



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBs0514/2  
JTK:cs&wj:jf

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2005 SENATE BILL 1**

February 16, 2006 – Offered by Representative FREESE.

1     **AN ACT** *to repeal* 5.05 (1) (a), 5.05 (5), 5.05 (6), 5.05 (11), 7.08 (7), 9.01 (1) (ag) 4.,  
2           15.07 (5) (k), 15.07 (5) (n), 15.61, 15.62, 19.42 (10) (a), 19.47 (2), 19.47 (4), 19.59  
3           (1) (a) to (d), 19.59 (1) (g), 19.59 (6), 19.59 (8) (cm), 20.510 (intro.), 20.510 (1)  
4           (title), 20.510 (1) (a), 20.510 (1) (bm), 20.510 (1) (c), 20.510 (1) (d), 20.510 (1) (g),  
5           20.510 (1) (h), 20.510 (1) (i), 20.510 (1) (j), 20.510 (1) (q), 20.510 (1) (t), 20.510  
6           (1) (x), 20.521 (intro.), 20.521 (1) (title), 20.521 (1) (a), 20.521 (1) (b), 20.521 (1)  
7           (g), 20.521 (1) (h), 20.521 (1) (i), 20.923 (4) (d) 3., 20.923 (4) (d) 4., 230.08 (2) (om)  
8           and 230.08 (2) (wm); *to renumber and amend* 15.03, 15.617, 19.46 (2), 19.55  
9           (2) (a), 19.55 (2) (b) and 19.59 (1) (f); *to amend* 5.02 (1s), 5.05 (title), 5.05 (1)  
10          (intro.), 5.05 (1) (b), 5.40 (7), 5.62 (4) (b), 6.26 (2) (b), 6.26 (2) (c), 7.08 (title), 7.31  
11          (5), 7.60 (4) (a), 7.60 (5), 7.70 (1), 7.70 (5) (b), 8.05 (1) (j), 8.10 (5), 8.15 (4) (b), 8.18  
12          (2), 8.20 (6), 8.50 (3) (a), 8.50 (3) (e), 9.01 (1) (a), 9.01 (1) (ar) 2., 9.01 (10), 11.21  
13          (title), 11.21 (7) (intro.), 13.123 (3) (b) 2., 13.23, 13.62 (4), 13.685 (title), 13.94

1 (1) (k), 14.58 (20), 15.07 (1) (cm), 15.07 (4), 16.79 (2), 16.96 (3) (b), 16.973 (6),  
2 17.07 (6), 17.17 (1), 17.17 (4), 19.41 (1), 19.42 (3), 19.43 (4), 19.43 (5), 19.43 (7),  
3 19.45 (title), 19.45 (1), 19.45 (2), 19.45 (3), 19.45 (3m), 19.45 (4), 19.45 (5), 19.45  
4 (6), 19.45 (8) (a), 19.45 (10), 19.45 (11) (intro.), 19.45 (13), 19.46 (1) (intro.), 19.47  
5 (5), 19.48 (1), 19.48 (4) (a), 19.48 (4) (b), 19.48 (9), 19.49 (5) (b), 19.50 (2), 19.53  
6 (1), 19.53 (1m), 19.53 (6), 19.54 (2), 19.55 (1), 19.55 (2) (c), 19.56 (1), 19.56 (2)  
7 (b) 5., 19.56 (3) (a), 19.56 (3) (b), 19.56 (3) (c), 19.56 (3) (d), 19.56 (4), 19.58 (1),  
8 19.58 (2), 19.59 (title), 19.59 (1m), 19.59 (3) (a), 19.59 (3) (e), 19.59 (5) (a), 19.59  
9 (7), 19.59 (8) (a) to (c), 19.59 (8) (cn), 19.59 (8) (d), 19.85 (1) (h), 20.923 (4) (intro.),  
10 59.605 (3) (a) 3., 67.05 (3) (b), 67.05 (6), 71.10 (3) (b), 73.0301 (1) (d) 13., 73.0301  
11 (1) (e), 85.61 (1), 117.20 (2), 117.27 (2) (b) (intro.), 121.91 (3) (c), 125.05 (1) (b)  
12 10., 165.25 (1), 198.08 (10), 200.09 (11) (am) 3., 227.03 (6), 227.52 (6), 230.08 (4)  
13 (a), 234.02 (3m) (c), 560.04 (2m), 778.135, 778.136 and 971.22 (2) and (3); **to**  
14 **repeal and recreate** 15.07 (1) (a) 2., 19.579 and 71.10 (3) (b); and **to create**  
15 5.05 (1m), 5.05 (2m), 5.05 (3m), 5.05 (5s) (title) and (d), 5.052, 5.054, 5.066, 15.03  
16 (2), 15.07 (5) (m), 15.60, 15.603, 19.42 (4a), 19.42 (10) (q), 19.45 (6a), 19.45 (7a),  
17 19.45 (8) (ba) and (ca), 19.46 (3a), 19.85 (1) (fm), 20.923 (4) (e) 2e., 20.923 (4) (f)  
18 3j., 165.25 (4) (e), 227.03 (6m), 230.08 (2) (e) 4h., 230.08 (2) (on), 758.19 (9) and  
19 971.22 (4) of the statutes; **relating to:** creation of a Government Accountability  
20 Board and providing penalties.

---

### ***Analysis by the Legislative Reference Bureau***

Currently, the Elections Board consists of nine members. The governor appoints all of the members of the Elections Board, without confirmation by the senate, to serve for two-year terms as follows: one member is selected by the governor and one member each is designated by the chief justice of the Supreme Court, the speaker of the assembly, the senate majority leader, the minority leader in each house of the legislature, and the chief officer of each political party qualifying

for a separate ballot at the September primary whose candidate for governor at the most recent gubernatorial election received at least 10 percent of the vote (currently, the Republican, Democratic, and Libertarian parties).

Currently, the Ethics Board consists of six members. Members of the Ethics Board are nominated by the governor, and with the advice and consent of the senate appointed, to serve for staggered six-year terms. All members must be U.S. citizens and residents of this state, and no member may hold any other office or employment in the government of this state or any political subdivision thereof or in any state department. In addition, no member, for one year immediately prior to the date of appointment, may have been, and no member, while serving on the Ethics Board, may become, a member of a political party, an officer or member of a committee in any partisan political club or organization, or a candidate for any partisan office.

This substitute amendment abolishes both boards and replaces them with a Government Accountability Board. Under the substitute amendment, the board is composed of seven members serving for staggered four-year terms. One member is a retired judge who is nominated by the chief justice of the Supreme Court on a random basis from a register of retired judges. The other members are nominated by the governor and appointed with the advice and consent of the assembly and senate. Each of the members other than the retired judge must be appointed from nominations submitted by a Government Accountability Candidate Committee, which consists of the chief justice of the supreme court, the dean of the University of Wisconsin law school, and the dean of the Marquette University law school. A unanimous vote of the committee is required to nominate a candidate. No member of the Government Accountability Board may hold another position that is subject to the code of ethics for state public officials or the code of ethics for local public officials. No member, for one year immediately prior to the date of appointment, may have been, and no member while serving on the board may become, a member of a political party, an officer or member of a committee in any partisan political club or organization, a candidate for any partisan office or an officer or employee of a registrant under the campaign finance law. No member may be a lobbyist or an employee of a principal (person who employs a lobbyist).

The substitute amendment creates an Enforcement Division within the Government Accountability Board. The Enforcement Division is headed by an administrator who is appointed by the executive director of the board outside the classified service for a term of not less than four years nor more than six years, expiring on September 1 of an odd-numbered year. The administrator may not be removed during his or her term except for cause.

The substitute amendment also permits the executive director to appoint up to two other division administrators outside the classified service but the substitute amendment does not authorize any new positions for the administrators. The substitute amendment transfers all members of the existing staffs of the Elections Board and Ethics Board and their positions to the Government Accountability Board. Under the substitute amendment, the staff members who have civil service rights retain those rights. The substitute amendment does not provide any funding for continued employment of the staff members, however.

The Enforcement Division is empowered to investigate violations and bring civil and criminal actions to enforce the elections, ethics, and lobbying regulation laws. Under current law, the Elections Board and Ethics Board share civil enforcement authority with district attorneys and in some cases with the attorney general; and the district attorneys, and in some cases the attorney general, exercise criminal enforcement authority. Under the substitute amendment, the Enforcement Division has independent authority to investigate violations of the elections, ethics, and lobbying regulation laws and to prosecute civil violations without the consent of the Government Accountability Board, except that the division must obtain the concurrence of the board before issuing a subpoena or obtaining a search warrant. The substitute amendment requires the Enforcement Division to obtain the approval of the board before commencing a criminal prosecution. The substitute amendment permits the Enforcement Division to request the board to appoint special counsel to investigate or prosecute violations of the law. The substitute amendment also permits the Enforcement Division to request investigatory and prosecutorial assistance from the Department of Justice and directs the Department of Justice to provide such assistance upon request. Under the substitute amendment, the Enforcement Division is bound by applicable laws, rules, formal opinions, and actions of the board, except that the division may nonacquiesce in any formal opinion or action of the board by publishing a notice of nonacquiescence in the Wisconsin Administrative Register. Thereafter, the division is not bound by that opinion or action. The substitute amendment directs the Government Accountability Board and the district attorneys to share investigatory information concerning possible violations of the elections, ethics, and lobbying regulation laws and accords precedence to the board in conducting investigations and prosecutions.

The substitute amendment directs a district attorney to notify the Government Accountability Board before commencing a criminal prosecution concerning any violation of the elections, ethics, or lobbying regulation laws. If the board notifies the district attorney that it will not commence a criminal prosecution, or the board does not commence a criminal prosecution within 30 days after receiving the notice, the district attorney may commence the prosecution.

Currently, the Elections and Ethics boards have sum certain appropriations derived from state general purpose revenue. In addition, both boards finance some of their operations with program revenue. This substitute amendment repeals all appropriations to both boards and does not make any appropriations to the Government Accountability Board. Under the substitute amendment, the Government Accountability Board will be unable to operate unless funding is provided for the board by other legislation. The substitute amendment requires the board to forward the division's budget requests to the Department of Administration without change, except as concurred in by the division.

Under the substitute amendment, any person may file a sworn complaint with the division alleging a violation of the elections, ethics, or lobbying regulation laws. The division must investigate the complaint unless the division finds the complaint to be without merit. The substitute amendment also permits the division to investigate any violation of the elections, ethics, or lobbying regulation laws on its

own initiative or upon direction of the board. The division may order an election official or private person to act in conformity with the elections, ethics, or lobbying regulation laws or rules of the board, and may impose a forfeiture (civil monetary penalty) for a violation. The decision of the division may be appealed to the board or may be appealed directly to circuit court. In deciding an appeal, the board is not bound by any findings of fact or conclusions of law made by the division with respect to the matter. If the decision of the division is not appealed or if the board does not modify or reverse a decision of the division after hearing an appeal, the decision of the division becomes the decision of the board. Any decision of the board is also subject to judicial review in circuit court. If the board modifies or reverses an action of the division, the division may also seek judicial review of the board's decision. The procedure does not apply to any alleged violation of the elections, ethics, or lobbying regulation laws by the board or division, nor to any matter arising in connection with a recount.

Currently, a defendant in a criminal trial is tried in the county where the the defendant's crime is alleged to have been committed, except that the defendant may request the judge to move the trial to another county and the judge may grant the request if the judge believes that an impartial trial cannot be had unless the trial is moved. This substitute amendment permits the defendant in any criminal trial for an alleged violation of the elections, ethics, or lobbying regulation laws to request and obtain one change in the place of the trial without providing a reason for the change. The trial is then moved to a county determined by the chief justice of the Supreme Court on a random basis, but it may not be moved to the county where the defendant resides.

Currently, opinions of the Elections Board are open to public inspection, but opinions of the Ethics Board, with limited exceptions, are closed to public inspection. However, the Ethics Board publishes summaries of its opinions without divulging information that could reveal the identity of the requester. This substitute amendment makes all opinions issued by the Government Accountability Board closed to public inspection, subject to the current exceptions for opinions issued by the Ethics Board.

Currently, local public officials, as defined by law, are subject to a separate statutory code of ethics for local public officials which imposes standards of conduct that are more limited than the standards that apply under the code of ethics for state public officials and employees. Unlike the state code, the code of ethics for local public officials does not include any requirement to file statements of economic interests. This substitute amendment abolishes the code of ethics for local public officials and employees and extends the state code to apply to all local public officials.

The substitute amendment provides for the substitute amendment to become law on the day after publication, after which date the members of the Government Accountability Board may be appointed and take office. However, the existing Elections Board and Ethics Board continue in operation until June 1, 2007, subject to appropriation of money for continued operation of the boards by other legislation. Under the substitute amendment, the Government Accountability Board may not exercise administrative or enforcement authority until June 1, 2007. The substitute

amendment also provides that the director of the Legislative Council Staff shall serve as executive director of the Government Accountability Board, without additional compensation, until the initial executive director of the Government Accountability Board is appointed and qualified, and may exercise all of the functions of the executive director of the Government Accountability Board, the enforcement division, and the administrator of the enforcement division.

Currently, state boards may meet in closed session to discuss the investigation of charges against specific persons. This substitute amendment provides specifically that the Government Accountability Board may meet in closed session to deliberate concerning any investigation under the board's jurisdiction.

---

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

1           **SECTION 1.** 5.02 (1s) of the statutes is amended to read:

2           5.02 (1s) "Board" means the elections government accountability board.

3           **SECTION 2.** 5.05 (title) of the statutes is amended to read:

4           **5.05** (title) **Elections Government accountability board; powers and**  
5 **duties.**

6           **SECTION 3.** 5.05 (1) (intro.) of the statutes is amended to read:

7           5.05 (1) GENERAL AUTHORITY. (intro.) The elections government accountability  
8 board shall have the responsibility for the administration of chs. 5 to 12 and other  
9 laws relating to elections and election campaigns. Pursuant to such responsibility,  
10 the board may:

11           **SECTION 4.** 5.05 (1) (a) of the statutes is repealed.

12           **SECTION 5.** 5.05 (1) (b) of the statutes is amended to read:

13           5.05 (1) (b) In the discharge of its duties and upon after providing notice to the  
14 any party or parties being investigated who is the subject of an investigation,  
15 subpoena and bring before it any person ~~in the state~~ and require the production of  
16 any papers, books, or other records relevant to an investigation. A circuit court may  
17 by order permit the inspection, and copying of the accounts and the depositor's and

1 loan records at any financial institution, as defined in s. 705.01 (3), doing business  
2 in the state to obtain evidence of any violation of ch. 11 upon showing by the board  
3 of probable cause to believe there is a violation and that such accounts and records  
4 may have a substantial relation to the violation. In the discharge of its duties, the  
5 board may cause the deposition of witnesses to be taken in the manner prescribed  
6 for taking depositions in civil actions in circuit court. The board shall delegate to the  
7 enforcement division the power to issue subpoenas and to obtain search warrants  
8 under this paragraph on behalf of the board, subject to the procedures under s. 5.066  
9 (6). The delegation is supplemental to the board's exercise of direct authority under  
10 this paragraph.

11 **SECTION 6.** 5.05 (1m) of the statutes is created to read:

12 5.05 (1m) EXECUTIVE DIRECTOR; LEGAL COUNSEL. The board shall employ an  
13 executive director outside the classified service and shall employ legal counsel to  
14 perform legal services outside the enforcement division.

15 **SECTION 7.** 5.05 (2m) of the statutes is created to read:

16 5.05 (2m) ENFORCEMENT DIVISION. (a) The enforcement division shall  
17 investigate and prosecute alleged violations of laws administered by the board  
18 pursuant to all statutes granting or assigning that authority or responsibility to the  
19 board. The enforcement division shall prosecute civil and criminal actions brought  
20 by the board and shall assist the district attorneys and the attorney general in  
21 prosecuting criminal actions referred to them by the division.

22 (b) The board may refer any matter to the enforcement division for  
23 investigation. Any person may file a verified complaint with the enforcement  
24 division alleging a violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19.

1 (c) 1. The board shall employ at least one full-time attorney and at least one  
2 full-time staff support individual within the enforcement division. The enforcement  
3 division may, with or without approval of the board, investigate or prosecute any civil  
4 or criminal violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 in the  
5 name of the board. The jurisdiction of the enforcement division is concurrent with  
6 the jurisdiction of the board, the district attorneys, and the attorney general to  
7 conduct investigations and enforce these laws. The enforcement division may  
8 request authorization of the board to obtain the assistance of special counsel to  
9 conduct investigations or to prosecute violations of these laws. The enforcement  
10 division may also request assistance from the department of justice to conduct  
11 investigations or to prosecute violations of these laws.

12 2. Upon commencing or concluding an investigation of any alleged violation of  
13 chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, the board shall notify the  
14 district attorney for the county wherein the violation is alleged to occur. Upon  
15 commencing or concluding an investigation of any alleged violation of chs. 5 to 12,  
16 subch. III of ch. 13, or subch. III of ch. 19, a district attorney shall notify the board.  
17 Upon request of the board or a district attorney, the board and district attorney shall  
18 each share information in their possession relating to any alleged violation of chs.  
19 5 to 12, subch. III of ch. 13, or subch. III of ch. 19. If the board notifies the district  
20 attorney for any county that it has begun an investigation of a violation of chs. 5 to  
21 12, subch. III of ch. 13, or subch. III of ch. 19 that is alleged to have occurred in that  
22 county, the district attorney shall suspend any investigation of the same alleged  
23 violation that the district attorney is conducting until the board notifies the district  
24 attorney that it has concluded its investigation and it will not prosecute the alleged  
25 violation or there elapse 30 days from the date of the board's notification that its



1 investigation is concluded and the board does not commence a prosecution of the  
2 alleged violation.

3 3. The district attorney for any county may refer any matter concerning a  
4 possible violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 to the board.

5 4. Prior to commencing any criminal prosecution with respect to an alleged  
6 violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, a district attorney  
7 shall provide written notice to the board. If the board notifies the district attorney  
8 in writing that it will not commence a criminal prosecution with respect to that  
9 alleged violation or the board fails to commence a criminal prosecution with respect  
10 to that alleged violation within 30 days after receiving notice from the district  
11 attorney under this subdivision, the district attorney may commence a criminal  
12 prosecution with respect to that alleged violation.

13 5. Upon employment of any individual to serve as special counsel for the  
14 enforcement division, the administrator of the enforcement division shall certify the  
15 maximum amount provided in the employment contract to the secretary of  
16 administration, and direct the department of administration to pay special counsel  
17 bills related to that case within the certified amount.

18 (e) The enforcement division is bound by applicable laws, rules, formal  
19 opinions, and actions of the board, except that the division may nonacquiesce in any  
20 formal opinion or action of the board by publishing a notice of nonacquiescence in the  
21 Wisconsin Administrative Register. Thereafter, the division is not bound by the  
22 formal opinion or action in which the division nonacquiesces.

23 **SECTION 8.** 5.05 (3m) of the statutes is created to read:

24 5.05 (3m) CHIEF ELECTION OFFICER. The board shall designate an employee of  
25 the board to serve as the chief election officer of this state.

1           **SECTION 9.** 5.05 (5) of the statutes is repealed.

2           **SECTION 10.** 5.05 (5s) (title) and (d) of the statutes are created to read:

3           5.05 (**5s**) (title) ACCESS TO RECORDS.

4           (d) All records of votes taken upon actions by the board are open to public  
5 inspection and copying under s. 19.35.

6           **SECTION 11.** 5.05 (6) of the statutes is repealed.

7           **SECTION 12.** 5.05 (11) of the statutes is repealed.

8           **SECTION 13.** 5.052 of the statutes is created to read:

9           **5.052 Government accountability candidate committee.** (1) The  
10 government accountability candidate committee shall organize whenever a vacancy  
11 occurs in the membership of the board that requires a nomination to be submitted  
12 to the governor under s. 15.60 (2). The chief justice of the supreme court shall serve  
13 as chairperson of the committee.

14           (2) No person may be nominated by the committee unless the person receives  
15 the unanimous approval of the committee.

16           (3) Except as provided in sub. (4), the committee shall submit the following  
17 number of nominations:

18           (a) To fill one vacancy, 2 nominations.

19           (b) To fill 2 vacancies, 3 nominations.

20           (c) To fill 3 vacancies, 5 nominations.

21           (d) To fill 4 vacancies, 6 nominations.

22           (e) To fill 5 vacancies, 7 nominations.

23           (f) To fill 6 vacancies, 8 nominations.

24           (4) If a nomination of the governor is rejected by the senate or the assembly,  
25 the committee shall submit an additional nominee to the governor.

1           **SECTION 14.** 5.054 of the statutes is created to read:

2           **5.054 Duties of the executive director.** The executive director of the board  
3 shall:

4           (1) Whenever a vacancy occurs on the board, call a meeting of the government  
5 accountability candidate committee.

6           (2) Assist the government accountability candidate committee in the  
7 performance of its functions.

8           **SECTION 15.** 5.066 of the statutes is created to read:

9           **5.066 Complaints and decision-making procedure.** (1) In this section:

10           (a) "Division" means the enforcement division of the board.

11           (b) "Election official" includes any board of election commissioners under s. 7.20  
12 or governing body of a local governmental unit that has the responsibility to  
13 administer the election laws.

14           (c) "Local governmental unit" has the meaning given in s. 16.97 (7).

15           (d) "Working day" has the meaning given in s. 227.01 (14).

16           (2) Any person may file a verified complaint with the division alleging a  
17 violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19. The division shall  
18 investigate the complaint unless the division finds the complaint to be without merit.  
19 The division may, on its own motion or upon direction of the board, investigate any  
20 potential violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 whenever  
21 the division has probable cause to believe that a violation has occurred. If the  
22 division finds, by a preponderance of evidence, that a complaint is frivolous, the  
23 division may order the complainant to forfeit not more than the greater of \$500 or  
24 the expenses incurred in investigating the complaint. The attorney general, when  
25 so requested by the division, shall institute proceedings to recover any forfeiture

1 incurred under this subsection that is not paid by the person against whom it is  
2 assessed.

3       **(3)** If the complaint concerns a question as to whether an election official or a  
4 private person is acting in conformity with the law or rules of the board, the person  
5 filing the complaint shall serve a copy of the complaint upon that official or private  
6 person and that official or private person shall be a party to the case. An election  
7 official or private person may move to dismiss a complaint if it is clearly without  
8 merit. If the division finds, in response to a motion, that a complaint is clearly  
9 without merit, the division shall dismiss the complaint.

10       **(4)** If the division does not dismiss a complaint, the division shall issue a  
11 proposed decision, which shall include findings of fact and conclusions of law and  
12 may include an order under sub. (5).

13       **(5)** The division may order an election official or a private person to act in  
14 conformity with chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 or rules of the  
15 board, or may, by order, impose a civil penalty under s. 11.60 or 12.60 (1) (c) or (d),  
16 13.69, or 19.579 for any violation of ch. 11 or 12, subch. III of ch. 13, or subch. III of  
17 ch. 19 for which a civil penalty is applicable.

18       **(6)** Subject to the procedures under this subsection, the division may, in the  
19 discharge of its functions under this section and after providing notice to any party  
20 who is the subject of an investigation, subpoena and bring before it any person and  
21 require the production of any papers, books, or other records relevant to an  
22 investigation. Prior to issuing a subpoena or obtaining a search warrant, the division  
23 shall submit a written request for this purpose to the board. If the board does not  
24 disapprove the request within 10 days of receiving the request, the division may  
25 issue the subpoena or obtain the search warrant. A circuit court may by order permit

1 the inspection and copying of the accounts and the depositor's and loan records at any  
2 financial institution, as defined in s. 705.01 (3), doing business in this state to obtain  
3 evidence of any violation of ch. 11 or 12, subch. III of ch. 13, or subch. III of ch. 19  
4 upon a showing by the division of probable cause to believe there is a violation and  
5 that such accounts and records may have a substantial relation to the violation. In  
6 the discharge of its functions under this section, the division may cause the  
7 deposition of witnesses to be taken in the manner prescribed for taking depositions  
8 in civil actions in circuit court.

9 (7) If the division issues a decision under sub. (4) that contains an order under  
10 sub. (5), the order is effective upon service of the order notwithstanding any appeal  
11 to the board under sub. (8) or to circuit court under sub. (11), except that the division  
12 may stay such an order pending an appeal.

13 (8) Any party aggrieved by a proposed decision under sub. (4) may appeal the  
14 proposed decision to the board within 20 days after service of a copy of the decision  
15 upon the party. If no appeal is filed within 20 days of service of a copy of a proposed  
16 decision upon each party to the case in which the decision is made, the decision is  
17 final and becomes the decision of the board. In appealing a decision of the division,  
18 the appellant shall indicate in its appeal whether the appellant contests any finding  
19 of fact made by the division. If an appellant does not contest a finding of fact, the  
20 validity of which is reasonably ascertainable to the appellant at the time of the  
21 appeal, that finding is conclusive against the appellant in all subsequent  
22 proceedings.

23 (9) If a proposed decision of the division is appealed to the board, the board shall  
24 hear the appeal at its next meeting occurring at least 3 working days after the appeal  
25 is received by the board. In reviewing the decision of the division, the board is not

1 bound by any finding of fact that is contested or any conclusion of law made by the  
2 division. After hearing the appeal, the board may issue a decision, which shall  
3 include findings of fact and conclusions of law. In its decision, the board may affirm,  
4 modify, or reverse an order issued by the division under sub. (5), and may order an  
5 election official or a private person to act in conformity with chs. 5 to 12, subch. III  
6 of ch. 13, or subch. III of ch. 19 or rules of the board, or may, by order, impose a civil  
7 penalty under s. 11.60, 12.60 (1) (c) or (d), 13.69, or 19.579 for any violation of ch. 11  
8 or 12, subch. III of ch. 13, or subch. III of ch. 19 for which a civil penalty is applicable.  
9 If the board does not modify or reverse a decision of the division at the meeting at  
10 which an appeal of a decision is heard, the decision is affirmed.

11 (10) If a person aggrieved by a decision issued under sub. (4) that contains an  
12 order under sub. (5) appeals the decision to the board and the board modifies the  
13 order, the modified order is effective upon service, except that the division may stay  
14 such an order pending judicial review under s. 227.57.

15 (11) The defendant may appeal any decision of the division or the board in a  
16 contested case arising under this section as provided in s. 227.57. If the board  
17 modifies or reverses an order issued by the division under sub. (5), the division may  
18 seek judicial review of the decision. In seeking judicial review of a decision of the  
19 division or the board, the appellant shall indicate in its petition for review whether  
20 the appellant contests any finding of fact made by the division or the board that is  
21 not conclusive against the appellant. If the appellant does not contest any finding  
22 of fact made by the division or the board, that finding is conclusive against the  
23 appellant.

24 (12) When the enforcement division issues an order imposing a forfeiture  
25 under sub. (2) or s. 11.60, 12.60 (1) (c) or (d), 13.69, or 19.579 that is not appealed in

1 a timely manner under sub. (8) or (11), or when the board issues an order imposing  
2 a forfeiture under sub. (2) or s. 11.60, 12.60 (1) (c) or (d), 13.69, or 19.579 and the  
3 period allowed under s. 227.57 for judicial review of the order expires, the division  
4 or board may file a copy of its order with the clerk of circuit court for Dane County.  
5 The clerk shall thereupon enter the order in the judgment and lien docket in the same  
6 manner as provided for entry of civil judgments under s. 806.10. The division or  
7 board may also enter the order on the judgment and lien docket of any other county  
8 under s. 806.13. The order may be enforced and satisfied in the same manner as  
9 provided for enforcement and satisfaction of civil judgments.

10 **(13)** If the division or the board issues an order requiring an election official  
11 or private person to act in conformity with chs. 5 to 12, subch. III of ch. 13, or subch.  
12 III of ch. 19 or rules of the board, the division may file an action in circuit court for  
13 any county where the official or other person is present to obtain relief requiring  
14 compliance with the order.

15 **(14)** (a) This section does not apply to any complaint brought by an election  
16 official or private person in which the board or the division is alleged to have violated  
17 the law.

18 (b) This section does not apply to any matter arising in connection with a  
19 recount under s. 9.01.

20 **SECTION 16.** 5.40 (7) of the statutes is amended to read:

21 5.40 **(7)** Whenever a municipality adopts and purchases voting machines or an  
22 electronic voting system, or adopts and purchases a different type of voting machine  
23 or electronic voting system from the type it was previously using, the municipal clerk  
24 or executive director of the municipal board of election commissioners shall promptly  
25 notify the county clerk or executive director of the county board of election

1 commissioners and the executive director of the elections government accountability  
2 board in writing.

3 **SECTION 17.** 5.62 (4) (b) of the statutes is amended to read:

4 5.62 (4) (b) The county board of election commissioners in counties having a  
5 population of more than 500,000 shall prepare the official primary ballot. The  
6 commissioners shall arrange the names of all candidates for each office whose  
7 nomination papers are filed at the county level, using the same method as that used  
8 by the elections government accountability board under s. 5.60 (1) (b).

9 **SECTION 18.** 6.26 (2) (b) of the statutes is amended to read:

10 6.26 (2) (b) The municipal clerk, board of election commissioners, or elections  
11 government accountability board may appoint any applicant who qualifies under  
12 this subsection, unless the applicant's appointment has been revoked by a  
13 municipality or by the board for cause. The municipal clerk, board of election  
14 commissioners, or elections government accountability board may revoke an  
15 appointment made by the clerk, board of election commissioners, or elections  
16 government accountability board for cause at any time.

17 **SECTION 19.** 6.26 (2) (c) of the statutes is amended to read:

18 6.26 (2) (c) No individual may serve as a special registration deputy in a  
19 municipality unless the individual is appointed by the municipal clerk or board of  
20 election commissioners of the municipality or the individual is appointed by the  
21 elections government accountability board to serve all municipalities.

22 **SECTION 20.** 7.08 (title) of the statutes is amended to read:

23 **7.08** (title) **Elections Government accountability board.**

24 **SECTION 21.** 7.08 (7) of the statutes is repealed.

25 **SECTION 22.** 7.31 (5) of the statutes is amended to read:



1           7.31 (5) The board shall conduct regular training programs to ensure that  
2 individuals who are certified by the board under this section are knowledgeable  
3 concerning their authority and responsibilities. ~~The board shall pay all costs~~  
4 ~~required to conduct the training programs from the appropriation under s. 20.510 (1)~~  
5 ~~(bm).~~

6           **SECTION 23.** 7.60 (4) (a) of the statutes is amended to read:

7           7.60 (4) (a) The board of canvassers shall make separate duplicate statements  
8 showing the numbers of votes cast for the offices of president and vice president; state  
9 officials; U.S. senators and representatives in congress; state legislators; justice;  
10 court of appeals judge; circuit judges; district attorneys; and metropolitan sewerage  
11 commissioners, if the commissioners are elected under s. 200.09 (11) (am). If a  
12 municipal judge elected under s. 755.01 (4) serves a municipality that is located  
13 partially within the county and candidates for that judgeship file nomination papers  
14 in another county, the board of canvassers shall prepare a duplicate statement  
15 showing the numbers of votes cast for that judgeship in that county for transmittal  
16 to the other county. For partisan candidates, the statements shall include the  
17 political party or principle designation, if any, next to the name of each candidate.  
18 The board of canvassers shall also prepare a statement showing the results of any  
19 county, technical college district, or statewide referendum. Each statement shall  
20 state the total number of votes cast in the county for each office; the names of all  
21 persons for whom the votes were cast, as returned; the number of votes cast for each  
22 person; and the number of votes cast for and against any question submitted at a  
23 referendum. The board of canvassers shall use one copy of each duplicate statement  
24 to report to the elections government accountability board, technical college district

1 board, or board of canvassers of any other county and shall file the other statement  
2 in the office of the county clerk or board of election commissioners.

3 **SECTION 24.** 7.60 (5) of the statutes is amended to read:

4 7.60 (5) REPORTING. (a) Immediately following the canvass, the county clerk  
5 shall deliver or send to the elections government accountability board, by 1st class  
6 mail, a certified copy of each statement of the county board of canvassers for  
7 president and vice president, state officials, senators and representatives in  
8 congress, state legislators, justice, court of appeals judge, circuit judge, district  
9 attorney, and metropolitan sewerage commissioners, if the commissioners are  
10 elected under s. 200.09 (11) (am). The statement shall record the returns for each  
11 office or referendum by ward, unless combined returns are authorized under s. 5.15  
12 (6) (b) in which case the statement shall record the returns for each group of  
13 combined wards. Following primaries the county clerk shall enclose on forms  
14 prescribed by the elections government accountability board the names, party or  
15 principle designation, if any, and number of votes received by each candidate  
16 recorded in the same manner. The county clerk shall deliver or transmit the certified  
17 statement to the elections government accountability board no later than 7 days  
18 after each primary and no later than 10 days after any other election. The board of  
19 canvassers shall deliver or transmit a certified copy of each statement for any  
20 technical college district referendum to the secretary of the technical college district  
21 board.

22 (b) If the board of canvassers becomes aware of a material mistake in the  
23 canvass of an election for state or national office or a statewide or technical college  
24 district referendum prior to the close of business on the day the elections government  
25 accountability board receives returns from the last county board of canvassers with

1 respect to that canvass, the board of canvassers may petition the elections  
2 government accountability board to reopen and correct the canvass. The elections  
3 government accountability board shall direct the canvass to be reopened and  
4 corrected if it determines that the public interest so requires. If the elections  
5 government accountability board directs the canvass to be reopened, the board of  
6 canvassers shall reconvene and transmit a certified corrected copy of the canvass  
7 statement to the elections government accountability board or secretary of the  
8 technical college district board.

9 **SECTION 25.** 7.70 (1) of the statutes is amended to read:

10 7.70 (1) RECORDING AND PRESERVING RETURNS. (a) Upon receipt of the certified  
11 statements from the county clerks, the elections board shall record the election  
12 results by counties and file and carefully preserve the statements.

13 (b) If any county clerk fails or neglects to forward any statements, the elections  
14 board may require the clerk to do so immediately and if not received by the 8th day  
15 after a primary, or by the 11th day after any other election, the elections board may  
16 dispatch a special messenger to obtain them. Whenever it appears upon the face of  
17 any statement that an error has been made in reporting or computing, the elections  
18 board may return it to the county clerk for correction.

19 **SECTION 26.** 7.70 (5) (b) of the statutes is amended to read:

20 7.70 (5) (b) For presidential electors, the elections board shall prepare a  
21 certificate showing the determination of the results of the canvass and the names of  
22 the persons elected, and the governor shall sign, affix the great seal of the state, and  
23 transmit the certificate by registered mail to the U.S. administrator of general  
24 services. The governor shall also prepare 6 duplicate originals of such certificate and

1 deliver them to one of the presidential electors on or before the first Monday after the  
2 2nd Wednesday in December.

3 **SECTION 27.** 8.05 (1) (j) of the statutes is amended to read:

4 8.05 (1) (j) The municipal clerk shall notify in writing each candidate whose  
5 name is certified as a nominee under par. (h) of his or her nomination. If a municipal  
6 judge is elected under s. 755.01 (4), the county clerk of the county having the largest  
7 portion of the population in the jurisdiction served by the judge shall make the  
8 notification. Upon receipt of the notice, each candidate shall file a declaration of  
9 candidacy in the manner prescribed by s. 8.21 with the municipal clerk making the  
10 notification no later than 5 p.m. on the 5th day after the notification is mailed or  
11 personally delivered to the candidate by the municipal clerk, except as authorized  
12 in this paragraph. If an incumbent whose name is certified as a nominee fails to file  
13 a declaration of candidacy within the time prescribed by this paragraph, each  
14 certified candidate for the office held by the incumbent, other than the incumbent,  
15 may file a declaration of candidacy no later than 72 hours after the latest time  
16 prescribed in this paragraph. If the candidate has not filed a registration statement  
17 under s. 11.05 at the time of the notification, the candidate shall file the statement  
18 with the declaration. A candidate for municipal judge shall also file a statement of  
19 economic interests with the ethics board under s. 19.43 (4) no later than 4:30 p.m.  
20 on the 5th day after notification of nomination is mailed or personally delivered to  
21 the candidate, or no later than 4:30 p.m. on the next business day after the last day  
22 for filing a declaration of candidacy whenever that candidate is granted an extension  
23 of time for filing a declaration of candidacy under this paragraph. Upon receipt of  
24 the declaration of candidacy and registration statement of each qualified candidate,  
25 and upon filing of a statement of economic interests by each candidate for municipal

1 judge, the municipal clerk, or the county clerk if the judge is elected under s. 755.01  
2 (4), shall place the name of the candidate on the ballot. No later than the end of the  
3 3rd day following qualification by all candidates, the municipal clerk, or the county  
4 clerk if the judge is elected under s. 755.01 (4), shall draw lots to determine the  
5 arrangement of candidates' names on the spring election ballot.

6 **SECTION 28.** 8.10 (5) of the statutes is amended to read:

7 8.10 (5) Nomination papers shall be accompanied by a declaration of candidacy  
8 under s. 8.21. If a candidate has not filed a registration statement under s. 11.05 at  
9 the time he or she files nomination papers, the candidate shall file the statement  
10 with the papers. A candidate for state office or municipal judge shall also file a  
11 statement of economic interests with the ethics board under s. 19.43 (4) no later than  
12 4:30 p.m. on the 3rd day following the last day for filing nomination papers under  
13 sub. (2) (a), or no later than 4:30 p.m. on the next business day after the last day  
14 whenever that candidate is granted an extension of time for filing nomination papers  
15 under sub. (2) (a).

16 **SECTION 29.** 8.15 (4) (b) of the statutes is amended to read:

17 8.15 (4) (b) Nomination papers shall be accompanied by a declaration of  
18 candidacy under s. 8.21. If a candidate for state or local office has not filed a  
19 registration statement under s. 11.05 at the time he or she files nomination papers,  
20 the candidate shall file the statement with the papers. A candidate for state office  
21 shall also file a statement of economic interests with the ethics board under s. 19.43  
22 (4) no later than 4:30 p.m. on the 3rd day following the last day for filing nomination  
23 papers under sub. (1), or no later than 4:30 p.m. on the next business day after the  
24 last day whenever that candidate is granted an extension of time for filing  
25 nomination papers under sub. (1).

1           **SECTION 30.** 8.18 (2) of the statutes is amended to read:

2           8.18 (2) The purpose of the convention is to nominate one presidential elector  
3 from each congressional district and 2 electors from the state at large. The names  
4 of the nominees shall be certified immediately by the chairperson of the state  
5 committee of each party to the chairperson of the elections board.

6           **SECTION 31.** 8.20 (6) of the statutes is amended to read:

7           8.20 (6) Nomination papers shall be accompanied by a declaration of candidacy  
8 under s. 8.21. If a candidate for state or local office has not filed a registration  
9 statement under s. 11.05 at the time he or she files nomination papers, the candidate  
10 shall file the statement with the papers. A candidate for state office shall also file  
11 a statement of economic interests with the ethics board under s. 19.43 (4) no later  
12 than 4:30 p.m. on the 3rd day following the last day for filing nomination papers  
13 under sub. (8) (a), or no later than 4:30 p.m. on the next business day after the last  
14 day whenever that candidate is granted an extension of time for filing nomination  
15 papers under sub. (8) (a).

16           **SECTION 32.** 8.50 (3) (a) of the statutes is amended to read:

17           8.50 (3) (a) Nomination papers may be circulated no sooner than the day the  
18 order for the special election is filed and shall be filed not later than 5 p.m. 28 days  
19 before the day that the special primary will or would be held, if required, except when  
20 a special election is held concurrently with the spring election or general election, the  
21 deadline for filing nomination papers shall be specified in the order and the date shall  
22 be no earlier than the date provided in s. 8.10 (2) (a) or 8.15 (1), respectively, and no  
23 later than 35 days prior to the date of the spring or September primary. Nomination  
24 papers may be filed in the manner specified in s. 8.10, 8.15, or 8.20. Each candidate  
25 shall file a declaration of candidacy in the manner provided in s. 8.21 no later than

1 the latest time provided in the order for filing nomination papers. If a candidate for  
2 state or local office has not filed a registration statement under s. 11.05 at the time  
3 he or she files nomination papers, the candidate shall file the statement with the  
4 papers. A candidate for state office shall also file a statement of economic interests  
5 with the ethics board no later than the end of the 3rd day following the last day for  
6 filing nomination papers specified in the order.

7 **SECTION 33.** 8.50 (3) (e) of the statutes is amended to read:

8 8.50 (3) (e) In a special election for a state or national office, the county clerk  
9 or board of election commissioners shall transmit the statement of the county board  
10 of canvassers to the ~~elections~~ government accountability board no later than 7 days  
11 after the special primary and 13 days after the special election.

12 **SECTION 34.** 9.01 (1) (a) of the statutes is amended to read:

13 9.01 (1) (a) Any candidate voted for at any election or any elector who voted  
14 upon any referendum question at any election may request a recount. The petitioner  
15 shall file a verified petition or petitions with the proper clerk or body under par. (ar)  
16 not earlier than the time of completion of the canvass and not later than 5 p.m. on  
17 the 3rd business day following the last meeting day of the municipal or county board  
18 of canvassers determining the election for that office or on that referendum question  
19 or, if more than one board of canvassers makes the determination not later than 5  
20 p.m. on the 3rd business day following the last meeting day of the last board of  
21 canvassers which makes a determination. If the chairperson of the board or  
22 chairperson's designee makes the determination for the office or the referendum  
23 question, the petitioner shall file the petition not earlier than the last meeting day  
24 of the last county board of canvassers to make a statement in the election or  
25 referendum and not later than 5 p.m. on the 3rd business day following the day on

1 which the elections government accountability board receives the last statement  
2 from a county board of canvassers for the election or referendum. Each verified  
3 petition shall state that at the election the petitioner was a candidate for the office  
4 in question or that he or she voted on the referendum question in issue; that the  
5 petitioner is informed and believes that a mistake or fraud has been committed in  
6 a specified ward or municipality in the counting and return of the votes cast for the  
7 office or upon the question; or shall specify any other defect, irregularity, or illegality  
8 in the conduct of the election. The petition shall specify each ward, or each  
9 municipality where no wards exist, in which a recount is desired. If a recount is  
10 requested for all wards within a jurisdiction, each ward need not be specified. The  
11 petition may be amended to include information discovered as a result of the  
12 investigation of the board of canvassers or the chairperson of the board or  
13 chairperson's designee after the filing of the petition, if the petitioner moves to  
14 amend the petition as soon as possible after the petitioner discovered or reasonably  
15 should have discovered the information which is the subject of the amendment and  
16 the petitioner was unable to include information in the original petition.

17 **SECTION 35.** 9.01 (1) (ag) 4. of the statutes is repealed.

18 **SECTION 36.** 9.01 (1) (ar) 2. of the statutes is amended to read:

19 9.01 (1) (ar) 2. In the event of a recount for a referendum, the petition shall be  
20 filed with the clerk of the jurisdiction in which the referendum is called, and, in the  
21 case of the state, with the elections board.

22 **SECTION 37.** 9.01 (10) of the statutes is amended to read:

23 9.01 (10) STANDARD FORMS AND METHODS. The elections board shall prescribe  
24 standard forms and procedures for the making of recounts under this section.

25 **SECTION 38.** 11.21 (title) of the statutes is amended to read:



1           **11.21** (title) **Duties of the elections board.**

2           **SECTION 39.** 11.21 (7) (intro.) of the statutes is amended to read:

3           11.21 **(7)** (intro.) Include in its biennial report under s. ~~5.05 (5)~~ 15.04 (1) (d)  
4           compilations of any of the following in its discretion:

5           **SECTION 40.** 13.123 (3) (b) 2. of the statutes is amended to read:

6           13.123 **(3)** (b) 2. In making the determination under subd. 1., the chief clerk is  
7           bound by the determination of the chairperson of the elections government  
8           accountability board or the chairperson's designee if such determination has been  
9           issued.

10          **SECTION 41.** 13.23 of the statutes is amended to read:

11          **13.23 Election contests; notice.** Any person wishing to contest the election  
12          of any senator or member of the assembly shall, within 30 days after the decision of  
13          the board of canvassers, serve a notice in writing on the person whose election the  
14          contestant intends to contest, stating briefly that the election will be contested and  
15          the cause of such contest, and shall file a copy thereof in the office of the elections  
16          government accountability board at least 10 days before the day fixed by law for the  
17          meeting of the legislature. ~~The elections~~ government accountability board shall then  
18          send a copy of s. 13.24 to both contestants. If any contestant fails to so file a copy of  
19          such notice, the contestant shall not be entitled to any mileage or salary in case  
20          payment has been made therefor to the sitting member.

21          **SECTION 42.** 13.62 (4) of the statutes is amended to read:

22          13.62 **(4)** "Board" means the ~~ethics~~ government accountability board.

23          **SECTION 43.** 13.685 (title) of the statutes is amended to read:

24          **13.685** (title) **Duties of the ethics government accountability board.**

25          **SECTION 44.** 13.94 (1) (k) of the statutes is amended to read:

1           13.94 (1) (k) Provide auditing services at the direction of the elections  
2 government accountability board under s. 5.05 (2).

3           **SECTION 45.** 14.58 (20) of the statutes is amended to read:

4           14.58 (20) ELECTION CAMPAIGN FUND. Make disbursements to each candidate  
5 certified under s. 7.08 (2) (c) or (cm) by the elections government accountability board  
6 as eligible to receive moneys from the Wisconsin election campaign fund.

7           **SECTION 46.** 15.03 of the statutes is renumbered 15.03 (intro.) and amended  
8 to read:

9           **15.03 Attachment for limited purposes.** (intro.) Any division, office,  
10 commission, council or board attached under this section to a department or  
11 independent agency or a specified division thereof shall be a distinct unit of that  
12 department, independent agency or specified division. Any division, office,  
13 commission, council or board so attached shall exercise its powers, duties and  
14 functions prescribed by law, including rule making, licensing and regulation, and  
15 operational planning within the area of program responsibility of the division, office,  
16 commission, council or board, independently of the head of the department or  
17 independent agency, but budgeting, program coordination and related management  
18 functions shall be performed under the direction and supervision of the head of the  
19 department or independent agency, except that ~~with:~~

20           (1) COMMISSIONER OF RAILROADS. ~~With~~ respect to the office of the commissioner  
21 of railroads, all personnel and biennial budget requests by the office of the  
22 commissioner of railroads shall be provided to the department of transportation as  
23 required under s. 189.02 (7) and shall be processed and properly forwarded by the  
24 public service commission without change except as requested and concurred in by  
25 the office of the commissioner of railroads.

1           **SECTION 47.** 15.03 (2) of the statutes is created to read:

2           15.03 (2) ENFORCEMENT DIVISION OF GOVERNMENT ACCOUNTABILITY BOARD. With  
3           respect to the enforcement division of the government accountability board, all  
4           budget requests by the division shall be submitted by the board to the department  
5           of administration without change except as concurred in by the division.

6           **SECTION 48.** 15.07 (1) (a) 2. of the statutes is repealed and recreated to read:

7           15.07 (1) (a) 2. Members of the government accountability board shall be  
8           nominated by the governor, and with the advice and consent of the assembly and  
9           senate appointed, to serve for terms prescribed by law.

10          **SECTION 49.** 15.07 (1) (cm) of the statutes, as affected by 2005 Wisconsin Acts  
11          25 and 76, is amended to read:

12          15.07 (1) (cm) ~~The term of one member of the ethics board shall expire on each~~  
13          ~~May 1.~~ The terms of 3 members of the development finance board appointed under  
14          s. 15.155 (1) (a) 6. shall expire on May 1 of every even-numbered year and the terms  
15          of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of  
16          every odd-numbered year. The terms of the 3 members of the land and water  
17          conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1.  
18          The term of the member of the land and water conservation board appointed under  
19          s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of  
20          members of the real estate board shall expire on July 1. The terms of the appraiser  
21          members of the real estate appraisers board and the terms of the auctioneer and  
22          auction company representative members of the auctioneer board shall expire on  
23          May 1 in an even-numbered year.

24          **SECTION 50.** 15.07 (4) of the statutes is amended to read:

1           15.07 (4) QUORUM. A majority of the membership of a board constitutes a  
2 quorum to do business and, unless a more restrictive provision is adopted by the  
3 board, a majority of a quorum may act in any matter within the jurisdiction of the  
4 board. This subsection does not apply to actions of ~~the ethics board or the school~~  
5 district boundary appeal board as provided in ~~ss. 19.47 (4) and s. 117.05 (2) (a)~~.

6           **SECTION 51.** 15.07 (5) (k) of the statutes is repealed.

7           **SECTION 52.** 15.07 (5) (m) of the statutes is created to read:

8           15.07 (5) (m) Members of the government accountability board, \$25 per day.

9           **SECTION 53.** 15.07 (5) (n) of the statutes is repealed.

10          **SECTION 54.** 15.60 of the statutes is created to read:

11          **15.60 Government accountability board; creation.** (1) There is created  
12 a government accountability board consisting of 7 persons. Members shall serve for  
13 4-year terms.

14          (2) (a) All members of the board except the member who is appointed under sub.  
15 (4) shall be appointed from nominations submitted to the governor by a nominating  
16 committee to be called the governmental accountability candidate committee, which  
17 shall consist of the following:

- 18           1. The chief justice of the supreme court.
- 19           2. The dean of the Marquette University law school.
- 20           3. The dean of the University of Wisconsin law school.

21          (3) Four members of the board shall have prosecutorial experience. If, as a  
22 result of a vacancy in the membership of the board, the remaining membership does  
23 not satisfy the membership requirements of this subsection, no person may be  
24 appointed to serve as a member if the person's qualifications would not contribute  
25 to satisfaction of the membership requirements of this subsection.

1           (4) One member of the board shall be a retired judge who shall be chosen at  
2 random from the register maintained under s. 758.19 (9) by the chief justice of the  
3 supreme court.

4           (5) No member may hold another office or position that is a state public office  
5 or a local public office, as defined in s. 19.42.

6           (6) No member, for one year immediately prior to the date of appointment may  
7 have been, or while serving on the board may become, a member of a political party,  
8 an officer or member of a committee in any partisan political club or organization,  
9 an officer or employee of a registrant under s. 11.05, or a candidate for any partisan  
10 elective public office.

11           (7) No member may be a lobbyist, as defined in s. 13.62 (11), or an employee  
12 of a principal, as defined in s. 13.62 (12).

13           **SECTION 55.** 15.603 of the statutes is created to read:

14           **15.603 Same; specified divisions. (1) ENFORCEMENT DIVISION.** There is  
15 created in the government accountability board an enforcement division, which is  
16 attached to the board under s. 15.03. The enforcement division shall be under the  
17 direction and supervision of an administrator, who shall be appointed by the  
18 executive director of the board, with the advice and consent of the board, to serve for  
19 a term of not less than 4 years nor more than 6 years expiring on September 1 of an  
20 odd-numbered year.

21           **SECTION 56.** 15.61 of the statutes is repealed.

22           **SECTION 57.** 15.617 of the statutes is renumbered 15.607, and 15.607 (1) of the  
23 statutes, as renumbered, is amended to read:

24           15.607 (1) **ELECTION ADMINISTRATION COUNCIL.** There is created in the elections  
25 government accountability board an election administration council consisting of

1 members appointed by the executive director of the ~~elections~~ government  
2 accountability board, including the clerk or executive director of the board of election  
3 commissioners of the 2 counties or municipalities in this state having the largest  
4 population, one or more election officials of other counties or municipalities,  
5 representatives of organizations that advocate for the interests of individuals with  
6 disabilities and organizations that advocate for the interests of the voting public, and  
7 other electors of this state.

8 **SECTION 58.** 15.62 of the statutes is repealed.

9 **SECTION 59.** 16.79 (2) of the statutes is amended to read:

10 16.79 (2) The department shall distribute in pamphlet form copies of the  
11 constitution and such laws as may be required to meet the public demand, including  
12 the election laws. The department shall distribute election manuals, forms, and  
13 supplies specified by the ~~elections~~ government accountability board. The laws,  
14 manuals, forms, and supplies shall be sold by the department at cost, including  
15 distribution cost as determined under s. 35.80. The ~~elections~~ government  
16 accountability board shall inform the department in writing as to which election  
17 manuals, forms, and supplies shall be offered for distribution under this subsection.

18 **SECTION 60.** 16.96 (3) (b) of the statutes is amended to read:

19 16.96 (3) (b) Maintain and keep current throughout the decade the maps of  
20 congressional and legislative district boundaries received from the legislative  
21 reference bureau under s. 13.92 (1) (a) 6. and provide copies thereof to the ~~elections~~  
22 government accountability board.

23 **SECTION 61.** 16.973 (6) of the statutes is amended to read:

24 16.973 (6) With the advice of the ~~ethics~~ government accountability board, adopt  
25 and enforce standards of ethical conduct applicable to its paid consultants which are

1 similar to the standards prescribed in subch. III of ch. 19, except that the department  
2 shall not require its paid consultants to file statements of economic interests.

3 **SECTION 62.** 17.07 (6) of the statutes is amended to read:

4 17.07 (6) Other state officers serving in an office that is filled by appointment  
5 of any officer or body without the concurrence of the governor, by the officer or body  
6 having the authority to make appointments to that office, at pleasure, except that  
7 officers appointed according to merit and fitness under and subject to ch. 230 or  
8 officers whose removal is governed by ch. 230 may be removed only in conformity  
9 with that chapter, and except that the administrator of the enforcement division in  
10 the government accountability board may be removed from office only by the  
11 executive director of the board, for cause.

12 **SECTION 63.** 17.17 (1) of the statutes is amended to read:

13 17.17 (1) SENATORS AND MEMBERS OF CONGRESS. In the office of United States  
14 senator or member of congress from this state, by the county clerk of the county  
15 wherein such officer resided at the time of election, to the elections government  
16 accountability board.

17 **SECTION 64.** 17.17 (4) of the statutes is amended to read:

18 17.17 (4) JUSTICES AND JUDGES. In the office of justice of the supreme court, court  
19 of appeals judge, or judge of a circuit court, by the director of state courts to the  
20 governor and the elections government accountability board.

21 **SECTION 65.** 19.41 (1) of the statutes is amended to read:

22 19.41 (1) It is declared that high moral and ethical standards among state and  
23 local public officials and state and local government employees are essential to the  
24 conduct of free government; that the legislature believes that a code of ethics for the  
25 guidance of state and local public officials and state and local government employees

1 will help them avoid conflicts between their personal interests and their public  
2 responsibilities, will improve standards of public service and will promote and  
3 strengthen the faith and confidence of the people of this state in their state and local  
4 public officials and state and local government employees.

5 **SECTION 66.** 19.42 (3) of the statutes is amended to read:

6 19.42 (3) “Board” means the ~~ethics~~ government accountability board.

7 **SECTION 67.** 19.42 (4a) of the statutes is created to read:

8 19.42 (4a) “Candidate for local public office” means any individual who files  
9 nomination papers and a declaration of candidacy under s. 8.21 or who is nominated  
10 at a caucus under s. 8.05 (1) for the purpose of appearing on the ballot for election  
11 as a local public official or any individual who is nominated for the purpose of  
12 appearing on the ballot for election as a local public official through the write-in  
13 process or by appointment to fill a vacancy in nomination and who files a declaration  
14 of candidacy under s. 8.21.

15 **SECTION 68.** 19.42 (10) (a) of the statutes is repealed.

16 **SECTION 69.** 19.42 (10) (q) of the statutes is created to read:

17 19.42 (10) (q) A local public official.

18 **SECTION 70.** 19.43 (4) of the statutes is amended to read:

19 19.43 (4) A candidate for state or local public office shall file with the board a  
20 statement of economic interests meeting each of the requirements of s. 19.44 (1) no  
21 later than 4:30 p.m. on the 3rd day following the last day for filing nomination papers  
22 for the office which the candidate seeks, 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 or a declaration of candidacy under s. 8.05 (1) (j),  
25 8.10 (2) (a), 8.15 (1), or 8.20 (8) (a), no later than 4:30 p.m. on the 5th day after



1 notification of nomination is mailed or personally delivered to the candidate by the  
2 municipal clerk in the case of a candidate who is nominated at a caucus, or no later  
3 than 4:30 p.m. on the 3rd day after notification of nomination is mailed or personally  
4 delivered to the candidate by the appropriate official or agency in the case of a  
5 write-in candidate or candidate who is appointed to fill a vacancy in nomination  
6 under s. 8.35 (2) (a). The information contained on the statement shall be current  
7 as of December 31 of the year preceding the filing deadline. Before certifying the  
8 name of any candidate for state or local public office under s. 7.08 (2) (a), the ~~elections~~  
9 government accountability board, municipal clerk, or board of election  
10 commissioners shall ascertain whether that candidate has complied with this  
11 subsection. If not, the ~~elections~~ government accountability board, municipal clerk,  
12 or board of election commissioners may not certify the candidate's name for ballot  
13 placement.

14 **SECTION 71.** 19.43 (5) of the statutes is amended to read:

15 19.43 (5) Each member of the investment board and each employee of the  
16 investment board who is a state public official shall complete and file with the ~~ethics~~  
17 government accountability board a quarterly report of economic transactions no  
18 later than the last day of the month following the end of each calendar quarter during  
19 any portion of which he or she was a member or employee of the investment board.  
20 Such reports of economic transactions shall be in the form prescribed by the ~~ethics~~  
21 government accountability board and shall identify the date and nature of any  
22 purchase, sale, put, call, option, lease, or creation, dissolution, or modification of any  
23 economic interest made during the quarter for which the report is filed and  
24 disclosure of which would be required by s. 19.44 if a statement of economic interests  
25 were being filed.

1           **SECTION 72.** 19.43 (7) of the statutes is amended to read:

2           19.43 (7) If an official required to file fails to make a timely filing, the board  
3 shall promptly provide notice of the delinquency to the secretary of administration,  
4 and to the chief executive of the department of which the official’s office or position  
5 is a part, or, in the case of a district attorney, to the chief executive of that department  
6 and to the county clerk of each county served by the district attorney or in the case  
7 of a ~~municipal judge~~ local public official to the clerk of the ~~municipality~~ local  
8 governmental unit of which the official’s office is a part, or in the case of a justice,  
9 court of appeals judge, or circuit judge, to the director of state courts. Upon such  
10 notification both the secretary of administration and the department, ~~municipality~~  
11 local governmental unit, or director shall withhold all payments for compensation,  
12 reimbursement of expenses, and other obligations to the official until the board  
13 notifies the officers to whom notice of the delinquency was provided that the official  
14 has complied with this section.

15           **SECTION 73.** 19.45 (title) of the statutes is amended to read:

16           **19.45 (title) Standards of conduct; state and local public officials.**

17           **SECTION 74.** 19.45 (1) of the statutes is amended to read:

18           19.45 (1) The legislature hereby reaffirms that a state or local public official  
19 holds his or her position as a public trust, and any effort to realize substantial  
20 personal gain through official conduct is a violation of that trust. This subchapter  
21 does not prevent any state or local public official from accepting other employment  
22 or following any pursuit which in no way interferes with the full and faithful  
23 discharge of his or her duties to this state or to the local governmental unit served  
24 by the official. The legislature further recognizes that in a representative democracy,  
25 the representatives are drawn from society and, therefore, cannot and should not be

1 without all personal and economic interest in the decisions and policies of  
2 government; that citizens who serve as state or local public officials retain their  
3 rights as citizens to interests of a personal or economic nature; that standards of  
4 ethical conduct for state or local public officials need to distinguish between those  
5 minor and inconsequential conflicts that are unavoidable in a free society, and those  
6 conflicts which are substantial and material; and that state or local public officials  
7 may need to engage in employment, professional or business activities, other than  
8 official duties, in order to support themselves or their families and to maintain a  
9 continuity of professional or business activity, or may need to maintain investments,  
10 which activities or investments do not conflict with the specific provisions of this  
11 subchapter.

12 **SECTION 75.** 19.45 (2) of the statutes is amended to read:

13 19.45 (2) No state or local public official may use his or her public position or  
14 office to obtain financial gain or anything of substantial value for the private benefit  
15 of himself or herself or his or her immediate family, or for an organization with which  
16 he or she is associated. This subsection does not prohibit a state or local public official  
17 from using the title or prestige of his or her office to obtain contributions permitted  
18 and reported as required by ch. 11.

19 **SECTION 76.** 19.45 (3) of the statutes is amended to read:

20 19.45 (3) No person may offer or give to a state or local public official, directly  
21 or indirectly, and no state or local public official may solicit or accept from any person,  
22 directly or indirectly, anything of value if it could reasonably be expected to influence  
23 the state or local public official's vote, official actions or judgment, or could  
24 reasonably be considered as a reward for any official action or inaction on the part

1 of the state or local public official. This subsection does not prohibit a state or local  
2 public official from engaging in outside employment.

3 **SECTION 77.** 19.45 (3m) of the statutes is amended to read:

4 19.45 (3m) No state or local public official may accept or retain any  
5 transportation, lodging, meals, food or beverage, or reimbursement therefor, except  
6 in accordance with s. 19.56 (3).

7 **SECTION 78.** 19.45 (4) of the statutes is amended to read:

8 19.45 (4) No state or local public official may intentionally use or disclose  
9 information gained in the course of or by reason of his or her official position or  
10 activities in any way that could result in the receipt of anything of value for himself  
11 or herself, for his or her immediate family, or for any other person, if the information  
12 has not been communicated to the public or is not public information.

13 **SECTION 79.** 19.45 (5) of the statutes is amended to read:

14 19.45 (5) No state or local public official may use or attempt to use the public  
15 position held by the public official to influence or gain unlawful benefits, advantages  
16 or privileges personally or for others.

17 **SECTION 80.** 19.45 (6) of the statutes is amended to read:

18 19.45 (6) No state public official, member of a state public official's immediate  
19 family, nor any organization with which the state public official or a member of the  
20 official's immediate family owns or controls at least 10% of the outstanding equity,  
21 voting rights, or outstanding indebtedness may enter into any contract or lease  
22 involving a payment or payments of more than \$3,000 within a 12-month period, in  
23 whole or in part derived from state funds, unless the state public official has first  
24 made written disclosure of the nature and extent of such relationship or interest to  
25 the board and to the department acting for the state in regard to such contract or

1 lease. Any contract or lease entered into in violation of this subsection may be voided  
2 by the state in an action commenced within 3 years of the date on which the ethics  
3 board, or the department or officer acting for the state in regard to the allocation of  
4 state funds from which such payment is derived, knew or should have known that  
5 a violation of this subsection had occurred. This subsection does not affect the  
6 application of s. 946.13.

7 **SECTION 81.** 19.45 (6a) of the statutes is created to read:

8 19.45 (6a) No local public official, member of a local public official's immediate  
9 family, nor any organization with which the local public official or a member of the  
10 official's immediate family owns or controls at least 10% of the outstanding equity,  
11 voting rights, or outstanding indebtedness may enter into any contract or lease  
12 involving a payment or payments of more than \$3,000 within a 12-month period, in  
13 whole or in part derived from funds of the local governmental unit served by the  
14 official, unless the local public official has first made written disclosure of the nature  
15 and extent of such relationship or interest to the board and to the local governmental  
16 unit in regard to such contract or lease. Any contract or lease entered into in violation  
17 of this subsection may be voided by the local governmental unit in an action  
18 commenced within 3 years of the date on which the board, or the local governmental  
19 unit from which such payment is derived, knew or should have known that a  
20 violation of this subsection had occurred. This subsection does not affect the  
21 application of s. 946.13.

22 **SECTION 82.** 19.45 (7a) of the statutes is created to read:

23 19.45 (7a) (a) No local public official may represent a person for compensation  
24 before the local governmental unit served by the official or any employee thereof,  
25 except:

1           1. In a contested case which involves a party other than the local governmental  
2 unit with interests adverse to those represented by the local public official; or

3           2. At an open hearing at which a stenographic or other record is maintained;  
4 or

5           3. In a matter that involves only ministerial action by the local governmental  
6 unit.

7           (b) This subsection does not apply to representation by a local public official  
8 acting in his or her official capacity.

9           **SECTION 83.** 19.45 (8) (a) of the statutes is amended to read:

10           19.45 (8) (a) No former state or local public official, for 12 months following the  
11 date on which he or she ceases to be a state or local public official, may, for  
12 compensation, on behalf of any person other than a governmental entity, make any  
13 formal or informal appearance before, or negotiate with, any officer or employee of  
14 the department ~~with which he or she was associated as a state public or local~~  
15 governmental unit served by the former official within 12 months prior to the date  
16 on which he or she ceased to be a state or local public official.

17           **SECTION 84.** 19.45 (8) (ba) and (ca) of the statutes are created to read:

18           19.45 (8) (ba) No former local public official, for 12 months following the date  
19 on which he or she ceases to be a local public official, may, for compensation, on behalf  
20 of any person other than a governmental entity, make any formal or informal  
21 appearance before, or negotiate with, any officer or employee of the local  
22 governmental unit served by the former official in connection with any judicial or  
23 quasi-judicial proceeding, application, contract, claim, or charge which might give  
24 rise to a judicial or quasi-judicial proceeding which was under the former official's

1 responsibility as a local public official within 12 months prior to the date on which  
2 he or she ceased to be a local public official.

3 (ca) No former local public official may, for compensation, act on behalf of any  
4 party other than the local governmental unit served by the former official in  
5 connection with any judicial or quasi-judicial proceeding, application, contract,  
6 claim, or charge which might give rise to a judicial or quasi-judicial proceeding in  
7 which the former official participated personally and substantially as a local public  
8 official.

9 **SECTION 85.** 19.45 (10) of the statutes is amended to read:

10 19.45 (10) This section does not prohibit a ~~legislator~~ member of the legislature  
11 or a local legislative body from making inquiries for information on behalf of a person  
12 or from representing a person before a department if he or she receives no  
13 compensation therefor beyond the salary and other compensation or reimbursement  
14 to which the ~~legislator~~ member is entitled by law, except as authorized under sub.  
15 (7) or (7a).

16 **SECTION 86.** 19.45 (11) (intro.) of the statutes is amended to read:

17 19.45 (11) (intro.) The legislature recognizes that all state and local public  
18 officials and employees and all employees of the University of Wisconsin Hospitals  
19 and Clinics Authority should be guided by a code of ethics and thus:

20 **SECTION 87.** 19.45 (13) of the statutes is amended to read:

21 19.45 (13) No state or local public official or candidate for state or local public  
22 office may, directly or by means of an agent, give, or offer or promise to give, or  
23 withhold, or offer or promise to withhold, his or her vote or influence, or promise to  
24 take or refrain from taking official action with respect to any proposed or pending  
25 matter in consideration of, or upon condition that, any other person make or refrain

1 from making a political contribution, or provide or refrain from providing any service  
2 or other thing of value, to or for the benefit of a candidate, a political party, any person  
3 who is subject to a registration requirement under s. 11.05, or any person making a  
4 communication that contains a reference to a clearly identified state or local public  
5 official holding an elective office or to a candidate for state or local public office.

6 **SECTION 88.** 19.46 (1) (intro.) of the statutes is amended to read:

7 19.46 (1) (intro.) Except in accordance with the board's advice under sub. (2)  
8 of the executive director of the board under s. 5.05 (6a) and except as otherwise  
9 provided in sub. (3) or (3a), no state or local public official may:

10 **SECTION 89.** 19.46 (2) of the statutes is renumbered 5.05 (6a) and amended to  
11 read:

12 5.05 (6a) Any individual, either personally or on behalf of an organization or  
13 governmental body, may request of the board executive director of the board an  
14 advisory opinion regarding the propriety under chs. 5 to 12, subch. III of ch. 13, or  
15 subch. III of ch. 19 of any matter to which the person is or may become a party; and  
16 any appointing officer, with the consent of a prospective appointee, may request of  
17 the board executive director an advisory opinion regarding the propriety under chs.  
18 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 of any matter to which the  
19 prospective appointee is or may become a party. The board executive director shall  
20 review a request for an advisory opinion and may advise the person making the  
21 request. Advisory opinions and requests therefor shall be in writing. The board's  
22 ~~deliberations and actions upon~~ The executive director may consult with the board  
23 before issuing a formal opinion but shall not reveal any information to the board that  
24 would identify the requester of the opinion. All consultations with the board  
25 concerning such requests shall be in meetings not open to the public. It is prima facie



1 evidence of intent to comply with ~~this subchapter~~ chs. 5 to 12 or subch. III of ch. 13  
2 or subch. III of ch. 19 when a person refers a matter to the ~~board~~ executive director  
3 and abides by the ~~board's~~ executive director's advisory opinion, if the material facts  
4 are as stated in the opinion request. ~~The board may authorize the executive director~~  
5 ~~to act in its stead in instances where delay is of substantial inconvenience or~~  
6 ~~detriment to the requesting party.~~ No member or employee of the board may make  
7 public the identity of the individual requesting an advisory opinion or of individuals  
8 or organizations mentioned in the opinion.

9 **SECTION 90.** 19.46 (3a) of the statutes is created to read:

10 19.46 (3a) This section does not prohibit a local public official from taking any  
11 action concerning the lawful payment of salaries or employee benefits or  
12 reimbursement of actual and necessary expenses, or prohibit a local public official  
13 from taking official action with respect to any proposal to modify a local ordinance  
14 or a written policy of the local governmental unit.

15 **SECTION 91.** 19.47 (2) of the statutes is repealed.

16 **SECTION 92.** 19.47 (4) of the statutes is repealed.

17 **SECTION 93.** 19.47 (5) of the statutes is amended to read:

18 19.47 (5) ~~No later than September 1 of each year, the board shall submit a~~  
19 ~~report concerning its actions in the preceding fiscal year to the governor and the chief~~  
20 ~~clerk of each house of the legislature, for distribution to the legislature under s.~~  
21 ~~13.172 (2).~~ Such The board shall include in its biennial report shall contain under  
22 s. 15.04 (1) (d) the names and duties of all individuals employed by the board and a  
23 summary of its determinations and advisory opinions issued by the executive  
24 director under s. 5.05 (6a). The board shall make sufficient alterations in the  
25 summaries to prevent disclosing the identities of individuals or organizations

1 involved in the decisions or opinions. The board may also include in its biennial  
2 report any information compiled under s. 11.21 (7). The board shall make such  
3 further reports on the matters within its jurisdiction and such recommendations for  
4 further legislation as it deems desirable.

5 **SECTION 94.** 19.48 (1) of the statutes is amended to read:

6 19.48 (1) Promulgate rules necessary to carry out this subchapter and subch.  
7 III of ch. 13. The board shall give prompt notice of the contents of its rules to state  
8 and local public officials who will be affected thereby.

9 **SECTION 95.** 19.48 (4) (a) of the statutes is amended to read:

10 19.48 (4) (a) Upon the expiration of 3 years after an individual ceases to be a  
11 state or local public official the board shall, unless the former state or local public  
12 official otherwise requests, destroy any statement of economic interests filed by him  
13 or her and any copies thereof in its possession.

14 **SECTION 96.** 19.48 (4) (b) of the statutes is amended to read:

15 19.48 (4) (b) Upon the expiration of 3 years after any election at which a  
16 candidate for state or local public office was not elected, the board shall destroy any  
17 statements of economic interests filed by him or her as a candidate for state or local  
18 public office and any copies thereof in the board's possession, unless the individual  
19 continues to hold another position for which he or she is required to file a statement,  
20 or unless the individual otherwise requests.

21 **SECTION 97.** 19.48 (9) of the statutes is amended to read:

22 19.48 (9) Administer programs to explain and interpret this subchapter and  
23 subch. III of ch. 13 for state public officials, and for elective state officials, candidates  
24 for state and local public office, legislative officials, agency officials, lobbyists, as  
25 defined in s. 13.62, local public officials, corporation counsels and attorneys for local

1 governmental units. The programs shall provide advice regarding appropriate  
2 ethical and lobbying practices, with special emphasis on public interest lobbying.  
3 The board may delegate creation and implementation of any such program to a group  
4 representing the public interest. The board may charge a fee to participants in any  
5 such program.

6 **SECTION 98.** 19.49 (5) (b) of the statutes is amended to read:

7 19.49 (5) (b) The period of limitation under par. (a) is tolled for a complaint  
8 alleging a violation of s. 19.45 (13) ~~or 19.59 (1) (br)~~ for the period during which such  
9 a complaint may not be filed under s. 19.49 (1m) ~~or 19.59 (8) (em)~~.

10 **SECTION 99.** 19.50 (2) of the statutes is amended to read:

11 19.50 (2) To administer oaths and to require by subpoena issued by it the  
12 attendance and testimony of witnesses and the production of any documentary  
13 evidence relating to the investigation or hearing being conducted. ~~Notwithstanding~~  
14 ~~s. 885.01 (4), the issuance of a subpoena requires action by the board in accordance~~  
15 ~~with s. 19.47 (4).~~

16 **SECTION 100.** 19.53 (1) of the statutes is amended to read:

17 19.53 (1) In the case of a state or local public official outside the classified  
18 service, a recommendation that the state or local public official be censured,  
19 suspended, or removed from office or employment. Such recommendation shall be  
20 made to the appropriate appointing authority who may censure, suspend, or take  
21 action to remove the official from office or employment.

22 **SECTION 101.** 19.53 (1m) of the statutes is amended to read:

23 19.53 (1m) In the case of a state or local public official in the classified service,  
24 a recommendation that the state or local public official be disciplined or discharged

1 ~~under s. 230.34 (1)~~. Such recommendation shall be made to the appropriate  
2 appointing authority.

3 **SECTION 102.** 19.53 (6) of the statutes is amended to read:

4 19.53 (6) An order requiring the accused to forfeit not more than \$500 for each  
5 violation of s. 19.43, 19.44, or 19.56 (2) or not more than \$5,000 for each violation of  
6 any other provision of this subchapter, or not more than the applicable amount  
7 specified in s. 13.69 for each violation of subch. III of ch. 13. If the board determines  
8 that the accused has realized economic gain as a result of the violation, the board  
9 may, in addition, order the accused to forfeit the amount gained as a result of the  
10 violation. In addition, if the board determines that a state or local public official has  
11 violated s. 19.45 (13), the board may order the official to forfeit an amount equal to  
12 the amount or value of any political contribution, service, or other thing of value that  
13 was wrongfully obtained. If the board determines that a state or local public official  
14 has violated s. 19.45 (13) and no political contribution, service or other thing of value  
15 was obtained, the board may order the official to forfeit an amount equal to the  
16 maximum contribution authorized under s. 11.26 (1) for the office held or sought by  
17 the official, whichever amount is greater. The attorney general, when so requested  
18 by the board, shall institute proceedings to recover any forfeiture incurred under this  
19 section or s. 19.545 which is not paid by the person against whom it is assessed.

20 **SECTION 103.** 19.54 (2) of the statutes is amended to read:

21 19.54 (2) An application for rehearing is governed by such general rules as the  
22 board may establish. Only one rehearing may be granted by the board. No order of  
23 the board pursuant to this subchapter or subch. III of ch.13 becomes effective until  
24 20 days after it is issued, or while an application for rehearing or a rehearing is  
25 pending, or until 10 days after such application for rehearing is either denied,

1 expressly or by implication, or the board has announced its final determination on  
2 rehearing.

3 **SECTION 104.** 19.55 (1) of the statutes is amended to read:

4 19.55 (1) Except as provided in sub. (2) and s. 5.05 (5s), all records under this  
5 subchapter or subch. III of ch. 13 in the possession of the board are open to public  
6 inspection at all reasonable times. The board shall require an individual wishing to  
7 examine a statement of economic interests or the list of persons who inspect any  
8 statements which are in the board's possession to provide his or her full name and  
9 address, and if the individual is representing another person, the full name and  
10 address of the person which he or she represents. Such identification may be  
11 provided in writing or in person. The board shall record and retain for at least 3 years  
12 information obtained by it pursuant to this subsection. No individual may use a  
13 fictitious name or address or fail to identify a principal in making any request for  
14 inspection.

15 **SECTION 105.** 19.55 (2) (a) of the statutes is renumbered 5.05 (5s) (b) and  
16 amended to read:

17 5.05 (5s) (b) Records obtained in connection with a request for an advisory  
18 opinion issued under s. 5.05 (6a), other than summaries of advisory opinions that do  
19 not disclose the identity of individuals requesting such opinions or organizations on  
20 whose behalf they are requested, are not subject to the right of inspection and  
21 copying under s. 19.35 (1). The executive director of the board may, however, make  
22 such records public with the consent of the individual requesting the advisory  
23 opinion or the organization or governmental body on whose behalf it is requested.  
24 A person who makes or purports to make public the substance of or any portion of  
25 an advisory opinion requested by or on behalf of the person is deemed to have waived

1 the confidentiality of the request for an advisory opinion and of any records obtained  
2 or prepared by the board in connection with the request for an advisory opinion.

3 **SECTION 106.** 19.55 (2) (b) of the statutes is renumbered 5.05 (5s) (a) (intro.) and  
4 amended to read:

5 5.05 (5s) (a) (intro.) Records obtained or prepared by the board in connection  
6 with an investigation are not subject to the right of inspection and copying under s.  
7 19.35 (1), except as provided in par. (d) and except that the:

8 1. The board shall permit inspection of records that are made public in the  
9 course of a hearing by the board to determine if a violation of this subchapter chs. 5  
10 to 12 or subch. III of ch. 13 or subch. III of ch. 19 has occurred. Whenever the board  
11 refers such investigation and hearing records to a district attorney or to the attorney  
12 general, they

13 2. Investigatory records of the board may be made public in the course of a  
14 prosecution initiated under this subchapter chs. 5 to 12, subch. III of ch. 13, or subch.  
15 III of ch. 19.

16 3. The board shall also provide information from investigation and hearing  
17 records that pertains to the location of individuals and assets of individuals as  
18 requested under s. 49.22 (2m) by the department of workforce development or by a  
19 county child support agency under s. 59.53 (5).

20 **SECTION 107.** 19.55 (2) (c) of the statutes is amended to read:

21 19.55 (2) (c) Statements of economic interests and reports of economic  
22 transactions which are filed with the ethics government accountability board by  
23 members or employees of the investment board, except that the ethics government  
24 accountability board shall refer statements and reports filed by such individuals to  
25 the legislative audit bureau for its review, and except that a statement of economic

1 interests filed by a member or employee of the investment board who is also an  
2 official required to file shall be open to public inspection.

3 **SECTION 108.** 19.56 (1) of the statutes is amended to read:

4 19.56 (1) Every state and local public official is encouraged to meet with clubs,  
5 conventions, special interest groups, political groups, school groups and other  
6 gatherings to discuss and to interpret legislative, administrative, executive or  
7 judicial processes and proposals and issues initiated by or affecting a department ~~or~~,  
8 the judicial branch, or any local governmental unit.

9 **SECTION 109.** 19.56 (2) (b) 5. of the statutes is amended to read:

10 19.56 (2) (b) 5. Is paid by the department or ~~municipality~~ local governmental  
11 unit of which the official's state or local public office is a part, or, in the case of a  
12 district attorney, is paid by that department or a county which the district attorney  
13 serves, or, in the case of a justice or judge of a court of record, is paid from the  
14 appropriations for operation of the state court system; or

15 **SECTION 110.** 19.56 (3) (a) of the statutes is amended to read:

16 19.56 (3) (a) A state or local public official may receive and retain  
17 reimbursement or payment of actual and reasonable expenses and an elected official  
18 may retain reasonable compensation, for a published work or for the presentation of  
19 a talk or participation in a meeting related to a topic specified in sub. (1) if the  
20 payment or reimbursement is paid or arranged by the organizer of the event or the  
21 publisher of the work.

22 **SECTION 111.** 19.56 (3) (b) of the statutes is amended to read:

23 19.56 (3) (b) A state or local public official may receive and retain anything of  
24 value if the activity or occasion for which it is given is unrelated to the official's use  
25 of the state's time, facilities, services or supplies of the state or the local

1 governmental unit served by the official that are not generally available to all  
2 citizens of this state or residents of the local governmental unit served by the official  
3 and the official can show by clear and convincing evidence that the payment or  
4 reimbursement was unrelated to and did not arise from the recipient's holding or  
5 having held a public office and was paid for a purpose unrelated to the purposes  
6 specified in sub. (1).

7 **SECTION 112.** 19.56 (3) (c) of the statutes is amended to read:

8 19.56 (3) (c) A state public official may receive and retain from the state, and  
9 a local public official may receive and retain from the local governmental unit served  
10 by the official on behalf of that unit, or on behalf of the state transportation, lodging,  
11 meals, food or beverage, or reimbursement therefor or payment or reimbursement  
12 of actual and reasonable costs that the official can show by clear and convincing  
13 evidence were incurred or received on behalf of the state of Wisconsin or the local  
14 governmental unit served by the official and primarily for the benefit of the state or  
15 the local governmental unit and not primarily for the private benefit of the official  
16 or any other person.

17 **SECTION 113.** 19.56 (3) (d) of the statutes is amended to read:

18 19.56 (3) (d) A state or local public official may receive and retain from a  
19 political committee under ch. 11 transportation, lodging, meals, food or beverage, or  
20 reimbursement therefor or payment or reimbursement of costs permitted and  
21 reported in accordance with ch. 11.

22 **SECTION 114.** 19.56 (4) of the statutes is amended to read:

23 19.56 (4) If a state or local public official receives a payment not authorized by  
24 this subchapter, in cash or otherwise, for a published work or a talk or meeting, the  
25 official may not retain it. If practicable, the official shall deposit it with the



1 department or municipality with which he or she is associated the local  
2 governmental unit served by the official or, in the case of a justice or judge of a court  
3 of record, with the director of state courts. If that is not practicable, the official shall  
4 return it or its equivalent to the payor or convey it to the state or the local  
5 governmental unit served by the official or to a charitable organization other than  
6 one with which he or she is associated.

7 **SECTION 115.** 19.579 of the statutes is repealed and recreated to read:

8 **19.579 Civil penalty.** Any person who violates s. 19.43, 19.44, or 19.56 (2) may  
9 be required to forfeit not more than \$500. Any person who violates any other  
10 provision of this subchapter may be required to forfeit not more than \$5,000.

11 **SECTION 116.** 19.58 (1) of the statutes is amended to read:

12 19.58 (1) (a) Any person who intentionally violates any provision of this  
13 subchapter except s. 19.45 (13) ~~or 19.59 (1) (b)~~, or a code of ethics adopted or  
14 established under s. 19.45 (11) (a) or (b), shall be fined not less than \$100 nor more  
15 than \$5,000 or imprisoned not more than one year in the county jail or both.

16 (b) Any person who intentionally violates s. 19.45 (13) ~~or 19.59 (1) (b)~~ is guilty  
17 of a Class I felony.

18 **SECTION 117.** 19.58 (2) of the statutes is amended to read:

19 19.58 (2) The penalties under sub. (1) do not limit the power of either house of  
20 the legislature to discipline its own members or to impeach a public official, or limit  
21 the power of a department or a local governmental unit to discipline its state or local  
22 public officials or employees.

23 **SECTION 118.** 19.59 (title) of the statutes is amended to read:

24 **19.59 (title) Codes of ethics for local Local government officials,**  
25 **employees and candidates.**

1           **SECTION 119.** 19.59 (1) (a) to (d) of the statutes are repealed.

2           **SECTION 120.** 19.59 (1) (f) of the statutes is renumbered 19.461 and amended  
3 to read:

4           **19.461 Nonapplication to members of certain local committees.**

5           ~~Paragraphs (a) to (e)~~ Sections 19.45 (2), (3), and (13) and 19.46 (1) do not apply to the  
6 members of a local committee appointed under s. 289.33 (7) (a) to negotiate with the  
7 owner or operator of, or applicant for a license to operate, a solid waste disposal or  
8 hazardous waste facility under s. 289.33, with respect to any matter contained or  
9 proposed to be contained in a written agreement between a municipality and the  
10 owner, operator or applicant or in an arbitration award or proposed award that is  
11 applicable to those parties.

12           **SECTION 121.** 19.59 (1) (g) of the statutes is repealed.

13           **SECTION 122.** 19.59 (1m) of the statutes is amended to read:

14           19.59 (1m) In addition to the requirements of ~~sub. (1)~~ 19.45 and 19.46 (1), any  
15 county, city, village or town may enact an ordinance establishing a code of ethics for  
16 public officials and employees of the county or municipality and candidates for  
17 county or municipal elective offices.

18           **SECTION 123.** 19.59 (3) (a) of the statutes is amended to read:

19           19.59 (3) (a) A requirement for ~~local public officials, other employees of the~~  
20 county or municipality other than local public officials and candidates for local public  
21 office to identify any of the economic interests specified in s. 19.44.

22           **SECTION 124.** 19.59 (3) (e) of the statutes is amended to read:

23           19.59 (3) (e) Provisions in addition to those prescribed in ss. 19.45 and 19.46  
24 (1), whenever applicable, prescribing ethical standards of conduct and prohibiting  
25 conflicts of interest on the part of local public officials and other employees of the

1 county or municipality or on the part of former local public officials or former  
2 employees of the county or municipality.

3 **SECTION 125.** 19.59 (5) (a) of the statutes is amended to read:

4 19.59 (5) (a) Any individual, either personally or on behalf of an organization  
5 or governmental body, may request of a county or municipal ethics board, or, in the  
6 absence of a county or municipal ethics board, a county corporation counsel or  
7 attorney for a local governmental unit, an advisory opinion regarding the propriety  
8 of any matter to which the person is or may become a party with respect to the  
9 application or interpretation of any ordinance enacted under this section. Any  
10 appointing officer, with the consent of a prospective appointee, may request of a  
11 county or municipal ethics board, or, in the absence of a county or municipal ethics  
12 board, a county corporation counsel or attorney for a local governmental unit an  
13 advisory opinion regarding the propriety under an ordinance enacted under this  
14 section of any matter to which the prospective appointee is or may become a party.  
15 The county or municipal ethics board or the county corporation counsel or attorney  
16 shall review a request for an advisory opinion and may advise the person making the  
17 request. Advisory opinions and requests therefor shall be in writing. It is prima facie  
18 evidence of intent to comply with ~~this section or~~ any ordinance enacted under this  
19 section when a person refers a matter to a county or municipal ethics board or a  
20 county corporation counsel or attorney for a local governmental unit and abides by  
21 the advisory opinion, if the material facts are as stated in the opinion request. A  
22 county or municipal ethics board may authorize a county corporation counsel or  
23 attorney to act in its stead in instances where delay is of substantial inconvenience  
24 or detriment to the requesting party. Except as provided in par. (b), neither a county  
25 corporation counsel or attorney for a local governmental unit nor a member or agent

1 of a county or municipal ethics board may make public the identity of an individual  
2 requesting an advisory opinion or of individuals or organizations mentioned in the  
3 opinion.

4 **SECTION 126.** 19.59 (6) of the statutes is repealed.

5 **SECTION 127.** 19.59 (7) of the statutes is amended to read:

6 19.59 (7) (a) Any person local public official who violates sub.~~(1)~~ this  
7 subchapter may be required to forfeit not more than \$1,000 for each violation, and,  
8 if the court determines that the accused has violated sub.~~(1)~~ (br) s. 19.45 (13), the  
9 court may, in addition, order the accused to forfeit an amount equal to the amount  
10 or value of any political contribution, service, or other thing of value that was  
11 wrongfully obtained.

12 (b) Any person local public official who violates sub.~~(1)~~ this subchapter may  
13 be required to forfeit not more than \$1,000 for each violation, and, if the court  
14 determines that a local public official has violated sub.~~(1)~~ (br) s. 19.45 (13) and no  
15 political contribution, service or other thing of value was obtained, the court may, in  
16 addition, order the accused to forfeit an amount equal to the maximum contribution  
17 authorized under s. 11.26 (1) for the office held or sought by the official, whichever  
18 amount is greater.

19 **SECTION 128.** 19.59 (8) (a) to (c) of the statutes are amended to read:

20 19.59 (8) (a) Subsection~~(1)~~ Violations of this subchapter by a local public  
21 official shall be ~~enforced~~ prosecuted in the name and on behalf of the state by action  
22 of the board or, subject to the procedures prescribed in s. 5.05 (2m) (c), by action of  
23 the district attorney of for any county wherein a violation may occur, upon the  
24 verified complaint of any person.

1 (b) In addition and supplementary to the remedy provided in sub. (7) for  
2 violation of this subchapter by any local public official, the board or district attorney  
3 may commence an action, separately or in conjunction with an action brought to  
4 obtain the remedy provided in sub. (7), to obtain such other legal or equitable relief,  
5 including but not limited to mandamus, injunction or declaratory judgment, as may  
6 be appropriate under the circumstances.

7 (c) If Unless the district attorney is precluded from commencing an action  
8 under s. 5.05 (2m) (c), if the district attorney fails to commence an action to enforce  
9 sub. (1) (a), (b), or (e) to (g) any provision of s. 19.45 except s. 19.45 (13) with respect  
10 to a local public official within 20 days after receiving a verified complaint or if the  
11 district attorney refuses to commence such an action, the person making the  
12 complaint may petition the attorney general to act upon the complaint. The attorney  
13 general may then bring an action under par. (a) or (b), or both.

14 **SECTION 129.** 19.59 (8) (cm) of the statutes is repealed.

15 **SECTION 130.** 19.59 (8) (cn) of the statutes is amended to read:

16 19.59 (8) (cn) If Subject to the procedures prescribed in s. 5.05 (2m) (c), if the  
17 board or district attorney for the county in which a violation of sub. (1) (~~br~~) s. 19.45  
18 (13) is alleged to occur receives a verified complaint alleging a violation of sub. (1) (~~br~~)  
19 s. 19.45 (13) by a local public official, the board or district attorney shall, within 30  
20 days after receipt of the complaint, either commence an investigation of the  
21 allegations contained in the complaint or dismiss the complaint. If the district  
22 attorney dismisses the complaint, with or without investigation, the district attorney  
23 shall notify the complainant in writing. Upon receiving notification of the dismissal,  
24 the complainant may then file the complaint with the attorney general or the district  
25 attorney for a county that is adjacent to the county in which the violation is alleged

1 to occur. The attorney general or district attorney may then investigate the  
2 allegations contained in the complaint and commence a prosecution.

3 **SECTION 131.** 19.59 (8) (d) of the statutes is amended to read:

4 19.59 (8) (d) If the district attorney prevails in such an action, the court shall  
5 award any forfeiture recovered together with reasonable costs to the county wherein  
6 the violation occurs. If the board or attorney general prevails in such an action, the  
7 court shall award any forfeiture recovered together with reasonable costs to the  
8 state.

9 **SECTION 132.** 19.85 (1) (fm) of the statutes is created to read:

10 19.85 (1) (fm) Deliberating by the government accountability board concerning  
11 any investigation under the board's jurisdiction.

12 **SECTION 133.** 19.85 (1) (h) of the statutes is amended to read:

13 19.85 (1) (h) Consideration of requests for confidential written advice from the  
14 ethics executive director of the government accountability board under s. 19.46 (2)  
15 s. 5.05 (6a), or from any county or municipal ethics board under s. 19.59 (5).

16 **SECTION 134.** 20.510 (intro.) of the statutes is repealed.

17 **SECTION 135.** 20.510 (1) (title) of the statutes is repealed.

18 **SECTION 136.** 20.510 (1) (a) of the statutes is repealed.

19 **SECTION 137.** 20.510 (1) (bm) of the statutes is repealed.

20 **SECTION 138.** 20.510 (1) (c) of the statutes is repealed.

21 **SECTION 139.** 20.510 (1) (d) of the statutes is repealed.

22 **SECTION 140.** 20.510 (1) (g) of the statutes is repealed.

23 **SECTION 141.** 20.510 (1) (h) of the statutes is repealed.

24 **SECTION 142.** 20.510 (1) (i) of the statutes is repealed.

25 **SECTION 143.** 20.510 (1) (j) of the statutes is repealed.

1           **SECTION 144.** 20.510 (1) (q) of the statutes, as affected by 2001 Wisconsin Act  
2 109, is repealed.

3           **SECTION 145.** 20.510 (1) (t) of the statutes is repealed.

4           **SECTION 146.** 20.510 (1) (x) of the statutes is repealed.

5           **SECTION 147.** 20.521 (intro.) of the statutes is repealed.

6           **SECTION 148.** 20.521 (1) (title) of the statutes is repealed.

7           **SECTION 149.** 20.521 (1) (a) of the statutes is repealed.

8           **SECTION 150.** 20.521 (1) (b) of the statutes is repealed.

9           **SECTION 151.** 20.521 (1) (g) of the statutes is repealed.

10          **SECTION 152.** 20.521 (1) (h) of the statutes is repealed.

11          **SECTION 153.** 20.521 (1) (i) of the statutes is repealed.

12          **SECTION 154.** 20.923 (4) (intro.) of the statutes is amended to read:

13           20.923 (4) STATE AGENCY POSITIONS. (intro.) State agency heads, the  
14 administrator of the division of merit recruitment and selection in the office of state  
15 employment relations, the administrator of the enforcement division in the  
16 government accountability board, and commission chairpersons and members shall  
17 be identified and limited in number in accordance with the standardized  
18 nomenclature contained in this subsection, and shall be assigned to the executive  
19 salary groups listed in pars. (a) to (i). Except for positions specified in ~~par.~~ pars. (c)  
20 3m. and (e) 2e. and sub. (12), all unclassified division administrator positions  
21 enumerated under s. 230.08 (2) (e) shall be assigned, when approved by the joint  
22 committee on employment relations, by the director of the office of state employment  
23 relations to one of 10 executive salary groups. The joint committee on employment  
24 relations, by majority vote of the full committee, may amend recommendations for  
25 initial position assignments and changes in assignments to the executive salary

1 groups submitted by the director of the office of state employment relations. All  
2 division administrator assignments and amendments to assignments of  
3 administrator positions approved by the committee shall become part of the  
4 compensation plan. Whenever a new unclassified division administrator position is  
5 created, the appointing authority may set the salary for the position until the joint  
6 committee on employment relations approves assignment of the position to an  
7 executive salary group. If the committee approves assignment of the position to an  
8 executive salary group having a salary range minimum or maximum inconsistent  
9 with the salary paid to the incumbent at the time of such approval, the incumbent's  
10 salary shall be adjusted by the appointing authority to conform with the committee's  
11 action, effective on the date of that action. Positions are assigned as follows:

12 **SECTION 155.** 20.923 (4) (d) 3. of the statutes is repealed.

13 **SECTION 156.** 20.923 (4) (d) 4. of the statutes is repealed.

14 **SECTION 157.** 20.923 (4) (e) 2e. of the statutes is created to read:

15 20.923 (4) (e) 2e. Government accountability board: administrator of the  
16 enforcement division.

17 **SECTION 158.** 20.923 (4) (f) 3j. of the statutes is created to read:

18 20.923 (4) (f) 3j. Government accountability board: executive director.

19 **SECTION 159.** 59.605 (3) (a) 3. of the statutes is amended to read:

20 59.605 (3) (a) 3. The referendum shall be held in accordance with chs. 5 to 12.  
21 The governing body shall provide the election officials with all necessary election  
22 supplies. The form of the ballot shall correspond substantially with the standard  
23 form for referendum ballots prescribed by the elections government accountability  
24 board under ss. 5.64 (2) and 7.08 (1) (a). If the resolution under subd. 1. specifies the  
25 operating levy rate, the question shall be submitted as follows: "Under state law, the



1 operating levy rate for the .... (name of county), for the tax to be imposed for the year  
2 .... (year), is limited to \$.... per \$1,000 of equalized value. Shall the .... (name of  
3 county) be allowed to exceed this rate limit for .... (a specified number of years) (an  
4 indefinite period) by \$.... per \$1,000 of equalized value that results in an operating  
5 levy rate of \$.... per \$1,000 of equalized value?" If the resolution under subd. 1.  
6 specifies the operating levy, the question shall be submitted as follows: "Under state  
7 law, the operating levy rate for the .... (name of county), for the tax to be imposed for  
8 the year .... (year), is limited to \$.... per \$1,000 of equalized value. Notwithstanding  
9 the operating levy rate limit, shall the .... (name of county) be allowed to levy an  
10 amount not to exceed \$.... (operating levy) for operating purposes for the year ....  
11 (year), which may increase the operating levy rate for .... (a specified number of  
12 years) (an indefinite period)? This would allow a ....% increase above the levy of \$....  
13 (preceding year operating levy) for the year .... (preceding year)."

14 **SECTION 160.** 67.05 (3) (b) of the statutes is amended to read:

15 67.05 (3) (b) The clerk of the jurisdiction in which the referendum is held shall  
16 prepare or arrange for the preparation of the ballots. If the jurisdiction in which the  
17 referendum is held is not a city, village, or town, and the clerk of the jurisdiction in  
18 which the referendum is held prepares the ballots, the clerk shall deliver the ballots  
19 to the municipal clerk of each city, village, or town which is wholly or partly contained  
20 within the jurisdiction in which the referendum is held. The form of the ballot shall  
21 correspond with the form prescribed by the elections government accountability  
22 board under ss. 5.64 (2) and 7.08 (1) (a).

23 **SECTION 161.** 67.05 (6) of the statutes is amended to read:

24 67.05 (6) REFERENDUM IN OTHER CASES. Whenever an initial resolution has been  
25 adopted by the governing body of any municipality other than a county, a town, a city,

1 a village, a technical college district, a metropolitan sewerage district created under  
2 ss. 200.01 to 200.15 or 200.21 to 200.65, a town sanitary district, a public inland lake  
3 protection and rehabilitation district, or a board of park commissioners, the clerk of  
4 such municipality shall immediately record the resolution and call a special meeting  
5 for the purpose of submitting it to the electors of the municipality for ratification or  
6 rejection. The calling and conduct of the meeting shall be governed by those statutes,  
7 so far as applicable, which govern the calling and conduct of special meetings in  
8 general. The notice of the meeting, which shall be publicly read before the balloting  
9 shall commence, and the ballot used, shall embody a copy of the resolution; the form  
10 of the ballot shall correspond with the form prescribed by the ~~elections~~ government  
11 accountability board under ss. 5.64 (2) and 7.08 (1) (a); and the question submitted  
12 shall be whether the resolution shall be approved.

13 **SECTION 162.** 71.10 (3) (b) of the statutes is amended to read:

14 71.10 (3) (b) The secretary of revenue shall provide a place for those  
15 designations on the face of the individual income tax return and shall provide next  
16 to that place a statement that a designation will not increase tax liability. Annually  
17 on August 15, the secretary of revenue shall certify to the ~~elections~~ government  
18 accountability board, the department of administration and the state treasurer  
19 under s. 11.50 the total amount of designations made during the preceding fiscal  
20 year. If any individual attempts to place any condition or restriction upon a  
21 designation, that individual is deemed not to have made a designation on his or her  
22 tax return.

23 **SECTION 163.** 71.10 (3) (b) of the statutes, as affected by 2001 Wisconsin Act  
24 109, is repealed and recreated to read:

1           71.10 (3) (b) The secretary of revenue shall ensure that space for the  
2           designations under par. (am) is provided on the face of the individual income tax  
3           return in a manner that is convenient to the individual filing the return. The  
4           secretary of revenue shall provide next to the place on the return where designation  
5           under par. (am) is made a statement that a designation will increase tax liability, that  
6           the amount of a designation may be claimed as a credit under s. 71.07 (6s), and that  
7           by making a designation the individual is also claiming the credit. The department  
8           of revenue shall ensure that an individual may make the designation under par. (am)  
9           and claim the credit under s. 71.07 (6s) by marking only one box, which shall be on  
10          the face of the individual income tax return. The secretary of revenue shall also  
11          provide and highlight a place in the instructions that accompany the return for  
12          information submitted to the secretary by the government accountability board  
13          under s. 11.50 (2m) without cost to the board. Annually on August 15, the secretary  
14          of revenue shall certify to the government accountability board, the department of  
15          administration, and the state treasurer the total amount of designations made on  
16          returns processed by the department of revenue during the preceding fiscal year and  
17          the amount of designations made during that fiscal year for the general account and  
18          for the account of each eligible political party. If any individual designates an  
19          amount greater than the amount authorized under par. (am) or attempts to place any  
20          condition or restriction upon a designation not authorized under par. (am), that  
21          individual is deemed not to have made a designation on his or her tax return.

22           **SECTION 164.** 73.0301 (1) (d) 13. of the statutes is amended to read:

23           73.0301 (1) (d) 13. A license issued by the ethics government accountability  
24          board under s. 13.63 (1).

25           **SECTION 165.** 73.0301 (1) (e) of the statutes is amended to read:

1           73.0301 (1) (e) “Licensing department” means the department of  
2 administration; the board of commissioners of public lands; the department of  
3 commerce; the ~~ethics~~ government accountability board; the department of financial  
4 institutions; the department of health and family services; the department of natural  
5 resources; the department of public instruction; the department of regulation and  
6 licensing; the department of workforce development; the office of the commissioner  
7 of insurance; or the department of transportation.

8           **SECTION 166.** 85.61 (1) of the statutes is amended to read:

9           85.61 (1) The secretary of transportation and the executive director of the  
10 ~~elections~~ government accountability board shall enter into an agreement to match  
11 personally identifiable information on the official registration list maintained by the  
12 ~~elections~~ government accountability board under s. 6.36 (1) with personally  
13 identifiable information in the operating record file database under ch. 343 and  
14 vehicle registration records under ch. 341 to the extent required to enable the  
15 secretary of transportation and the executive director of the ~~elections~~ government  
16 accountability board to verify the accuracy of the information provided for the  
17 purpose of voter registration.

18           **SECTION 167.** 117.20 (2) of the statutes is amended to read:

19           117.20 (2) The clerk of each affected school district shall publish notice, as  
20 required under s. 8.55, in the territory of that school district. The procedures for  
21 school board elections under s. 120.06 (9), (11), (13), and (14) apply to a referendum  
22 held under this section. The school board and school district clerk of each affected  
23 school district shall each perform, for that school district, the functions assigned to  
24 the school board and the school district clerk, respectively, under those subsections.  
25 The form of the ballot shall correspond to the form prescribed by the ~~elections~~

1 government accountability board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each  
2 affected school district shall file with the secretary of the board a certified statement  
3 prepared by the school district board of canvassers of the results of the referendum  
4 in that school district.

5 **SECTION 168.** 117.27 (2) (b) (intro.) of the statutes is amended to read:

6 117.27 (2) (b) (intro.) The school district clerk shall include in the notice of the  
7 spring election a statement that the election ballot will include a question on the  
8 change requested by the petition. The form of the ballot shall correspond to the form  
9 prescribed by the elections government accountability board under ss. 5.64 (2) and  
10 7.08 (1) (a) and the question on the ballot shall be:

11 **SECTION 169.** 121.91 (3) (c) of the statutes is amended to read:

12 121.91 (3) (c) The referendum shall be held in accordance with chs. 5 to 12. The  
13 school district clerk shall provide the election officials with all necessary election  
14 supplies. The form of the ballot shall correspond substantially with the standard  
15 form for referendum ballots prescribed by the elections government accountability  
16 board under ss. 5.64 (2) and 7.08 (1) (a). The question submitted shall be whether  
17 the limit under sub. (2m) may be exceeded by a specified amount. If the resolution  
18 provides that any of the excess revenue will be used for a nonrecurring purpose, the  
19 ballot in the election shall so state and shall specify the amount that will be used for  
20 a nonrecurring purpose. The limit otherwise applicable to the school district under  
21 sub. (2m) is increased by the amount approved by a majority of those voting on the  
22 question.

23 **SECTION 170.** 125.05 (1) (b) 10. of the statutes is amended to read:

1           125.05 (1) (b) 10. Each question submitted to the electors shall conform to the  
2 form prescribed by the ~~elections~~ government accountability board under ss. 5.64 (2)  
3 and 7.08 (1) (a).

4           **SECTION 171.** 165.25 (1) of the statutes is amended to read:

5           165.25 (1) REPRESENT STATE. Except as provided in ~~s.~~ ss. 5.05 (2m) (c) 1. and  
6 978.05 (5), appear for the state and prosecute or defend all actions and proceedings,  
7 civil or criminal, in the court of appeals and the supreme court, in which the state  
8 is interested or a party, and attend to and prosecute or defend all civil cases sent or  
9 remanded to any circuit court in which the state is a party; and, if requested by the  
10 governor or either house of the legislature, appear for and represent the state, any  
11 state department, agency, official, employee, or agent, whether required to appear  
12 as a party or witness in any civil or criminal matter, and prosecute or defend in any  
13 court or before any officer, any cause or matter, civil or criminal, in which the state  
14 or the people of this state may be interested. The public service commission may  
15 request under s. 196.497 (7) that the attorney general intervene in federal  
16 proceedings. All expenses of the proceedings shall be paid from the appropriation  
17 under s. 20.455 (1) (d).

18           **SECTION 172.** 165.25 (4) (e) of the statutes is created to read:

19           165.25 (4) (e) Provide assistance to the enforcement division of the government  
20 accountability board in the investigation and prosecution of violations of chs. 5 to 12,  
21 subch. III of ch. 13, and subch. III of ch. 19.

22           **SECTION 173.** 198.08 (10) of the statutes is amended to read:

23           198.08 (10) ELECTION STATISTICS. The clerk of the district shall seasonably  
24 obtain, compile, and file in his or her office, for the information of the public, a  
25 statement showing the total number of votes cast for the office of governor in the last

1 preceding general election in each subdistrict of the district. The clerk of every  
2 municipality and the ~~elections~~ government accountability board shall furnish such  
3 information so far as obtainable from their records, duly certified, to the clerk of the  
4 district upon request therefor by the clerk of the district. If the total number of votes  
5 cast in any subdistrict for the office of governor in the last preceding election cannot,  
6 because of an intervening change of boundaries of election wards or for any reason,  
7 be ascertained from any official record the clerk of the district shall fairly estimate  
8 such number for the purposes of such statement to be filed in his or her office.

9 **SECTION 174.** 200.09 (11) (am) 3. of the statutes is amended to read:

10 200.09 **(11)** (am) 3. If the governing bodies of each city, town, and village  
11 comprising the district pass a resolution to discontinue election of commissioners,  
12 each commissioner may hold office until a successor is appointed and qualified. The  
13 commission shall immediately notify the ~~elections~~ government accountability board  
14 under s. 5.05 upon passage of a resolution under this subdivision.

15 **SECTION 175.** 227.03 (6) of the statutes is amended to read:

16 227.03 **(6)** Orders of the ~~elections~~ government accountability board under s.  
17 5.06 (6) are not subject to this chapter.

18 **SECTION 176.** 227.03 (6m) of the statutes is created to read:

19 227.03 **(6m)** Cases before the enforcement division of the government  
20 accountability board under s. 5.066 are not subject to this chapter.

21 **SECTION 177.** 227.52 (6) of the statutes is amended to read:

22 227.52 **(6)** Decisions of the chairperson of the ~~elections~~ government  
23 accountability board or the chairperson's designee.

24 **SECTION 178.** 230.08 (2) (e) 4h. of the statutes is created to read:

25 230.08 **(2)** (e) 4h. Government accountability board — 3.

1           **SECTION 179.** 230.08 (2) (om) of the statutes is repealed.

2           **SECTION 180.** 230.08 (2) (on) of the statutes is created to read:

3           230.08 (2) (on) The executive director of the government accountability board.

4           **SECTION 181.** 230.08 (2) (wm) of the statutes is repealed.

5           **SECTION 182.** 230.08 (4) (a) of the statutes is amended to read:

6           230.08 (4) (a) The number of administrator positions specified in sub. (2) (e)  
7 includes all administrator positions specifically authorized by law to be employed  
8 outside the classified service in each department, board or commission and the  
9 historical society. In this paragraph, “department” has the meaning given under s.  
10 15.01 (5), “board” means the educational communications board, government  
11 accountability board, investment board, public defender board and technical college  
12 system board and “commission” means the public service commission.  
13 Notwithstanding sub. (2) (z), no division administrator position exceeding the  
14 number authorized in sub. (2) (e) may be created in the unclassified service.

15           **SECTION 183.** 234.02 (3m) (c) of the statutes is amended to read:

16           234.02 (3m) (c) The authority shall, with the advice of the ~~ethics~~ government  
17 accountability board, adopt and enforce ethics guidelines applicable to its paid  
18 consultants which are similar to subch. III of ch. 19, except that the authority may  
19 not require its paid consultants to file financial disclosure statements.

20           **SECTION 184.** 560.04 (2m) of the statutes is amended to read:

21           560.04 (2m) DUTIES. The department may assign one or more full-time  
22 equivalent positions to the functions of coordinating the development and scheduling  
23 of training programs for local government officials by the University of  
24 Wisconsin-Extension, technical college system, department of revenue, elections  
25 government accountability board, and other state agencies in order to assure the



1 effective delivery of training programs and to prevent duplication of effort and of  
2 coordinating requests for management or personnel consultative services from  
3 government units other than the state and directing those requests to the  
4 appropriate division of the department of administration.

5 **SECTION 185.** 758.19 (9) of the statutes is created to read:

6 758.19 (9) The director of state courts shall maintain a register of retired judges  
7 of courts of record in this state who are willing to accept appointments under s. 15.60  
8 (4).

9 **SECTION 186.** 778.135 of the statutes is amended to read:

10 **778.135 Campaign finance forfeitures; how recovered.** Notwithstanding  
11 s. 778.13, whenever any action or proposed action by the elections government  
12 accountability board under s. 5.05 (1) (c) is settled as a result of agreement between  
13 the parties without approval of the court, the moneys accruing to the state on account  
14 of such settlement shall be paid to the board and deposited with the secretary of  
15 administration. Whenever any proposed action by a county board of election  
16 commissioners under s. 7.21 (2m) (a) is settled as a result of agreement between the  
17 parties, the moneys accruing to the county on account of such settlement shall be  
18 paid to the board of election commissioners and deposited with the county treasurer  
19 in the same manner as provided for forfeitures under s. 778.13.

20 **SECTION 187.** 778.136 of the statutes is amended to read:

21 **778.136 Ethics and lobbying forfeitures; how recovered.**  
22 Notwithstanding s. 778.13, whenever any moneys are received by the ~~ethics~~  
23 government accountability board or attorney general in settlement of a civil action  
24 or other civil matter for violation of the lobbying law or code of ethics for state and

1 local public officials and employees under s. 19.545, the moneys shall accrue to the  
2 state and be deposited with the secretary of administration.

3 **SECTION 188.** 971.22 (2) and (3) of the statutes are amended to read:

4 971.22 (2) The A motion under sub. (1) shall be in writing and supported by  
5 affidavit which shall state evidentiary facts showing the nature of the prejudice  
6 alleged. The district attorney may file counter affidavits.

7 (3) If the court determines, pursuant to a motion filed under sub. (1), that there  
8 exists in the county where the action is pending such prejudice that a fair trial cannot  
9 be had, it shall order that the trial be held in any county where an impartial trial can  
10 be had. Only one change may be granted under this subsection.

11 (5) The judge who orders the change in the place of trial shall preside at the  
12 trial. Preliminary matters prior to trial may be conducted in either county at the  
13 discretion of the court. The judge shall determine where the defendant, if he or she  
14 is in custody, shall be held and where the record shall be kept. If the criteria under  
15 s. 971.225 (1) (a) to (c) exist, the court may proceed under s. 971.225 (2).

16 **SECTION 189.** 971.22 (4) of the statutes is created to read:

17 971.22 (4) In addition to any motion that is permitted under sub. (1), any  
18 defendant in a criminal action for violation of any provision of chs. 5 to 12, subch. III  
19 of ch. 13, or subch. III of ch. 19 may file a written motion with the court for a change  
20 in the place of the trial. The motion shall be made at arraignment. The court shall  
21 grant not more than one such motion from any defendant and shall change the place  
22 of the trial to a county that shall be determined by the chief justice of the supreme  
23 court on a random basis except that the trial shall not be changed to the county in  
24 which the defendant resides.

25 **SECTION 190. Nonstatutory provisions.**

1           (1) TRANSFER OF ELECTIONS BOARD.

2           (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
3 liabilities of the elections board shall become the assets and liabilities of the  
4 government accountability board.

5           (b) *Positions and employees.*

6           1. On the effective date of this subdivision, all full-time equivalent positions  
7 in the elections board are transferred to the government accountability board.

8           2. All incumbent employees holding positions in the elections board are  
9 transferred on the effective date of this subdivision to the government accountability  
10 board.

11           3. Employees transferred under subdivision 2. have all the rights and the same  
12 status under subchapter V of chapter 111 and chapter 230 of the statutes in the  
13 government accountability board that they enjoyed in the elections board  
14 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,  
15 no employee so transferred who has attained permanent status in class is required  
16 to serve a probationary period.

17           (c) *Tangible personal property.* On the effective date of this paragraph, all  
18 tangible personal property, including records, of the elections board is transferred to  
19 the government accountability board.

20           (d) *Contracts.* All contracts entered into by the elections board in effect on the  
21 effective date of this paragraph remain in effect and are transferred to the  
22 government accountability board. The government accountability board shall carry  
23 out any contractual obligations under such a contract until the contract is modified  
24 or rescinded by the government accountability board to the extent allowed under the  
25 contract.

1           (e) *Rules and orders.* All rules promulgated by the elections board that are in  
2 effect on the effective date of this paragraph remain in effect until their specified  
3 expiration dates or until amended or repealed by the government accountability  
4 board. All orders issued by the elections board that are in effect on the effective date  
5 of this paragraph remain in effect until their specified expiration dates or until  
6 modified or rescinded by the government accountability board.

7           (f) *Pending matters.* Any matter pending with the elections board on the  
8 effective date of this paragraph is transferred to the government accountability  
9 board, and all materials submitted to or actions taken by the elections board with  
10 respect to the pending matter are considered as having been submitted to or taken  
11 by the government accountability board.

12           (2) TRANSFER OF ETHICS BOARD.

13           (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
14 liabilities of the ethics board shall become the assets and liabilities of the government  
15 accountability board.

16           (b) *Positions and employees.*

17           1. On the effective date of this subdivision, all full-time equivalent positions  
18 in the ethics board are transferred to the government accountability board.

19           2. All incumbent employees holding positions in the ethics board are  
20 transferred on the effective date of this subdivision to the government accountability  
21 board.

22           3. Employees transferred under subdivision 2. have all the rights and the same  
23 status under subchapter V of chapter 111 and chapter 230 of the statutes in the  
24 government accountability board that they enjoyed in the ethics board immediately  
25 before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee

1 so transferred who has attained permanent status in class is required to serve a  
2 probationary period.

3 (c) *Tangible personal property.* On the effective date of this paragraph, all  
4 tangible personal property, including records, of the ethics board is transferred to the  
5 government accountability board.

6 (d) *Contracts.* All contracts entered into by the ethics board remain in effect  
7 and are transferred to the government accountability board. The government  
8 accountability board shall carry out any contractual obligations under such a  
9 contract until the contract is modified or rescinded by the government accountability  
10 board to the extent allowed under the contract.

11 (e) *Rules and orders.* All rules promulgated by the ethics board that are in effect  
12 on the effective date of this paragraph remain in effect until their specified expiration  
13 dates or until amended or repealed by the government accountability board. All  
14 orders issued by the ethics board that are in effect on the effective date of this  
15 paragraph remain in effect until their specified expiration dates or until modified or  
16 rescinded by the government accountability board.

17 (f) *Pending matters.* Any matter pending with the ethics board on the effective  
18 date of this paragraph is transferred to the government accountability board, and all  
19 materials submitted to or actions taken by the ethics board with respect to the  
20 pending matter are considered as having been submitted to or taken by the  
21 government accountability board.

22 (3) BOARD TRANSITIONS; INITIAL TERMS.

23 (a) Notwithstanding section 15.61, 2001 stats., section 15.62, 2003 stats., and  
24 section 15.07 (1) (c) of the statutes, the terms of office of all members of the elections

1 board and all members of the ethics board holding office shall expire on the first day  
2 of the 6th month beginning after the date of publication of this act.

3 (b) Each member of the government accountability board who is appointed as  
4 provided in paragraph (c) and qualified to take office shall take office on the effective  
5 date of this paragraph, or upon qualification to take office, whichever is later.

6 (c) Notwithstanding section 15.60 (1) of the statutes, as created by this act, and  
7 section 15.07 (1) (c) of the statutes, of the members of the government accountability  
8 board who are initially nominated, and with the advice and consent of the assembly  
9 and senate appointed, 3 shall be appointed to serve for terms expiring on May 1,  
10 2007, and 4 shall be appointed to serve for terms expiring on May 1, 2009.

11 (d) Notwithstanding section 15.603 (1) of the statutes, as created by this act,  
12 the person who is initially appointed to serve as administrator of the enforcement  
13 division of the government accountability board shall serve for a term expiring on  
14 September 1, 2011.

15 (4) IMPLEMENTATION.

16 (a) Notwithstanding section 5.05 (1m) and (2m) of the statutes, as created by  
17 this act, and section 20.922 (1) of the statutes, the director of the legislative council  
18 staff shall serve as executive director of the government accountability board,  
19 without additional compensation for such service, until such time as the board  
20 initially appoints an executive director and the appointee qualifies to take office. The  
21 executive director of the legislative council staff is vested with full authority and  
22 responsibility to carry out all functions of the executive director of the government  
23 accountability board, the enforcement division in the government accountability  
24 board, and the administrator of the enforcement division prior to appointment and  
25 qualification of the initial executive director, including the retention and

1 termination of all staff not transferred to the board that the board is authorized to  
2 employ under this act.

3 (5) INITIAL NOMINATIONS. The nominating authorities under section 15.60 (2)  
4 and (4) of the statutes, as created by this act, shall submit their initial nominations  
5 of individuals to serve as members of the government accountability board no later  
6 than November 1, 2006.

7 (6) NONSEVERABILITY. Notwithstanding section 990.001 (11) of the statutes, if  
8 a court finds that the repeal and recreation of section 71.10 (3) (b) of the statutes by  
9 this act, or any part of the laws specified in 2001 Wisconsin Act 109, section 9115 (2y)  
10 (b), is unconstitutional, the repeal and recreation of section 71.10 (3) (b) of the  
11 statutes by this act is void.

12 **SECTION 191. Effective dates.** This act takes effect on June 1, 2007, except  
13 as follows:

14 (1) The treatment of sections 5.052, 5.054, 15.07 (5) (m), 15.60, 15.603, 20.923  
15 (4) (intro.), (e) 2e., and (f) 3j., 230.08 (2) (e) 4h. and (on) and (4) (a) of the statutes, the  
16 renumbering and amendment of section 15.03 of the statutes, the creation of section  
17 15.03 (2) of the statutes, and SECTION 190 (3) (b) to (d), (4), and (5) of this act take  
18 effect on the day after publication.

19 (END)