies, securities having a value of \$5,000 or more, the identity of such
23 securities and their approximate value on the last day of that period or on the date
24 that the securities were disposed of, whichever is earlier, except that ~~no~~:

1 2. No identification need be made of a security or issuer of a security when it
2 is issued by any organization not doing business in this state or by any government
3 or instrumentality or agency thereof, or an authority or public corporation created
4 and regulated by an act of such government, other than the state of Wisconsin, its
5 instrumentalities, agencies and political subdivisions, or authorities or public
6 corporations created and regulated by an act of the legislature.

7 **SECTION 13.** 19.44 (1) (b) 1. of the statutes is created to read:

8 19.44 (1) (b) 1. Identification of a security issued by an organization is required
9 only if the security consists of an ownership interest in a particular profit-making
10 business or an industry group.

11 **SECTION 14.** 19.44 (1) (c) of the statutes is amended to read:

12 19.44 (1) (c) The name of any creditor to whom the individual who is required
13 to file or such individual's immediate family, severally or in the aggregate, ~~owes~~ owed
14 \$5,000 or more during the period to which the statement applies and the maximum
15 approximate amount owed during that period.

16 **SECTION 15.** 19.44 (1) (d) of the statutes is amended to read:

17 19.44 (1) (d) The real property located in this state in which the individual who
18 is required to file or such individual's immediate family ~~holds~~ held an interest during
19 the period to which the statement applies, other than the principal residence of the
20 individual or his or her immediate family, and the nature of the interest held. An
21 individual's interest in real property does not include a proportional share of
22 interests in real property if the individual's proportional share is was less than ~~10%~~
23 10 percent of the outstanding shares or is was less than an equity value of \$5,000 at
24 all times during that period.

25 **SECTION 16. Initial applicability.**

