



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBs0607/1
JTK:cx:jf

**ASSEMBLY SUBSTITUTE AMENDMENT 4,
TO 2005 SENATE BILL 1**

March 2, 2006 – Offered by Representative GUNDRUM.

1 **AN ACT** *to repeal* 5.05 (1) (a), 5.05 (3), 5.05 (5), 5.05 (6), 5.05 (11), 5.07, 5.08, 7.08
2 (7), 7.21 (2m), 9.01 (1) (ag) 4., 13.69 (8), 15.07 (5) (k), 15.07 (5) (n), 15.61, 15.62,
3 19.42 (10) (a), 19.47 (2), 19.47 (4), 19.49 (title), 19.49 (1), 19.49 (3), 19.49 (4),
4 19.50 (title), 19.51 (title), 19.51 (1) (a) and (b), 19.51 (3), 19.52, 19.53 (intro.),
5 19.53 (1) to (5), 19.53 (7) and (8), 19.535, 19.54, 19.545, 19.59 (1) (a) to (d), 19.59
6 (1) (g), 19.59 (6), 19.59 (8) (c), 19.59 (8) (cm), (cn) and (d), 20.510 (intro.), 20.510
7 (1) (title), 20.510 (1) (a), 20.510 (1) (bm), 20.510 (1) (c), 20.510 (1) (d), 20.510 (1)
8 (g), 20.510 (1) (h), 20.510 (1) (i), 20.510 (1) (j), 20.510 (1) (q), 20.510 (1) (t), 20.510
9 (1) (x), 20.521 (intro.), 20.521 (1) (title), 20.521 (1) (a), 20.521 (1) (b), 20.521 (1)
10 (g), 20.521 (1) (h), 20.521 (1) (i), 20.923 (4) (d) 3., 20.923 (4) (d) 4., 230.08 (2) (om),
11 230.08 (2) (wm) and 778.136; *to renumber* 19.49 (1m), 19.50 (4) and (5), 19.51
12 (2) and 19.579; *to renumber and amend* 15.03, 15.617, 19.46 (2), 19.49 (2),
13 19.49 (5), 19.50 (intro.) and (1) to (3), 19.51 (1) (intro.), 19.53 (6), 19.55 (2) (a),

1 19.55 (2) (b), 19.59 (1) (f) and 19.59 (1) (f); **to amend** 5.02 (1s), 5.05 (title), 5.05
2 (1) (intro.), 5.05 (1) (b), 5.05 (1) (c), 5.05 (1) (e), 5.06 (2), 5.081, 5.40 (7), 5.62 (4)
3 (b), 6.26 (2) (b), 6.26 (2) (c), 6.56 (2) to (5), 7.08 (title), 7.15 (1) (g), 7.23 (2), 7.31
4 (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
5 (2), 8.20 (6), 8.28, 8.50 (3) (a), 8.50 (3) (e), 9.01 (1) (a), 9.01 (1) (ar) 2., 9.01 (10),
6 11.21 (title), 11.21 (7) (intro.), 11.22 (4), 11.38 (5), 11.60 (5), 11.61 (2), 13.123 (3)
7 (b) 2., 13.23, 13.62 (4), 13.685 (title), 13.94 (1) (k), 14.58 (20), 15.07 (1) (cm),
8 15.07 (4), 16.79 (2), 16.96 (3) (b), 16.973 (6), 17.07 (6), 17.17 (1), 17.17 (4), 19.41
9 (1), 19.42 (3), 19.43 (4), 19.43 (5), 19.43 (7), 19.45 (title), 19.45 (1), 19.45 (2),
10 19.45 (3), 19.45 (3m), 19.45 (4), 19.45 (5), 19.45 (6), 19.45 (8) (a), 19.45 (10), 19.45
11 (11) (intro.), 19.45 (13), 19.46 (1) (intro.), 19.47 (5), 19.48 (1), 19.48 (4) (a), 19.48
12 (4) (b), 19.48 (9), 19.55 (1), 19.55 (2) (c), 19.56 (1), 19.56 (2) (b) 5., 19.56 (3) (a),
13 19.56 (3) (b), 19.56 (3) (c), 19.56 (3) (d), 19.56 (4), 19.579 (title), 19.58 (1), 19.58
14 (2), 19.59 (title), 19.59 (1) (g) 8., 19.59 (1m), 19.59 (3) (a), 19.59 (3) (e), 19.59 (5)
15 (a), 19.59 (7), 19.59 (8) (a) and (b), 19.85 (1) (h), 20.923 (4) (intro.), 20.930, 59.605
16 (3) (a) 3., 67.05 (3) (b), 67.05 (6), 71.10 (3) (b), 73.0301 (1) (d) 13., 73.0301 (1) (e),
17 85.61 (1), 117.20 (2), 117.27 (2) (b) (intro.), 121.91 (3) (c), 125.05 (1) (b) 10.,
18 165.25 (1), 198.08 (10), 200.09 (11) (am) 3., 227.03 (6), 227.45 (1), 227.46 (1)
19 (intro.), 227.52 (6), 230.08 (4) (a), 234.02 (3m) (c), 560.04 (2m) and 778.135; **to**
20 **repeal and recreate** 11.60 (4), 15.07 (1) (a) 2. and 71.10 (3) (b); and **to create**
21 5.05 (1e), 5.05 (1m), 5.05 (2m), 5.05 (3g), 5.05 (5s) (title), (d) and (e), 5.052, 5.054,
22 12.13 (5), 12.60 (1) (bm), 15.03 (2), 15.07 (5) (m), 15.60, 15.603, 19.42 (4a), 19.42
23 (10) (q), 19.45 (6a), 19.45 (7a), 19.45 (8) (ba) and (ca), 19.46 (3a), 19.85 (1) (fm),
24 20.923 (4) (e) 2e., 20.923 (4) (f) 3j., 230.08 (2) (e) 4h., 230.08 (2) (on) and 971.19

- 1 (12) of the statutes; **relating to:** creation of a Government Accountability and
2 Integrity Board, granting rule-making authority, and providing penalties.
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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 and Integrity Board. Under the substitute amendment, the board is composed of seven members serving for staggered four-year terms who are nominated by the governor and appointed with the advice and consent of the senate and assembly. Four of the members must have prosecutorial experience, two of the members must have prior service as a nonpartisan elective official of a local governmental unit, and one must be a retired judge. Each of the members must be appointed from nominations submitted by a Government Accountability and Integrity Candidate Committee, which consists of one court of appeals judge from each of the court of appeals districts. The judges are chosen by lot by the chief justice of the supreme court in the presence of the other justices. A unanimous vote of the committee is required to nominate a candidate. No member of the Government Accountability and Integrity 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 concurrence of at least four members is required for the board to take action.

The substitute amendment creates three divisions within the Government Accountability and Integrity Board. The divisions are an Enforcement Division, and Accountability and Integrity Division and an Elections Division. The Enforcement Division is headed by an administrator who is appointed by 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 must be an attorney licensed to practice law in this state who has criminal justice experience. The administrator may not be removed during his or her term except for cause. The other two divisions are headed by division administrators who are appointed outside the classified service by the board to serve at its pleasure. The board must employ at least one full-time attorney within the Enforcement Division. The staff of the board is headed by an executive director who is appointed by the board to serve at its pleasure. The executive director assigns work to the employees of the board in accordance with good management practices as the workload of the board requires without respect to divisional structure, except that the executive director is precluded from reassigning the administrator or the minimum full-time attorney within the Enforcement Division to perform work outside that division if the division has work to be performed.

The substitute amendment transfers all members of the existing staffs of the Elections Board and Ethics Board and their positions to the Government Accountability and Integrity 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.

Under current law, the Elections Board and Ethics Board share civil enforcement authority with district attorneys and in some cases with county boards of election commissioners and the attorney general; and the district attorneys, and in some cases the attorney general, exercise criminal enforcement authority. Currently, the Elections Board and Ethics Board may investigate violations of the law, with or without complaint, and may enforce their respective laws. The Elections Board may file civil actions to collect forfeitures (civil monetary penalties) for violations of the law and the Ethics Board may, after an administrative hearing, assess civil forfeitures or impose certain other remedies for violations of the law. Currently, the Elections Board has an administrative procedure for processing of complaints from electors alleging that an action or failure to act on the part of an election official is contrary to law, or that an official has abused his or her discretion. Under the procedure, the board may order the official to conform his or her conduct to the law or may prosecute the official for a civil violation of the law. If either board finds a criminal violation of the law, it may refer the matter to the appropriate district attorney, or in certain cases the attorney general.

This substitute amendment substitutes a different investigatory and prosecution procedure that is uniformly applicable to the the elections, ethics and lobbying regulation laws. Under the substitute amendment, only the Government Accountability and Integrity Board has authority to investigate and prosecute civil and criminal violations of the elections, ethics and lobbying regulation laws. Under

the substitute amendment, the Enforcement Division has independent authority to initiate an investigation of any violation of the elections, ethics, or lobbying regulation laws, 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 prosecution. 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. Any person may file a complaint with the Enforcement Division alleging a violation of the elections, ethics, or lobbying regulation laws, and the Enforcement Division may investigate a potential violation on its own motion or upon the direction of the board if it has a reasonable suspicion that a violation has occurred or is occurring. The administrator of the Enforcement Division initially determines whether there is a reasonable suspicion that a violation of the elections, ethics, or lobbying regulation laws has occurred or is occurring and whether an investigation is appropriate. The administrator must notify the board within ten days of opening an investigation. If any member of the board requests the chairperson to call a meeting to discuss the investigation, and the member requests that the investigation be suspended until the meeting is held, the investigation is suspended until the meeting is held. If an investigation is suspended, the meeting must be held within 10 working days of receipt of the request. If the board determines to proceed with the investigation, it may direct the administrator to submit the names of three qualified investigators. The board may retain one or more of the investigators. The board may also authorize the administrator of the Enforcement Division to investigate any matter without retaining an investigator. An investigator or the administrator must report to the board concerning an investigation at least once every 90 days, after which the investigation terminates unless the board votes to continue it. If the board determines to file civil or criminal charges against an alleged offender, it may request the administrator to submit the names of three individuals to act as special counsel. Once retained, the special counsel proceeds with the case in the manner he or she sees fit, with the assistance of the Enforcement Division. The substitute amendment provides that any individual who is appointed by the board to serve as special counsel shall be a retired judge of a court of record in this state or an attorney who, at the time of appointment, has senior status as a member of the State Bar of Wisconsin, as defined by the supreme court.

The substitute amendment provides that whenever the Government Accountability and Integrity Board authorizes commencement of a prosecution, and the prosecution is not concluded in circuit court or settled within six months of the board's action, the prosecution may not proceed unless the board authorizes the prosecution to proceed for an additional period not exceeding six months. The substitute amendment permits the Government Accountability and Integrity Board, by rule, to authorize the administrator of the Enforcement Division to compromise and settle specified categories of offenses in the name of the board without a formal

investigation, if the offenses by any given alleged offender do not involve payment of more than \$500. The substitute amendment provides that no individual who serves as an employee in the Enforcement Division and no individual who is retained to serve as an investigator or special counsel for the division may, during such service or for 12 months after ceasing to be so employed or retained, become a candidate for a state or local elective office.

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 provides that if the defendant in a criminal trial for a violation of the elections, ethics, or lobbying regulation laws is a resident of this state, the trial shall be held in circuit court for the county where the defendant resides, subject to the current exception.

The substitute amendment provides that whenever the Government Accountability and Integrity Board authorizes commencement of a prosecution, and the prosecution is not concluded in circuit court or settled within six months of the board's action, the prosecution may not proceed unless the board authorizes the prosecution to proceed for an additional period not exceeding six months. The substitute amendment permits the Government Accountability and Integrity Board, by rule, to authorize the administrator of the Enforcement Division to compromise and settle specified categories of offenses in the name of the board without a formal investigation, if the offenses by any given alleged offender do not involve payment of more than \$500. The substitute amendment provides that no individual who serves as an employee in the Enforcement Division and no individual who is retained to serve as an investigator or special counsel for the division may, during such service or for 12 months after ceasing to be so employed or retained, become a candidate for a state or local elective office.

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 and Integrity Board closed to public inspection, subject to the current exceptions for opinions issued by the Ethics Board.

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 and Integrity Board. Under the substitute amendment, the Government Accountability and Integrity 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 Enforcement Division's budget requests to the Department of Administration without change, except as concurred in by the division.

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 January 1, 2007, after which date the members of the Government Accountability and Integrity Board may be appointed and take office. However, the existing Elections Board and Ethics Board continue in operation until July 1, 2007. Under the substitute amendment, the Government Accountability and Integrity Board may not exercise administrative or enforcement authority until July 1, 2007. The substitute amendment also provides that the director of the Legislative Council Staff shall serve as executive director of the Government Accountability and Integrity Board, without additional compensation, until the initial executive director of the Government Accountability and Integrity Board is appointed and qualified, and may exercise all of the functions of the executive director of the Government Accountability and Integrity Board, the divisions within the board, and the administrators of the divisions.

Currently, except as otherwise provided by law, public records may be examined or copied by any person unless the custodian demonstrates that the public interest in withholding access to a record outweighs the public interest in providing access. With certain exceptions, records obtained and prepared by the Ethics Board in connection with an investigation are specifically exempted from public access. This substitute amendment provides specifically that investigatory records of the Government Accountability and Integrity Board are exempted from the right of public access, subject to the current exceptions, except that if the board commences a prosecution of a person as a result of an investigation, the person who is the subject of the investigation may direct the board to provide access to records of the investigation pertaining to that person if the records are available by law to the subject person, and except that records of the board containing a finding that a complaint does not raise a reasonable suspicion that a violation of the law has occurred or records containing a finding that no probable cause exists to believe that a violation of the law has occurred are open to public access. Under the substitute amendment, any person other than the subject of an investigation who provides public access to a record of the board that is not accessible to the public is guilty of a misdemeanor and may be fined not more than \$500 or imprisoned for not more than 30 days or both.

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 and Integrity Board may meet in closed session to deliberate concerning any investigation under the board's jurisdiction.

Under current law, if a court finds that any provision of a legislative act is unconstitutional and there are other provisions that are not dependent for their

operation upon the unconstitutional provision, the other provisions remain valid. This substitute amendment provides that if a court finds that any provision of the act resulting from the substitute amendment is unconstitutional, the entire act is void.

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 and integrity
3 board.

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

5 **5.05** (title) ~~Elections~~ **Government accountability and integrity board;**
6 **powers and duties.**

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

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

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

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

14 5.05 (1) (b) In the discharge of its duties and ~~upon~~ after providing notice to the
15 any party or parties being investigated who is the subject of an investigation,
16 subpoena and bring before it any person ~~in the state~~ and require the production of
17 any papers, books, or other records relevant to an investigation. A circuit court may
18 by order permit the inspection, and copying of the accounts and the depositor's and
19 loan records at any financial institution, as defined in s. 705.01 (3), doing business
20 in the state to obtain evidence of any violation of ch. 11 upon showing by the board

1 of probable cause to believe there is a violation and that such accounts and records
2 may have a substantial relation to the violation. In the discharge of its duties, the
3 board may cause the deposition of witnesses to be taken in the manner prescribed
4 for taking depositions in civil actions in circuit court.

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

6 5.05 (1) (c) Bring civil or criminal actions to require forfeitures for any violation
7 of ~~ch. 11 under s. 11.60. Forfeiture actions brought by the board may concern only~~
8 ~~violations with respect to reports or statements required by law to be filed with it,~~
9 ~~and other violations arising under elections for state office or statewide referenda~~
10 chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19. The board may compromise
11 and settle any ~~civil~~ action or potential action brought or authorized to be brought by
12 it ~~under ch.11~~ which, in the opinion of the board, constitutes a minor violation, a
13 violation caused by excusable neglect, or which for other good cause shown, should
14 not in the public interest be prosecuted under such chapter. Notwithstanding s.
15 778.06, an action or proposed action authorized under this paragraph may be settled
16 for such sum as may be agreed between the parties. Any settlement made by the
17 board shall be in such amount as to deprive the alleged violator of any benefit of his
18 or her wrongdoing and may contain a penal component to serve as a deterrent to
19 future violations. In settling actions or proposed actions, the board shall treat
20 comparable situations in a comparable manner and shall assure that any settlement
21 bears a reasonable relationship to the severity of the offense or alleged offense.
22 Forfeiture actions brought by the board shall be brought in the circuit court for the
23 county wherein the violation is alleged to occur. Whenever the board enters into a
24 settlement agreement with an individual who is accused of a violation of chs. 5 to 12,
25 subch. III of ch. 13, or subch. III of ch. 19 or who is investigated by the board for a

1 possible violation of one of those provisions, the board shall reduce the agreement to
2 writing, together with a statement of the board's findings and reasons for entering
3 into the agreement and shall retain the agreement and statement in its office for
4 inspection.

5 **SECTION 7.** 5.05 (1) (e) of the statutes is amended to read:

6 5.05 (1) (e) Delegate to its executive director the authority to issue a subpoena
7 under par. (b), apply for a search warrant under par. (b), commence an action under
8 par. (d), intervene in an action or proceeding under sub. (9), issue an order under s.
9 5.06, exempt a polling place from accessibility requirements under s. 5.25 (4) (a),
10 exempt a municipality from the requirement to use voting machines or an electronic
11 voting system under s. 5.40 (5m), approve an electronic data recording system for
12 maintaining poll lists under s. 6.79, or authorize nonappointment of an individual
13 who is nominated to serve as an election official under s. 7.30 (4) (e), subject to such
14 limitations as the board deems appropriate.

15 **SECTION 8.** 5.05 (1e) of the statutes is created to read:

16 5.05 (1e) ACTIONS BY THE BOARD. Any action by the board requires the
17 affirmative vote of at least 4 members.

18 **SECTION 9.** 5.05 (1m) of the statutes is created to read:

19 5.05 (1m) EXECUTIVE DIRECTOR; LEGAL COUNSEL. The board shall employ an
20 executive director outside the classified service and shall employ legal counsel to
21 perform legal services outside the enforcement division.

22 **SECTION 10.** 5.05 (2m) of the statutes is created to read:

23 5.05 (2m) ENFORCEMENT DIVISION. (a) The enforcement division shall
24 investigate and prosecute alleged violations of laws administered by the board

1 pursuant to all statutes granting or assigning that authority or responsibility to the
2 board.

3 (c) 1. The board shall employ at least one full-time attorney within the
4 enforcement division.

5 2. a. Any person may file a complaint with the enforcement division alleging
6 a violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19. The division may,
7 on its own motion or upon direction of the board, investigate any potential violation
8 of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 whenever the division has
9 a reasonable suspicion that a violation has occurred or is occurring. If the
10 enforcement division finds, by a preponderance of the evidence, that a complaint
11 filed with the division is frivolous, the division may order the complainant to forfeit
12 not more than the greater of \$500 or the expenses incurred by the division in
13 investigating the complaint. The enforcement division may, in accordance with this
14 paragraph, investigate or prosecute any civil or criminal violation of chs. 5 to 12,
15 subch. III of ch. 13, or subch. III of ch. 19 in the name of the board. Only the
16 enforcement division may investigate or prosecute civil or criminal violations of chs.
17 5 to 12, subch. III of ch. 13, or subch. III of ch. 19.

18 4. The administrator of the enforcement division shall make an initial
19 determination as to whether there is a reasonable suspicion that a violation under
20 subd. 2. has occurred or is occurring and whether an investigation of the suspected
21 violation is appropriate. The administrator shall notify the board within 10 days of
22 opening an investigation of any matter. If, within 10 days of receiving notification,
23 any member of the board requests the chairperson to call a meeting of the board be
24 held to discuss the investigation, and the member requests that the investigation be
25 suspended until the meeting is held, the administrator shall suspend the

1 investigation until the board directs the investigation to proceed. The chairperson
2 of the board shall thereupon call a meeting of the board to discuss the investigation.
3 If an investigation is suspended, the meeting shall be held within 10 working days,
4 as defined in s. 227.01 (14), of receiving the request. If the board believes that there
5 is reasonable suspicion that a violation under subd. 2. has occurred or is occurring,
6 the board may elect to proceed with the investigation and may, in addition, elect to
7 retain an investigator. If the board elects to retain an investigator, the administrator
8 shall submit to the board the names of 3 qualified individuals to serve as an
9 investigator. The board may retain one or more of the investigators. Each
10 investigator who is retained by the board shall make periodic reports to the board,
11 as directed by the board, but in no case may the interval for reporting exceed 90 days.
12 If the board authorizes the administrator to investigate any matter without
13 retaining an investigator, the administrator shall make periodic reports to the board,
14 as directed by the board, but in no case may the reporting interval exceed 90 days.
15 If, after receiving a report, the board does not vote to continue an investigation for
16 an additional period not exceeding 90 days, the investigation is terminated at the end
17 of the reporting interval. Unless an investigation is terminated by the board, at the
18 conclusion of each investigation, the administrator of the enforcement division shall
19 present to the board one of the following:

20 a. A recommendation to make a finding that probable cause exists to believe
21 that one or more violations under subd. 2. have occurred or are occurring, together
22 with a recommended course of action.

23 b. A recommendation for further investigation of the matter together with facts
24 supporting that course of action.

1 c. A recommendation to terminate the investigation due to lack of sufficient
2 evidence to indicate that a violation under subd. 2 has occurred or is occurring.

3 5. The enforcement division may file a complaint against any person only upon
4 authorization by the board. The enforcement division may request the assistance of
5 special counsel to prosecute any action brought by the board. If the enforcement
6 division requests the assistance of special counsel with respect to any matter, the
7 administrator of the enforcement division shall submit to the board the names of 3
8 qualified individuals to serve as special counsel. Any individual so appointed shall
9 meet the qualifications prescribed in subd. 7. The board may retain one of the
10 individuals to act as special counsel. The staff of the enforcement division shall
11 provide assistance to the special counsel as may be required by the counsel to carry
12 out his or her responsibilities.

13 6. 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 7. Any individual who is appointed by the board to serve as special counsel shall
19 be a retired judge of a court of record in this state or an attorney who, at the time of
20 appointment, has senior status as a member of the state bar of Wisconsin, as defined
21 by the supreme court. No individual who is appointed or retained by the board to
22 serve as special counsel or as an investigator is subject to approval under s. 20.930.

23 8. Whenever the board authorizes commencement of a prosecution and the
24 prosecution is not concluded in circuit court or settled within 6 months of the date
25 of the board's action, the administrator of the enforcement division or any special

1 counsel who is retained to conduct the prosecution shall not proceed with the
2 prosecution or shall move to dismiss the prosecution unless the board authorizes the
3 prosecution to proceed for an additional period, not to exceed 6 months.

4 9. The board may, by rule, prescribe categories of civil offenses which the board
5 will agree to compromise and settle without a formal investigation upon payment of
6 specified amounts by the alleged offender. The board may authorize the
7 administrator of the enforcement division to compromise and settle such alleged
8 offenses in the name of the board if the alleged offenses by an offender, in the
9 aggregate, do not involve payment of more than \$500.

10 (d) No individual who serves as an employee in the enforcement division and
11 no individual who is retained by the board to serve as an investigator or as special
12 counsel may, while so employed or retained or for 12 months after ceasing to be so
13 employed or retained, become a candidate, as defined in s. 11.01 (1), for state or local
14 office. A filing officer shall decline to accept nomination papers or a declaration of
15 candidacy from any individual who does not qualify to become a candidate under this
16 paragraph.

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

22 **SECTION 11.** 5.05 (3) of the statutes is repealed.

23 **SECTION 12.** 5.05 (3g) of the statutes is created to read:

24 5.05 (3g) 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 13.** 5.05 (5) of the statutes is repealed.

2 **SECTION 14.** 5.05 (5s) (title), (d) and (e) of the statutes are created to read:

3 5.05 **(5s)** (title) **ACCESS TO RECORDS.** (d) If the board commences a prosecution
4 of a person for an alleged violation of chs. 5 to 12, subch. III of ch. 13, or subch. III
5 of ch. 19 as the result of an investigation, the person who is the subject of the
6 investigation may authorize the board to make available for inspection and copying
7 under s. 19.35 (1) records of the investigation pertaining to that person if the records
8 are available by law to the subject person and the board shall then make those
9 records available.

10 (e) The following records of the board are open to public inspection and copying
11 under s. 19.35 (1):

12 1. Any record containing a finding that a complaint does not raise a reasonable
13 suspicion that a violation of the law has occurred.

14 2. Any record containing a finding, following an investigation, that no probable
15 cause exists to believe that a violation of the law has occurred.

16 **SECTION 15.** 5.05 (6) of the statutes is repealed.

17 **SECTION 16.** 5.05 (11) of the statutes is repealed.

18 **SECTION 17.** 5.052 of the statutes is created to read:

19 **5.052 Government accountability and integrity candidate committee.**

20 **(1)** The government accountability and integrity candidate committee shall
21 organize whenever a vacancy occurs in the membership of the board that requires
22 a nomination to be submitted to the governor under s. 15.60 (2).

23 **(2)** No person may be nominated by the committee unless the person receives
24 the unanimous approval of the committee.

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

3 (a) To fill any vacancy if the member must be a retired judge of a court of record
4 in this state, 2 nominations.

5 (b) To fill one vacancy if the member must be a former elective official of a local
6 governmental unit, 2 nominations.

7 (c) To fill 2 vacancies, if both members must be former elective officials of local
8 governmental units in this state, 3 nominations.

9 (d) To fill one vacancy in any other position, 2 nominations.

10 (e) To fill 2 vacancies in any other positions, 3 nominations.

11 (f) To fill 3 vacancies in any other positions, 5 nominations.

12 (g) To fill 4 vacancies in any other positions, 6 nominations.

13 **(4)** If a nomination of the governor is rejected by the assembly or the senate,
14 the committee shall submit an additional nominee to the governor from the same
15 membership category as the original nominee.

16 **SECTION 18.** 5.054 of the statutes is created to read:

17 **5.054 Duties of the executive director.** The executive director of the board
18 shall:

19 **(1)** Assign work to the employees of the board as good management practices
20 and the workload of the board require without respect to divisional structure, except
21 that the executive director shall not reassign the administrator of the enforcement
22 division or the attorney whose employment is required under s. 5.05 (2m) (c) 1. to
23 perform work outside the enforcement division if the enforcement division has work
24 to be performed.

1 **(2)** Whenever a vacancy occurs on the board, call a meeting of the government
2 accountability and integrity candidate committee.

3 **(3)** Assist the government accountability and integrity candidate committee in
4 the performance of its functions.

5 **SECTION 19.** 5.06 (2) of the statutes is amended to read:

6 5.06 **(2)** No person who is authorized to file a complaint under sub. (1), ~~other~~
7 ~~than the attorney general or a district attorney,~~ may commence an action or
8 proceeding to test the validity of any decision, action or failure to act on the part of
9 any election official with respect to any matter specified in sub. (1) without first filing
10 a complaint under sub. (1), nor prior to disposition of the complaint by the board. A
11 complaint is deemed disposed of if the board fails to transmit an acknowledgment of
12 receipt of the complaint within 5 business days from the date of its receipt or if the
13 board concludes its investigation without a formal decision.

14 **SECTION 20.** 5.07 of the statutes is repealed.

15 **SECTION 21.** 5.08 of the statutes is repealed.

16 **SECTION 22.** 5.081 of the statutes is amended to read:

17 **5.081 Petition for enforcement of voting rights.** ~~The attorney general~~
18 board shall accept a verified petition from any person alleging failure to comply with
19 section 2 of the federal voting rights act, 42 USC 1973 (a) and (b). ~~The attorney~~
20 ~~general~~ board may commence an action or proceeding in any court of competent
21 jurisdiction on behalf of any elector of this state whose rights under 42 USC 1973 (a)
22 and (b) are violated.

23 **SECTION 23.** 5.40 (7) of the statutes is amended to read:

24 5.40 **(7)** Whenever a municipality adopts and purchases voting machines or an
25 electronic voting system, or adopts and purchases a different type of voting machine

1 or electronic voting system from the type it was previously using, the municipal clerk
2 or executive director of the municipal board of election commissioners shall promptly
3 notify the county clerk or executive director of the county board of election
4 commissioners and the executive director of the elections government accountability
5 and integrity board in writing.

6 **SECTION 24.** 5.62 (4) (b) of the statutes is amended to read:

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

12 **SECTION 25.** 6.26 (2) (b) of the statutes is amended to read:

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

20 **SECTION 26.** 6.26 (2) (c) of the statutes is amended to read:

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

25 **SECTION 27.** 6.56 (2) to (5) of the statutes are amended to read:

1 6.56 (2) Upon receipt of the list, the municipal clerk shall make a check to
2 determine whether each person who has been allowed to vote under s. 6.55 (3) is
3 properly registered. If so, the clerk shall correct the registration list. If the address
4 on the registration list is not correct, the clerk shall correct the address. The clerk
5 shall then notify the elector by postcard when he or she is properly registered. If such
6 person is found not to be properly registered, the clerk shall send the person a 1st
7 class letter with that information, containing a mail registration form under s. 6.30
8 (4). The letter shall be marked in accordance with postal regulations to ensure that
9 it will be returned to the clerk if the elector does not reside at the address given on
10 the postcard. If such letter is returned undelivered, or if the U.S. postal service
11 notifies the clerk of an improper address which was apparently improper on the day
12 of the election, the clerk shall notify the ~~district attorney~~ board.

13 (3) Upon receipt of the list under sub. (1), the municipal clerk or board of
14 election commissioners shall make an audit of all electors registering to vote at the
15 polling place or other registration location under s. 6.55 (2) and all electors
16 registering by agent on election day under s. 6.86 (3) (a) 2. The audit shall be made
17 by 1st class postcard. The postcard shall be marked in accordance with postal
18 regulations to ensure that it will be returned to the clerk or board of election
19 commissioners if the elector does not reside at the address given on the postcard. If
20 any postcard is returned undelivered, or if the clerk or board of election
21 commissioners is informed of a different address than the one specified by the elector
22 which was apparently improper on the day of the election, the clerk or board of of
23 election commissioners shall change the status of the elector from eligible to
24 ineligible on the registration list and mail the elector a notice of the change in status

1 and provide the name to the ~~district attorney for the county where the polling place~~
2 ~~is located~~ board.

3 (4) After each election, the municipal clerk shall carefully check to assure that
4 no person has been allowed to vote more than once. Whenever the municipal clerk
5 has good reason to believe that a person has voted more than once in an election, the
6 clerk shall send the person a 1st class letter marked in accordance with postal
7 regulations to ensure that it will be returned to the clerk if the elector does not reside
8 at the address given on the letter. The letter shall inform the person that all
9 registrations relating to that person may be changed from eligible to ineligible status
10 within 7 days unless the person contacts the office of the clerk to clarify the matter.
11 A copy of the letter and of any subsequent information received from or about the
12 addressee shall be sent to the ~~district attorney~~ board.

13 (5) Whenever any letter or postcard mailed under this section is returned
14 undelivered, or whenever the U.S. postal service notifies the clerk of an improper
15 address which was apparently improper on the day of the election or whenever it
16 otherwise appears that a person has voted who is not qualified or has voted more
17 than once in an election, and the person has been permitted to vote after
18 corroboration was made under s. 6.55 (2) or (3) or 6.86 (3) (a) 2., the name of the
19 corroborator shall also be provided to the ~~district attorney~~ board.

20 **SECTION 28.** 7.08 (title) of the statutes is amended to read:

21 **7.08 (title) Elections Government accountability and integrity board.**

22 **SECTION 29.** 7.08 (7) of the statutes is repealed.

23 **SECTION 30.** 7.15 (1) (g) of the statutes is amended to read:

24 7.15 (1) (g) Report suspected election frauds, irregularities or violations of
25 which the clerk has knowledge to the ~~district attorney~~ board.

1 **SECTION 31.** 7.21 (2m) of the statutes is repealed.

2 **SECTION 32.** 7.23 (2) of the statutes is amended to read:

3 7.23 (2) If there is a demand for a recount, notice of an election contest or any
4 contest or litigation pending with respect to an election, materials may be destroyed
5 and recorders, units or compartments may be cleared or erased only by order of the
6 judge in whose court litigation is pending or if no litigation is pending, by order of any
7 circuit judge for the affected jurisdiction. Upon petition of the ~~attorney general or~~
8 ~~a district attorney or~~ board or the U.S. attorney for the affected jurisdiction, a circuit
9 judge for the affected jurisdiction may order that specified materials not be destroyed
10 or that specified recorders, units or compartments not be cleared or erased as
11 otherwise authorized under this subsection until the court so permits. The governor
12 may by order permit the clearing of voting machine recorders on machines needed
13 to conduct a special election prior to the time authorized under this subsection,
14 unless there is a demand for recount, notice of an election contest or a contest or
15 litigation pending, or a court of record orders that the recorders not be cleared.

16 **SECTION 33.** 7.31 (5) of the statutes is amended to read:

17 7.31 (5) The board shall conduct regular training programs to ensure that
18 individuals who are certified by the board under this section are knowledgeable
19 concerning their authority and responsibilities. ~~The board shall pay all costs~~
20 ~~required to conduct the training programs from the appropriation under s. 20.510 (1)~~
21 ~~(bm).~~

22 **SECTION 34.** 7.60 (4) (a) of the statutes is amended to read:

23 7.60 (4) (a) The board of canvassers shall make separate duplicate statements
24 showing the numbers of votes cast for the offices of president and vice president; state
25 officials; U.S. senators and representatives in congress; state legislators; justice;

1 court of appeals judge; circuit judges; district attorneys; and metropolitan sewerage
2 commissioners, if the commissioners are elected under s. 200.09 (11) (am). If a
3 municipal judge elected under s. 755.01 (4) serves a municipality that is located
4 partially within the county and candidates for that judgeship file nomination papers
5 in another county, the board of canvassers shall prepare a duplicate statement
6 showing the numbers of votes cast for that judgeship in that county for transmittal
7 to the other county. For partisan candidates, the statements shall include the
8 political party or principle designation, if any, next to the name of each candidate.
9 The board of canvassers shall also prepare a statement showing the results of any
10 county, technical college district, or statewide referendum. Each statement shall
11 state the total number of votes cast in the county for each office; the names of all
12 persons for whom the votes were cast, as returned; the number of votes cast for each
13 person; and the number of votes cast for and against any question submitted at a
14 referendum. The board of canvassers shall use one copy of each duplicate statement
15 to report to the elections government accountability and integrity board, technical
16 college district board, or board of canvassers of any other county and shall file the
17 other statement in the office of the county clerk or board of election commissioners.

18 **SECTION 35.** 7.60 (5) of the statutes is amended to read:

19 7.60 (5) REPORTING. (a) Immediately following the canvass, the county clerk
20 shall deliver or send to the elections government accountability and integrity board,
21 by 1st class mail, a certified copy of each statement of the county board of canvassers
22 for president and vice president, state officials, senators and representatives in
23 congress, state legislators, justice, court of appeals judge, circuit judge, district
24 attorney, and metropolitan sewerage commissioners, if the commissioners are
25 elected under s. 200.09 (11) (am). The statement shall record the returns for each

1 office or referendum by ward, unless combined returns are authorized under s. 5.15
2 (6) (b) in which case the statement shall record the returns for each group of
3 combined wards. Following primaries the county clerk shall enclose on forms
4 prescribed by the elections government accountability and integrity board the
5 names, party or principle designation, if any, and number of votes received by each
6 candidate recorded in the same manner. The county clerk shall deliver or transmit
7 the certified statement to the elections government accountability and integrity
8 board no later than 7 days after each primary and no later than 10 days after any
9 other election. The board of canvassers shall deliver or transmit a certified copy of
10 each statement for any technical college district referendum to the secretary of the
11 technical college district board.

12 (b) If the board of canvassers becomes aware of a material mistake in the
13 canvass of an election for state or national office or a statewide or technical college
14 district referendum prior to the close of business on the day the elections government
15 accountability and integrity board receives returns from the last county board of
16 canvassers with respect to that canvass, the board of canvassers may petition the
17 elections government accountability and integrity board to reopen and correct the
18 canvass. The elections government accountability and integrity board shall direct
19 the canvass to be reopened and corrected if it determines that the public interest so
20 requires. If the elections government accountability and integrity board directs the
21 canvass to be reopened, the board of canvassers shall reconvene and transmit a
22 certified corrected copy of the canvass statement to the elections government
23 accountability and integrity board or secretary of the technical college district board.

24 **SECTION 36.** 7.70 (1) of the statutes is amended to read:

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

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

10 **SECTION 37.** 7.70 (5) (b) of the statutes is amended to read:

11 7.70 (5) (b) For presidential electors, the elections board shall prepare a
12 certificate showing the determination of the results of the canvass and the names of
13 the persons elected, and the governor shall sign, affix the great seal of the state, and
14 transmit the certificate by registered mail to the U.S. administrator of general
15 services. The governor shall also prepare 6 duplicate originals of such certificate and
16 deliver them to one of the presidential electors on or before the first Monday after the
17 2nd Wednesday in December.

18 **SECTION 38.** 8.05 (1) (j) of the statutes is amended to read:

19 8.05 (1) (j) The municipal clerk shall notify in writing each candidate whose
20 name is certified as a nominee under par. (h) of his or her nomination. If a municipal
21 judge is elected under s. 755.01 (4), the county clerk of the county having the largest
22 portion of the population in the jurisdiction served by the judge shall make the
23 notification. Upon receipt of the notice, each candidate shall file a declaration of
24 candidacy in the manner prescribed by s. 8.21 with the municipal clerk making the
25 notification no later than 5 p.m. on the 5th day after the notification is mailed or

1 personally delivered to the candidate by the municipal clerk, except as authorized
2 in this paragraph. If an incumbent whose name is certified as a nominee fails to file
3 a declaration of candidacy within the time prescribed by this paragraph, each
4 certified candidate for the office held by the incumbent, other than the incumbent,
5 may file a declaration of candidacy no later than 72 hours after the latest time
6 prescribed in this paragraph. If the candidate has not filed a registration statement
7 under s. 11.05 at the time of the notification, the candidate shall file the statement
8 with the declaration. A candidate for municipal judge shall also file a statement of
9 economic interests with the ethics board under s. 19.43 (4) no later than 4:30 p.m.
10 on the 5th day after notification of nomination is mailed or personally delivered to
11 the candidate, or no later than 4:30 p.m. on the next business day after the last day
12 for filing a declaration of candidacy whenever that candidate is granted an extension
13 of time for filing a declaration of candidacy under this paragraph. Upon receipt of
14 the declaration of candidacy and registration statement of each qualified candidate,
15 and upon filing of a statement of economic interests by each candidate for municipal
16 judge, the municipal clerk, or the county clerk if the judge is elected under s. 755.01
17 (4), shall place the name of the candidate on the ballot. No later than the end of the
18 3rd day following qualification by all candidates, the municipal clerk, or the county
19 clerk if the judge is elected under s. 755.01 (4), shall draw lots to determine the
20 arrangement of candidates' names on the spring election ballot.

21 **SECTION 39.** 8.10 (5) of the statutes is amended to read:

22 8.10 (5) Nomination papers shall be accompanied by a declaration of candidacy
23 under s. 8.21. If a candidate has not filed a registration statement under s. 11.05 at
24 the time he or she files nomination papers, the candidate shall file the statement
25 with the papers. A candidate for state office or municipal judge shall also file a

1 statement of economic interests with the ethics board under s. 19.43 (4) no later than
2 4:30 p.m. on the 3rd day following the last day for filing nomination papers under
3 sub. (2) (a), or no later than 4:30 p.m. on the next business day after the last day
4 whenever that candidate is granted an extension of time for filing nomination papers
5 under sub. (2) (a).

6 **SECTION 40.** 8.15 (4) (b) of the statutes is amended to read:

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

16 **SECTION 41.** 8.18 (2) of the statutes is amended to read:

17 8.18 (2) The purpose of the convention is to nominate one presidential elector
18 from each congressional district and 2 electors from the state at large. The names
19 of the nominees shall be certified immediately by the chairperson of the state
20 committee of each party to the chairperson of the elections board.

21 **SECTION 42.** 8.20 (6) of the statutes is amended to read:

22 8.20 (6) Nomination papers shall be accompanied by a declaration of candidacy
23 under s. 8.21. If a candidate for state or local office has not filed a registration
24 statement under s. 11.05 at the time he or she files nomination papers, the candidate
25 shall file the statement with the papers. A candidate for state office shall also file

1 a statement of economic interests with the ethics board under s. 19.43 (4) no later
2 than 4:30 p.m. on the 3rd day following the last day for filing nomination papers
3 under sub. (8) (a), or no later than 4:30 p.m. on the next business day after the last
4 day whenever that candidate is granted an extension of time for filing nomination
5 papers under sub. (8) (a).

6 **SECTION 43.** 8.28 of the statutes is amended to read:

7 **8.28 Challenge to residency qualifications.** (1) Any individual who
8 believes that an individual holding or elected to state or local office is not a resident
9 or inhabitant of this state or of the jurisdiction or district in which he or she serves,
10 whenever such qualification is required by the constitution of this state or by any
11 applicable law, may file a verified complaint with the ~~attorney general~~ board alleging
12 such facts as may cause him or her to believe that the individual is not qualified to
13 hold office because of failure to meet a residency requirement.

14 (2) The ~~attorney general~~ board may thereupon investigate whether such
15 allegations are true. If the ~~attorney general~~ board finds that the allegations of the
16 complaint are true or for any other reason finds that the subject person who is
17 holding or elected to office is not qualified because of failure to meet a residency
18 requirement, the ~~attorney general~~ board may commence an action under ch. 784 for
19 a writ of quo warranto to have the subject person's office declared vacant or to
20 restrain any person not entitled to take office from assuming it. In the case of a
21 person who is elected to office in the legislature, the clerk of court shall transmit a
22 copy of the judgment to the presiding officer of the appropriate house, and the house
23 shall determine whether the person is qualified to be seated or whether a vacancy
24 exists.

25 **SECTION 44.** 8.50 (3) (a) of the statutes is amended to read:

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

16 **SECTION 45.** 8.50 (3) (e) of the statutes is amended to read:

17 8.50 (3) (e) In a special election for a state or national office, the county clerk
18 or board of election commissioners shall transmit the statement of the county board
19 of canvassers to the ~~elections~~ government accountability and integrity board no later
20 than 7 days after the special primary and 13 days after the special election.

21 **SECTION 46.** 9.01 (1) (a) of the statutes is amended to read:

22 9.01 (1) (a) Any candidate voted for at any election or any elector who voted
23 upon any referendum question at any election may request a recount. The petitioner
24 shall file a verified petition or petitions with the proper clerk or body under par. (ar)
25 not earlier than the time of completion of the canvass and not later than 5 p.m. on

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

1 **SECTION 47.** 9.01 (1) (ag) 4. of the statutes is repealed.

2 **SECTION 48.** 9.01 (1) (ar) 2. of the statutes is amended to read:

3 9.01 (1) (ar) 2. In the event of a recount for a referendum, the petition shall be
4 filed with the clerk of the jurisdiction in which the referendum is called, and, in the
5 case of the state, with the elections board.

6 **SECTION 49.** 9.01 (10) of the statutes is amended to read:

7 9.01 (10) STANDARD FORMS AND METHODS. The elections board shall prescribe
8 standard forms and procedures for the making of recounts under this section.

9 **SECTION 50.** 11.21 (title) of the statutes is amended to read:

10 **11.21 (title) Duties of the elections board.**

11 **SECTION 51.** 11.21 (7) (intro.) of the statutes is amended to read:

12 11.21 (7) (intro.) Include in its biennial report under s. ~~5.05 (5)~~ 15.04 (1) (d)
13 compilations of any of the following in its discretion:

14 **SECTION 52.** 11.22 (4) of the statutes is amended to read:

15 11.22 (4) Notify the ~~district attorney, or the attorney general~~ where appropriate
16 ~~under ss. 11.60 (4) and 11.61 (2)~~ board, in writing, of any facts within the filing
17 officer's knowledge or evidence in the officer's possession, including errors or
18 discrepancies in reports or statements and delinquencies in filing which may be
19 grounds for civil action or criminal prosecution. The filing officer shall transmit a
20 copy of such notification to the board. ~~The district attorney or the attorney general~~
21 board shall advise the filing officer in writing at the end of each 30-day period of the
22 status of such matter until the time of disposition. ~~The district attorney or attorney~~
23 ~~general shall transmit a copy of each such notice to the board.~~

24 **SECTION 53.** 11.38 (5) of the statutes is amended to read:

1 11.38 (5) An action against a corporation pursuant to a violation of this section
2 may be brought either in the circuit court for the county in which the registered office
3 or principal place of business of the corporation is located, or in the circuit court for
4 the county in which the violation is alleged to have occurred. The proceedings may
5 be brought by the district attorney of either such county, by the attorney general or
6 by the board.

7 **SECTION 54.** 11.60 (4) of the statutes, as affected by 2001 Wisconsin Act 109,
8 is repealed and recreated to read:

9 11.60 (4) Actions under this section may be brought by the board.

10 **SECTION 55.** 11.60 (5) of the statutes is amended to read:

11 11.60 (5) Any elector may file a verified petition with the board, ~~the county~~
12 ~~board of election commissioners or the appropriate district attorney or with more~~
13 ~~than one of them where their authority is concurrent under sub. (4), requesting that~~
14 civil action under this chapter be brought against any person, committee or group.
15 The petition shall allege such facts as are within the knowledge of the petitioner to
16 show probable cause that a violation of this chapter has occurred.

17 **SECTION 56.** 11.61 (2) of the statutes is amended to read:

18 11.61 (2) ~~Except as provided in s. 11.38 (5), all All prosecutions under this~~
19 ~~section shall be conducted by the district attorney of the county where the violation~~
20 ~~is alleged to have occurred. If the district attorney refuses to act upon a sworn~~
21 ~~complaint, or fails to act upon such a complaint within 60 days of the date on which~~
22 ~~the complaint is received, the attorney general may then conduct the prosecution~~
23 ~~under this section. If a violation concerns a district attorney or circuit judge or~~
24 ~~candidate for such offices, the prosecution shall be conducted by the attorney~~
25 ~~general. If a violation concerns the attorney general or a candidate for such office,~~

1 ~~the governor may appoint a special prosecutor under s. 14.11 (2) to conduct the~~
2 ~~prosecution in behalf of the state. The prosecutor shall be independent of the~~
3 ~~attorney general and need not be a state employee at the time of appointment~~ board.

4 **SECTION 57.** 12.13 (5) of the statutes is created to read:

5 12.13 (5) UNAUTHORIZED RELEASE OF RECORDS. No person other than a person
6 who is the subject of an investigation by the board may provide access to any record
7 of the board that is not subject to access under s. 5.05 (5s) to any person other than
8 a member, employee or agent of the board.

9 **SECTION 58.** 12.60 (1) (bm) of the statutes is created to read:

10 12.60 (1) (bm) Whoever violates s. 12.13 (5) may be fined not more than \$500
11 or imprisoned for not more than 30 days or both.

12 **SECTION 59.** 13.123 (3) (b) 2. of the statutes is amended to read:

13 13.123 (3) (b) 2. In making the determination under subd. 1., the chief clerk is
14 bound by the determination of the chairperson of the elections government
15 accountability and integrity board or the chairperson's designee if such
16 determination has been issued.

17 **SECTION 60.** 13.23 of the statutes is amended to read:

18 **13.23 Election contests; notice.** Any person wishing to contest the election
19 of any senator or member of the assembly shall, within 30 days after the decision of
20 the board of canvassers, serve a notice in writing on the person whose election the
21 contestant intends to contest, stating briefly that the election will be contested and
22 the cause of such contest, and shall file a copy thereof in the office of the elections
23 government accountability and integrity board at least 10 days before the day fixed
24 by law for the meeting of the legislature. The elections government accountability
25 and integrity board shall then send a copy of s. 13.24 to both contestants. If any

1 contestant fails to so file a copy of such notice, the contestant shall not be entitled to
2 any mileage or salary in case payment has been made therefor to the sitting member.

3 **SECTION 61.** 13.62 (4) of the statutes is amended to read:

4 13.62 (4) "Board" means the ethics government accountability and integrity
5 board.

6 **SECTION 62.** 13.685 (title) of the statutes is amended to read:

7 **13.685** (title) **Duties of the ethics government accountability and**
8 **integrity board.**

9 **SECTION 63.** 13.69 (8) of the statutes is repealed.

10 **SECTION 64.** 13.94 (1) (k) of the statutes is amended to read:

11 13.94 (1) (k) Provide auditing services at the direction of the elections
12 government accountability and integrity board under s. 5.05 (2).

13 **SECTION 65.** 14.58 (20) of the statutes is amended to read:

14 14.58 (20) ELECTION CAMPAIGN FUND. Make disbursements to each candidate
15 certified under s. 7.08 (2) (c) or (cm) by the elections government accountability and
16 integrity board as eligible to receive moneys from the Wisconsin election campaign
17 fund.

18 **SECTION 66.** 15.03 of the statutes is renumbered 15.03 (intro.) and amended
19 to read:

20 **15.03 Attachment for limited purposes.** (intro.) Any division, office,
21 commission, council or board attached under this section to a department or
22 independent agency or a specified division thereof shall be a distinct unit of that
23 department, independent agency or specified division. Any division, office,
24 commission, council or board so attached shall exercise its powers, duties and
25 functions prescribed by law, including rule making, licensing and regulation, and

1 operational planning within the area of program responsibility of the division, office,
2 commission, council or board, independently of the head of the department or
3 independent agency, but budgeting, program coordination and related management
4 functions shall be performed under the direction and supervision of the head of the
5 department or independent agency, except that with:

6 (1) COMMISSIONER OF RAILROADS. With respect to the office of the commissioner
7 of railroads, all personnel and biennial budget requests by the office of the
8 commissioner of railroads shall be provided to the department of transportation as
9 required under s. 189.02 (7) and shall be processed and properly forwarded by the
10 public service commission without change except as requested and concurred in by
11 the office of the commissioner of railroads.

12 **SECTION 67.** 15.03 (2) of the statutes is created to read:

13 15.03 (2) ENFORCEMENT DIVISION OF GOVERNMENT ACCOUNTABILITY AND INTEGRITY
14 BOARD. With respect to the enforcement division of the government accountability
15 and integrity board, all budget requests by the division shall be submitted by the
16 board to the department of administration without change except as concurred in by
17 the division.

18 **SECTION 68.** 15.07 (1) (a) 2. of the statutes is repealed and recreated to read:

19 15.07 (1) (a) 2. Members of the government accountability and integrity board
20 shall be nominated by the governor, and with the advice and consent of the assembly
21 and senate appointed, to serve for terms prescribed by law.

22 **SECTION 69.** 15.07 (1) (cm) of the statutes, as affected by 2005 Wisconsin Acts
23 25 and 76, is amended to read:

24 15.07 (1) (cm) ~~The term of one member of the ethics board shall expire on each~~
25 ~~May 1.~~ The terms of office of one member of the government accountability and

1 integrity board who is a former nonpartisan elective official of a local governmental
2 unit and one member of the board who has prosecutorial experience shall expire in
3 an even-numbered year, and the term of office of one member of the government
4 accountability and integrity board who is a retired judge of a court of record in this
5 state shall expire in the alternating even-numbered year. The terms of 3 members
6 of the development finance board appointed under s. 15.155 (1) (a) 6. shall expire on
7 May 1 of every even-numbered year and the terms of the other 3 members appointed
8 under s. 15.155 (1) (a) 6. shall expire on May 1 of every odd-numbered year. The
9 terms of the 3 members of the land and water conservation board appointed under
10 s. 15.135 (4) (b) 2. shall expire on January 1. The term of the member of the land and
11 water conservation board appointed under s. 15.135 (4) (b) 2m. shall expire on May
12 1 of an even-numbered year. The terms of members of the real estate board shall
13 expire on July 1. The terms of the appraiser members of the real estate appraisers
14 board and the terms of the auctioneer and auction company representative members
15 of the auctioneer board shall expire on May 1 in an even-numbered year.

16 **SECTION 70.** 15.07 (4) of the statutes is amended to read:

17 15.07 (4) QUORUM. A majority of the membership of a board constitutes a
18 quorum to do business and, unless a more restrictive provision is adopted by the
19 board, a majority of a quorum may act in any matter within the jurisdiction of the
20 board. This subsection does not apply to actions of the ethics government
21 accountability and integrity board or the school district boundary appeal board as
22 provided in ss. ~~19.47 (4)~~ 5.05 (1e) and 117.05 (2) (a).

23 **SECTION 71.** 15.07 (5) (k) of the statutes is repealed.

24 **SECTION 72.** 15.07 (5) (m) of the statutes is created to read:

1 15.07 (5) (m) Members of the government accountability and integrity board,
2 \$150 per day.

3 **SECTION 73.** 15.07 (5) (n) of the statutes is repealed.

4 **SECTION 74.** 15.60 of the statutes is created to read:

5 **15.60 Government accountability and integrity board; creation. (1)**

6 There is created a government accountability and integrity board consisting of 7
7 persons. Members shall serve for 4-year terms.

8 (2) (a) All members of the board shall be appointed from nominations
9 submitted to the governor by a nominating committee to be called the governmental
10 accountability and integrity candidate committee, which shall consist of one court
11 of appeals judge from each of the court of appeals districts. The court of appeals
12 judges shall be chosen as members by lot by the chief justice of the supreme court in
13 the presence of the other justices of the supreme court.

14 (3) Four members of the board shall have prosecutorial experience, two
15 members of the board shall have prior service as a nonpartisan elective official of a
16 local governmental unit, as defined in s. 19.42 (7u), and one member of the board
17 shall be a retired judge of a court of record in this state. If, as a result of a vacancy
18 in the membership of the board, the remaining membership does not satisfy the
19 membership requirements of this subsection, no person may be appointed to serve
20 as a member if the person's qualifications would not contribute to satisfaction of the
21 membership requirements of this subsection.

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

24 (5) No member, for one year immediately prior to the date of appointment may
25 have been, or while serving on the board may become, a member of a political party,

1 an officer or member of a committee in any partisan political club or organization,
2 an officer or employee of a registrant under s. 11.05, or a candidate for any partisan
3 elective public office.

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

6 **SECTION 75.** 15.603 of the statutes is created to read:

7 **15.603 Same; specified divisions. (1) ENFORCEMENT DIVISION.** There is
8 created in the government accountability and integrity board an enforcement
9 division, which is attached to the board under s. 15.03. The enforcement division
10 shall be under the direction and supervision of an administrator, who shall be
11 appointed by the board, to serve for a term of not less than 4 years nor more than 6
12 years expiring on September 1 of an odd-numbered year. The administrator shall
13 be an attorney licensed to practice law in this state who has criminal justice
14 experience.

15 (2) ACCOUNTABILITY AND INTEGRITY DIVISION. There is created in the government
16 accountability and integrity board an accountability and integrity division. The
17 accountability and integrity division shall be under the direction and supervision of
18 an administrator, who shall be appointed by the board.

19 (3) ELECTIONS DIVISION. There is created in the government accountability and
20 integrity board an elections division. The elections division shall be under the
21 direction and supervision of an administrator, who shall be appointed by the board.

22 **SECTION 76.** 15.61 of the statutes is repealed.

23 **SECTION 77.** 15.617 of the statutes is renumbered 15.607, and 15.607 (1) of the
24 statutes, as renumbered, is amended to read:

1 15.607 (1) ELECTION ADMINISTRATION COUNCIL. There is created in the elections
2 government accountability and integrity board an election administration council
3 consisting of members appointed by the executive director of the elections
4 government accountability and integrity board, including the clerk or executive
5 director of the board of election commissioners of the 2 counties or municipalities in
6 this state having the largest population, one or more election officials of other
7 counties or municipalities, representatives of organizations that advocate for the
8 interests of individuals with disabilities and organizations that advocate for the
9 interests of the voting public, and other electors of this state.

10 **SECTION 78.** 15.62 of the statutes is repealed.

11 **SECTION 79.** 16.79 (2) of the statutes is amended to read:

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

21 **SECTION 80.** 16.96 (3) (b) of the statutes is amended to read:

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

1 **SECTION 81.** 16.973 (6) of the statutes is amended to read:

2 16.973 (6) With the advice of the ethics government accountability and
3 integrity board, adopt and enforce standards of ethical conduct applicable to its paid
4 consultants which are similar to the standards prescribed in subch. III of ch. 19,
5 except that the department shall not require its paid consultants to file statements
6 of economic interests.

7 **SECTION 82.** 17.07 (6) of the statutes is amended to read:

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

16 **SECTION 83.** 17.17 (1) of the statutes is amended to read:

17 17.17 (1) SENATORS AND MEMBERS OF CONGRESS. In the office of United States
18 senator or member of congress from this state, by the county clerk of the county
19 wherein such officer resided at the time of election, to the elections government
20 accountability and integrity board.

21 **SECTION 84.** 17.17 (4) of the statutes is amended to read:

22 17.17 (4) JUSTICES AND JUDGES. In the office of justice of the supreme court, court
23 of appeals judge, or judge of a circuit court, by the director of state courts to the
24 governor and the elections government accountability and integrity board.

25 **SECTION 85.** 19.41 (1) of the statutes is amended to read:

1 19.41 (1) It is declared that high moral and ethical standards among state and
2 local public officials and state and local government employees are essential to the
3 conduct of free government; that the legislature believes that a code of ethics for the
4 guidance of state and local public officials and state and local government employees
5 will help them avoid conflicts between their personal interests and their public
6 responsibilities, will improve standards of public service and will promote and
7 strengthen the faith and confidence of the people of this state in their state and local
8 public officials and state and local government employees.

9 **SECTION 86.** 19.42 (3) of the statutes is amended to read:

10 19.42 (3) “Board” means the ethics government accountability and integrity
11 board.

12 **SECTION 87.** 19.42 (4a) of the statutes is created to read:

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

20 **SECTION 88.** 19.42 (10) (a) of the statutes is repealed.

21 **SECTION 89.** 19.42 (10) (q) of the statutes is created to read:

22 19.42 (10) (q) A local public official.

23 **SECTION 90.** 19.43 (4) of the statutes is amended to read:

24 19.43 (4) A candidate for state or local public office shall file with the board a
25 statement of economic interests meeting each of the requirements of s. 19.44 (1) no

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

19 **SECTION 91.** 19.43 (5) of the statutes is amended to read:

20 19.43 (5) Each member of the investment board and each employee of the
21 investment board who is a state public official shall complete and file with the ~~ethics~~
22 government accountability and integrity board a quarterly report of economic
23 transactions no later than the last day of the month following the end of each
24 calendar quarter during any portion of which he or she was a member or employee
25 of the investment board. Such reports of economic transactions shall be in the form

1 prescribed by the ~~ethics~~ government accountability and integrity board and shall
2 identify the date and nature of any purchase, sale, put, call, option, lease, or creation,
3 dissolution, or modification of any economic interest made during the quarter for
4 which the report is filed and disclosure of which would be required by s. 19.44 if a
5 statement of economic interests were being filed.

6 **SECTION 92.** 19.43 (7) of the statutes is amended to read:

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

20 **SECTION 93.** 19.45 (title) of the statutes is amended to read:

21 **19.45 (title) Standards of conduct; state and local public officials.**

22 **SECTION 94.** 19.45 (1) of the statutes is amended to read:

23 19.45 (1) The legislature hereby reaffirms that a state or local public official
24 holds his or her position as a public trust, and any effort to realize substantial
25 personal gain through official conduct is a violation of that trust. This subchapter

1 does not prevent any state or local public official from accepting other employment
2 or following any pursuit which in no way interferes with the full and faithful
3 discharge of his or her duties to this state or to the local governmental unit served
4 by the official. The legislature further recognizes that in a representative democracy,
5 the representatives are drawn from society and, therefore, cannot and should not be
6 without all personal and economic interest in the decisions and policies of
7 government; that citizens who serve as state or local public officials retain their
8 rights as citizens to interests of a personal or economic nature; that standards of
9 ethical conduct for state or local public officials need to distinguish between those
10 minor and inconsequential conflicts that are unavoidable in a free society, and those
11 conflicts which are substantial and material; and that state or local public officials
12 may need to engage in employment, professional or business activities, other than
13 official duties, in order to support themselves or their families and to maintain a
14 continuity of professional or business activity, or may need to maintain investments,
15 which activities or investments do not conflict with the specific provisions of this
16 subchapter.

17 **SECTION 95.** 19.45 (2) of the statutes is amended to read:

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

24 **SECTION 96.** 19.45 (3) of the statutes is amended to read:

1 19.45 (3) No person may offer or give to a state or local public official, directly
2 or indirectly, and no state or local public official may solicit or accept from any person,
3 directly or indirectly, anything of value if it could reasonably be expected to influence
4 the state or local public official’s vote, official actions or judgment, or could
5 reasonably be considered as a reward for any official action or inaction on the part
6 of the state or local public official. This subsection does not prohibit a state or local
7 public official from engaging in outside employment.

8 **SECTION 97.** 19.45 (3m) of the statutes is amended to read:

9 19.45 (3m) No state or local public official may accept or retain any
10 transportation, lodging, meals, food or beverage, or reimbursement therefor, except
11 in accordance with s. 19.56 (3).

12 **SECTION 98.** 19.45 (4) of the statutes is amended to read:

13 19.45 (4) No state or local public official may intentionally use or disclose
14 information gained in the course of or by reason of his or her official position or
15 activities in any way that could result in the receipt of anything of value for himself
16 or herself, for his or her immediate family, or for any other person, if the information
17 has not been communicated to the public or is not public information.

18 **SECTION 99.** 19.45 (5) of the statutes is amended to read:

19 19.45 (5) No state or local public official may use or attempt to use the public
20 position held by the public official to influence or gain unlawful benefits, advantages
21 or privileges personally or for others.

22 **SECTION 100.** 19.45 (6) of the statutes is amended to read:

23 19.45 (6) No state public official, member of a state public official’s immediate
24 family, nor any organization with which the state public official or a member of the
25 official’s immediate family owns or controls at least 10% of the outstanding equity,

1 voting rights, or outstanding indebtedness may enter into any contract or lease
2 involving a payment or payments of more than \$3,000 within a 12-month period, in
3 whole or in part derived from state funds, unless the state public official has first
4 made written disclosure of the nature and extent of such relationship or interest to
5 the board and to the department acting for the state in regard to such contract or
6 lease. Any contract or lease entered into in violation of this subsection may be voided
7 by the state in an action commenced within 3 years of the date on which the ethics
8 board, or the department or officer acting for the state in regard to the allocation of
9 state funds from which such payment is derived, knew or should have known that
10 a violation of this subsection had occurred. This subsection does not affect the
11 application of s. 946.13.

12 **SECTION 101.** 19.45 (6a) of the statutes is created to read:

13 19.45 (6a) No local public official, member of a local public official's immediate
14 family, nor any organization with which the local public official or a member of the
15 official's immediate family owns or controls at least 10% of the outstanding equity,
16 voting rights, or outstanding indebtedness may enter into any contract or lease
17 involving a payment or payments of more than \$3,000 within a 12-month period, in
18 whole or in part derived from funds of the local governmental unit served by the
19 official, unless the local public official has first made written disclosure of the nature
20 and extent of such relationship or interest to the board and to the local governmental
21 unit in regard to such contract or lease. Any contract or lease entered into in violation
22 of this subsection may be voided by the local governmental unit in an action
23 commenced within 3 years of the date on which the board, or the local governmental
24 unit from which such payment is derived, knew or should have known that a

1 violation of this subsection had occurred. This subsection does not affect the
2 application of s. 946.13.

3 **SECTION 102.** 19.45 (7a) of the statutes is created to read:

4 19.45 (7a) (a) No local public official may represent a person for compensation
5 before the local governmental unit served by the official or any employee thereof,
6 except:

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

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

10 or

11 3. In a matter that involves only ministerial action by the local governmental
12 unit.

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

15 **SECTION 103.** 19.45 (8) (a) of the statutes is amended to read:

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

23 **SECTION 104.** 19.45 (8) (ba) and (ca) of the statutes are created to read:

24 19.45 (8) (ba) No former local public official, for 12 months following the date
25 on which he or she ceases to be a local public official, may, for compensation, on behalf

1 of any person other than a governmental entity, make any formal or informal
2 appearance before, or negotiate with, any officer or employee of the local
3 governmental unit served by the former official in connection with any judicial or
4 quasi-judicial proceeding, application, contract, claim, or charge which might give
5 rise to a judicial or quasi-judicial proceeding which was under the former official's
6 responsibility as a local public official within 12 months prior to the date on which
7 he or she ceased to be a local public official.

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

14 **SECTION 105.** 19.45 (10) of the statutes is amended to read:

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

21 **SECTION 106.** 19.45 (11) (intro.) of the statutes is amended to read:

22 19.45 (11) (intro.) The legislature recognizes that all state and local public
23 officials and employees and all employees of the University of Wisconsin Hospitals
24 and Clinics Authority should be guided by a code of ethics and thus:

25 **SECTION 107.** 19.45 (13) of the statutes is amended to read:

1 19.45 **(13)** No state or local public official or candidate for state or local public
2 office may, directly or by means of an agent, give, or offer or promise to give, or
3 withhold, or offer or promise to withhold, his or her vote or influence, or promise to
4 take or refrain from taking official action with respect to any proposed or pending
5 matter in consideration of, or upon condition that, any other person make or refrain
6 from making a political contribution, or provide or refrain from providing any service
7 or other thing of value, to or for the benefit of a candidate, a political party, any person
8 who is subject to a registration requirement under s. 11.05, or any person making a
9 communication that contains a reference to a clearly identified state or local public
10 official holding an elective office or to a candidate for state or local public office.

11 **SECTION 108.** 19.46 (1) (intro.) of the statutes is amended to read:

12 19.46 **(1)** (intro.) Except in accordance with the board's advice under sub. ~~(2)~~
13 s. 5.05 (6a) and except as otherwise provided in sub. (3), no state or local public official
14 may:

15 **SECTION 109.** 19.46 (2) of the statutes is renumbered 5.05 (6a) and amended
16 to read:

17 5.05 **(6a)** Any individual, either personally or on behalf of an organization or
18 governmental body, may request of the board an advisory opinion regarding the
19 propriety under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 of any matter
20 to which the person is or may become a party; and any appointing officer, with the
21 consent of a prospective appointee, may request of the board an advisory opinion
22 regarding the propriety under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19
23 of any matter to which the prospective appointee is or may become a party. The board
24 shall review a request for an advisory opinion and may advise the person making the
25 request. Advisory opinions and requests therefor shall be in writing. The board's

1 deliberations and actions upon such requests shall be in meetings not open to the
2 public. If any act that is referenced in the opinion is prohibited by law, the board shall
3 include in the opinion a citation to the legal authority prohibiting the act. If no legal
4 authority clearly prohibits an act that is referenced in the opinion, the board shall
5 so state. It is prima facie evidence of intent to comply with ~~this subchapter or chs.~~
6 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 when a person refers a matter to
7 the board and abides by the board's advisory opinion, if the material facts are as
8 stated in the opinion request. The board may authorize the executive director to act
9 in its stead in instances where delay is of substantial inconvenience or detriment to
10 the requesting party. No member or employee of the board may make public the
11 identity of the individual requesting an advisory opinion or of individuals or
12 organizations mentioned in the opinion.

13 **SECTION 110.** 19.46 (3a) of the statutes is created to read:

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

19 **SECTION 111.** 19.47 (2) of the statutes is repealed.

20 **SECTION 112.** 19.47 (4) of the statutes is repealed.

21 **SECTION 113.** 19.47 (5) of the statutes is amended to read:

22 19.47 (5) ~~No later than September 1 of each year, the board shall submit a~~
23 ~~report concerning its actions in the preceding fiscal year to the governor and the chief~~
24 ~~clerk of each house of the legislature, for distribution to the legislature under s.~~
25 ~~13.172 (2).~~ Such The board shall include in its biennial report shall contain under

1 s. 15.04 (1) (d) the names and duties of all individuals employed by the board and a
2 summary of its determinations and advisory opinions issued by the board under s.
3 5.05 (6a). The board shall make sufficient alterations in the summaries to prevent
4 disclosing the identities of individuals or organizations involved in the decisions or
5 opinions. The board may also include in its biennial report any information compiled
6 under s. 11.21 (7). The board shall make such further reports on the matters within
7 its jurisdiction and such recommendations for further legislation as it deems
8 desirable.

9 **SECTION 114.** 19.48 (1) of the statutes is amended to read:

10 19.48 (1) Promulgate rules necessary to carry out this subchapter and subch.
11 III of ch. 13. The board shall give prompt notice of the contents of its rules to state
12 and local public officials who will be affected thereby.

13 **SECTION 115.** 19.48 (4) (a) of the statutes is amended to read:

14 19.48 (4) (a) Upon the expiration of 3 years after an individual ceases to be a
15 state or local public official the board shall, unless the former state or local public
16 official otherwise requests, destroy any statement of economic interests filed by him
17 or her and any copies thereof in its possession.

18 **SECTION 116.** 19.48 (4) (b) of the statutes is amended to read:

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

25 **SECTION 117.** 19.48 (9) of the statutes is amended to read:

1 19.48 (9) Administer programs to explain and interpret this subchapter and
2 subch. III of ch. 13 for state public officials, and for elective state officials, candidates
3 for state and local public office, legislative officials, agency officials, lobbyists, as
4 defined in s. 13.62, local public officials, corporation counsels and attorneys for local
5 governmental units. The programs shall provide advice regarding appropriate
6 ethical and lobbying practices, with special emphasis on public interest lobbying.
7 The board may delegate creation and implementation of any such program to a group
8 representing the public interest. The board may charge a fee to participants in any
9 such program.

10 **SECTION 118.** 19.49 (title) of the statutes is repealed.

11 **SECTION 119.** 19.49 (1) of the statutes is repealed.

12 **SECTION 120.** 19.49 (1m) of the statutes is renumbered 5.05 (2m) (c) 2. b.

13 **SECTION 121.** 19.49 (2) of the statutes is renumbered 5.05 (2m) (c) 3. and
14 amended to read:

15 5.05 (2m) (c) 3. Any person to whom ~~this subchapter or~~ subch. III of ch. 13 or
16 subch. III of ch. 19 may have application may request the board to make an
17 investigation of his or her own conduct or of allegations made by other persons as to
18 his or her conduct. Such a request shall be made in writing and shall set forth in
19 detail the reasons therefor.

20 **SECTION 122.** 19.49 (3) of the statutes is repealed.

21 **SECTION 123.** 19.49 (4) of the statutes is repealed.

22 **SECTION 124.** 19.49 (5) of the statutes is renumbered 5.05 (2m) (g) and amended
23 to read:

1 5.05 **(2m)** (g) 1. Except as provided in ~~par. (b)~~ subd. 2., no action may be taken
2 on any complaint that is filed later than 3 years after a violation of ~~this subchapter~~
3 ~~or subch. III of ch. 13 or subch. III of ch. 19~~ is alleged to have occurred.

4 2. The period of limitation under ~~par. (a)~~ subd. 1. is tolled for a complaint
5 alleging a violation of s. 19.45 (13) ~~or 19.59 (1) (br)~~ for the period during which such
6 a complaint may not be filed under s. ~~19.49 (1m) or 19.59 (8) (cm)~~ par. (c) 2. b.

7 **SECTION 125.** 19.50 (title) of the statutes is repealed.

8 **SECTION 126.** 19.50 (intro.) and (1) to (3) of the statutes are renumbered 5.05
9 (2m) (f) (intro.) and 1. to 3. and amended to read:

10 5.05 **(2m)** (f) (intro.) Pursuant to any investigation authorized under ~~s. 19.49~~
11 ~~(3) or any hearing conducted under this subchapter or subch. III of ch. 13~~ par. (c), the
12 board has the power:

13 1. To require any person to submit in writing such reports and answers to
14 questions relevant to the proceedings ~~conducted under this subchapter or subch. III~~
15 ~~of ch. 13~~ as the board may prescribe, such submission to be made within such period
16 and under oath or otherwise as the board may determine.

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

21 3. To order testimony to be taken by deposition before any individual who is
22 designated by the board and has the power to administer oaths, and, in such
23 instances, to compel testimony and the production of evidence in the same manner
24 as authorized by ~~sub (2)~~ subd. 2.

1 **SECTION 127.** 19.50 (4) and (5) of the statutes are renumbered 5.05 (2m) (f) 4.
2 and 5.

3 **SECTION 128.** 19.51 (title) of the statutes is repealed.

4 **SECTION 129.** 19.51 (1) (intro.) of the statutes is renumbered 5.05 (2m) (c) 7. and
5 amended to read:

6 5.05 **(2m)** (c) 7. At the conclusion of its investigation, the board shall, in
7 preliminary written findings of fact and conclusions based thereon, make a
8 determination of whether or not probable cause exists to believe that a violation of
9 ~~this subchapter or chs. 5 to 12,~~ subch. III of ch. 13 or subch. III of ch. 19 has occurred.
10 If the board determines that no probable cause exists, it shall immediately send
11 written notice of such determination to the accused and to the party who made the
12 complaint. ~~If the board determines that there is probable cause for believing that a~~
13 ~~violation of this subchapter or subch. III of ch. 13 has been committed, its~~
14 ~~preliminary findings of fact and conclusions may contain:~~

15 **SECTION 130.** 19.51 (1) (a) and (b) of the statutes are repealed.

16 **SECTION 131.** 19.51 (2) of the statutes is renumbered 5.05 (2m) (c) 8.

17 **SECTION 132.** 19.51 (3) of the statutes is repealed.

18 **SECTION 133.** 19.52 of the statutes is repealed.

19 **SECTION 134.** 19.53 (intro.) of the statutes is repealed.

20 **SECTION 135.** 19.53 (1) to (5) of the statutes are repealed.

21 **SECTION 136.** 19.53 (6) of the statutes is renumbered 19.579 (1) and amended
22 to read:

23 19.579 **(1)** ~~An order requiring the accused~~ Except as provided in sub. (2) any
24 person who violates this subchapter may be required to forfeit not more than \$500
25 for each violation of s. 19.43, 19.44, or 19.56 (2) or not more than \$5,000 for each

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

16 **SECTION 137.** 19.53 (7) and (8) of the statutes are repealed.

17 **SECTION 138.** 19.535 of the statutes is repealed.

18 **SECTION 139.** 19.54 of the statutes is repealed.

19 **SECTION 140.** 19.545 of the statutes is repealed.

20 **SECTION 141.** 19.55 (1) of the statutes is amended to read:

21 19.55 (1) Except as provided in sub. (2) and s. 5.05 (5s), all records under this
22 subchapter or subch. III of ch. 13 in the possession of the board are open to public
23 inspection at all reasonable times. The board shall require an individual wishing to
24 examine a statement of economic interests or the list of persons who inspect any
25 statements which are in the board's possession to provide his or her full name and

1 address, and if the individual is representing another person, the full name and
2 address of the person which he or she represents. Such identification may be
3 provided in writing or in person. The board shall record and retain for at least 3 years
4 information obtained by it pursuant to this subsection. No individual may use a
5 fictitious name or address or fail to identify a principal in making any request for
6 inspection.

7 **SECTION 142.** 19.55 (2) (a) of the statutes is renumbered 5.05 (5s) (f) and
8 amended to read:

9 5.05 (5s) (f) Records obtained in connection with a request for an advisory
10 opinion issued under s. 5.05 (6a), other than summaries of advisory opinions that do
11 not disclose the identity of individuals requesting such opinions or organizations on
12 whose behalf they are requested, are not subject to the right of inspection and
13 copying under s. 19.35 (1). The board may, however, make such records public with
14 the consent of the individual requesting the advisory opinion or the organization or
15 governmental body on whose behalf it is requested. A person who makes or purports
16 to make public the substance of or any portion of an advisory opinion requested by
17 or on behalf of the person is deemed to have waived the confidentiality of the request
18 for an advisory opinion and of any records obtained or prepared by the board in
19 connection with the request for an advisory opinion.

20 **SECTION 143.** 19.55 (2) (b) of the statutes is renumbered 5.05 (5s) (intro.) and
21 amended to read:

22 5.05 (5s) (intro.) Records obtained or prepared by the board in connection with
23 an investigation, including the full text of any complaint received by the board, are
24 not subject to the right of inspection and copying under s. 19.35 (1), except as
25 provided in par. (d) and except that the:

1 (a) The board shall permit inspection of records that are made public in the
2 course of a hearing by the board to determine if a violation of this subchapter or chs.
3 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 has occurred. ~~Whenever the board~~
4 ~~refers such investigation and hearing records to a district attorney or to the attorney~~
5 ~~general, they~~

6 (b) Investigatory records of the board may be made public in the course of a
7 prosecution initiated under this subchapter chs. 5 to 12, subch. III of ch. 13, or subch.
8 III of ch. 19.

9 (c) The board shall ~~also~~ provide information from investigation and hearing
10 records that pertains to the location of individuals and assets of individuals as
11 requested under s. 49.22 (2m) by the department of workforce development or by a
12 county child support agency under s. 59.53 (5).

13 **SECTION 144.** 19.55 (2) (c) of the statutes is amended to read:

14 19.55 (2) (c) Statements of economic interests and reports of economic
15 transactions which are filed with the ~~ethics~~ government accountability and integrity
16 board by members or employees of the investment board, except that the ~~ethics~~
17 government accountability and integrity board shall refer statements and reports
18 filed by such individuals to the legislative audit bureau for its review, and except that
19 a statement of economic interests filed by a member or employee of the investment
20 board who is also an official required to file shall be open to public inspection.

21 **SECTION 145.** 19.56 (1) of the statutes is amended to read:

22 19.56 (1) Every state and local public official is encouraged to meet with clubs,
23 conventions, special interest groups, political groups, school groups and other
24 gatherings to discuss and to interpret legislative, administrative, executive or

1 judicial processes and proposals and issues initiated by or affecting a department or,
2 the judicial branch, or any local governmental unit.

3 **SECTION 146.** 19.56 (2) (b) 5. of the statutes is amended to read:

4 19.56 (2) (b) 5. Is paid by the department or ~~municipality~~ local governmental
5 unit of which the official's state or local public office is a part, or, in the case of a
6 district attorney, is paid by that department or a county which the district attorney
7 serves, or, in the case of a justice or judge of a court of record, is paid from the
8 appropriations for operation of the state court system; or

9 **SECTION 147.** 19.56 (3) (a) of the statutes is amended to read:

10 19.56 (3) (a) A state or local public official may receive and retain
11 reimbursement or payment of actual and reasonable expenses and an elected official
12 may retain reasonable compensation, for a published work or for the presentation of
13 a talk or participation in a meeting related to a topic specified in sub. (1) if the
14 payment or reimbursement is paid or arranged by the organizer of the event or the
15 publisher of the work.

16 **SECTION 148.** 19.56 (3) (b) of the statutes is amended to read:

17 19.56 (3) (b) A state or local public official may receive and retain anything of
18 value if the activity or occasion for which it is given is unrelated to the official's use
19 of the state's time, facilities, services or supplies of the state or the local
20 governmental unit served by the official that are not generally available to all
21 citizens of this state or residents of the local governmental unit served by the official
22 and the official can show by clear and convincing evidence that the payment or
23 reimbursement was unrelated to and did not arise from the recipient's holding or
24 having held a public office and was paid for a purpose unrelated to the purposes
25 specified in sub. (1).

1 **SECTION 149.** 19.56 (3) (c) of the statutes is amended to read:

2 19.56 (3) (c) A state public official may receive and retain from the state, and
3 a local public official may receive and retain from the local governmental unit served
4 by the official on behalf of that unit, or on behalf of the state transportation, lodging,
5 meals, food or beverage, or reimbursement therefor or payment or reimbursement
6 of actual and reasonable costs that the official can show by clear and convincing
7 evidence were incurred or received on behalf of the state of Wisconsin or the local
8 governmental unit served by the official and primarily for the benefit of the state or
9 the local governmental unit and not primarily for the private benefit of the official
10 or any other person.

11 **SECTION 150.** 19.56 (3) (d) of the statutes is amended to read:

12 19.56 (3) (d) A state or local public official may receive and retain from a
13 political committee under ch. 11 transportation, lodging, meals, food or beverage, or
14 reimbursement therefor or payment or reimbursement of costs permitted and
15 reported in accordance with ch. 11.

16 **SECTION 151.** 19.56 (4) of the statutes is amended to read:

17 19.56 (4) If a state or local public official receives a payment not authorized by
18 this subchapter, in cash or otherwise, for a published work or a talk or meeting, the
19 official may not retain it. If practicable, the official shall deposit it with the
20 department or ~~municipality with which he or she is associated~~ the local
21 governmental unit served by the official or, in the case of a justice or judge of a court
22 of record, with the director of state courts. If that is not practicable, the official shall
23 return it or its equivalent to the payor or convey it to the state or the local
24 governmental unit served by the official or to a charitable organization other than
25 one with which he or she is associated.

1 **SECTION 152.** 19.579 (title) of the statutes is amended to read:

2 **19.579** (title) **Civil penalty penalties.**

3 **SECTION 153.** 19.579 of the statutes is renumbered 19.579 (2).

4 **SECTION 154.** 19.58 (1) of the statutes is amended to read:

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

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

11 **SECTION 155.** 19.58 (2) of the statutes is amended to read:

12 19.58 (2) The penalties under sub. (1) do not limit the power of either house of
13 the legislature to discipline its own members or to impeach a public official, or limit
14 the power of a department or a local governmental unit to discipline its state or local
15 public officials or employees.

16 **SECTION 156.** 19.59 (title) of the statutes is amended to read:

17 **19.59** (title) ~~**Codes of ethics for local**~~ **Local government officials,**
18 **employees and candidates.**

19 **SECTION 157.** 19.59 (1) (a) to (d) of the statutes are repealed.

20 **SECTION 158.** 19.59 (1) (f) of the statutes is renumbered 19.461 and amended
21 to read:

22 **19.461 Nonapplication to members of certain local committees.**

23 ~~Paragraphs (a) to (e)~~ Sections 19.45 (2), (3), and (13) and 19.46 (1) do not apply to the
24 members of a local committee appointed under s. 289.33 (7) (a) to negotiate with the
25 owner or operator of, or applicant for a license to operate, a solid waste disposal or

1 hazardous waste facility under s. 289.33, with respect to any matter contained or
2 proposed to be contained in a written agreement between a municipality and the
3 owner, operator or applicant or in an arbitration award or proposed award that is
4 applicable to those parties.

5 **SECTION 159.** 19.59 (1) (f) of the statutes is renumbered 19.461 and amended
6 to read:

7 **19.461 Nonapplication to members of certain local committees.**
8 Paragraphs (a) to (e) Sections 19.45 (2), (3), and (13) and 19.46 (1) do not apply to the
9 members of a local committee appointed under s. 289.33 (7) (a) to negotiate with the
10 owner or operator of, or applicant for a license to operate, a solid waste disposal or
11 hazardous waste facility under s. 289.33, with respect to any matter contained or
12 proposed to be contained in a written agreement between a municipality and the
13 owner, operator or applicant or in an arbitration award or proposed award that is
14 applicable to those parties.

15 **SECTION 160.** 19.59 (1) (g) of the statutes is repealed.

16 **SECTION 161.** 19.59 (1) (g) 8. of the statutes is amended to read:

17 19.59 (1) (g) 8. No district board member, member of a district board member's
18 immediate family, nor any organization with which the district board member or a
19 member of the district board member's immediate family owns or controls at least
20 10% of the outstanding equity, voting rights, or outstanding indebtedness may enter
21 into any contract or lease involving a payment or payments of more than \$3,000
22 within a 12-month period, in whole or in part derived from district funds unless the
23 district board member has first made written disclosure of the nature and extent of
24 such relationship or interest to the ethics government accountability and integrity
25 board and to the district. Any contract or lease entered into in violation of this

1 subdivision may be voided by the district in an action commenced within 3 years of
2 the date on which the ethics government accountability and integrity board, or the
3 district, knew or should have known that a violation of this subdivision had occurred.
4 This subdivision does not affect the application of s. 946.13.

5 **SECTION 162.** 19.59 (1m) of the statutes is amended to read:

6 19.59 (1m) In addition to the requirements of sub. (1) 19.45 and 19.46 (1), any
7 county, city, village or town may enact an ordinance establishing a code of ethics for
8 public officials and employees of the county or municipality and candidates for
9 county or municipal elective offices.

10 **SECTION 163.** 19.59 (3) (a) of the statutes is amended to read:

11 19.59 (3) (a) A requirement for ~~local public officials, other~~ employees of the
12 county or municipality other than local public officials and candidates for local public
13 office to identify any of the economic interests specified in s. 19.44.

14 **SECTION 164.** 19.59 (3) (e) of the statutes is amended to read:

15 19.59 (3) (e) Provisions in addition to those prescribed in ss. 19.45 and 19.46
16 (1), whenever applicable, prescribing ethical standards of conduct and prohibiting
17 conflicts of interest on the part of local public officials and other employees of the
18 county or municipality or on the part of former local public officials or former
19 employees of the county or municipality.

20 **SECTION 165.** 19.59 (5) (a) of the statutes is amended to read:

21 19.59 (5) (a) Any individual, either personally or on behalf of an organization
22 or governmental body, may request of a county or municipal ethics board, or, in the
23 absence of a county or municipal ethics board, a county corporation counsel or
24 attorney for a local governmental unit, an advisory opinion regarding the propriety
25 of any matter to which the person is or may become a party with respect to the

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

21 **SECTION 166.** 19.59 (6) of the statutes is repealed.

22 **SECTION 167.** 19.59 (7) of the statutes is amended to read:

23 19.59 (7) (a) Any ~~person~~ local public official who violates ~~sub. (1) this~~
24 subchapter may be required to forfeit not more than \$1,000 for each violation, and,
25 if the court determines that the accused has violated ~~sub. (1) (b) s. 19.45 (13),~~ the

1 court may, in addition, order the accused to forfeit an amount equal to the amount
2 or value of any political contribution, service, or other thing of value that was
3 wrongfully obtained.

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

11 **SECTION 168.** 19.59 (8) (a) and (b) of the statutes are amended to read:

12 19.59 (8) (a) ~~Subsection (1)~~ Violations of this subchapter by a local public
13 official shall be ~~enforced~~ prosecuted in the name and on behalf of the state by action
14 of the ~~district attorney of any county wherein a violation may occur~~ board, upon the
15 verified complaint of any person.

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

22 **SECTION 169.** 19.59 (8) (c) of the statutes is repealed.

23 **SECTION 170.** 19.59 (8) (cm), (cn) and (d) of the statutes are repealed.

24 **SECTION 171.** 19.85 (1) (fm) of the statutes is created to read:

1 19.85 (1) (fm) Deliberating by the government accountability and integrity
2 board concerning any investigation under the board’s jurisdiction.

3 **SECTION 172.** 19.85 (1) (h) of the statutes is amended to read:

4 19.85 (1) (h) Consideration of requests for confidential written advice from the
5 ethics government accountability and integrity board under s. ~~19.46 (2)~~ 5.05 (6a), or
6 from any county or municipal ethics board under s. 19.59 (5).

7 **SECTION 173.** 20.510 (intro.) of the statutes is repealed.

8 **SECTION 174.** 20.510 (1) (title) of the statutes is repealed.

9 **SECTION 175.** 20.510 (1) (a) of the statutes is repealed.

10 **SECTION 176.** 20.510 (1) (bm) of the statutes is repealed.

11 **SECTION 177.** 20.510 (1) (c) of the statutes is repealed.

12 **SECTION 178.** 20.510 (1) (d) of the statutes is repealed.

13 **SECTION 179.** 20.510 (1) (g) of the statutes is repealed.

14 **SECTION 180.** 20.510 (1) (h) of the statutes is repealed.

15 **SECTION 181.** 20.510 (1) (i) of the statutes is repealed.

16 **SECTION 182.** 20.510 (1) (j) of the statutes is repealed.

17 **SECTION 183.** 20.510 (1) (q) of the statutes, as affected by 2001 Wisconsin Act
18 109, is repealed.

19 **SECTION 184.** 20.510 (1) (t) of the statutes is repealed.

20 **SECTION 185.** 20.510 (1) (x) of the statutes is repealed.

21 **SECTION 186.** 20.521 (intro.) of the statutes is repealed.

22 **SECTION 187.** 20.521 (1) (title) of the statutes is repealed.

23 **SECTION 188.** 20.521 (1) (a) of the statutes is repealed.

24 **SECTION 189.** 20.521 (1) (b) of the statutes is repealed.

25 **SECTION 190.** 20.521 (1) (g) of the statutes is repealed.

1 **SECTION 191.** 20.521 (1) (h) of the statutes is repealed.

2 **SECTION 192.** 20.521 (1) (i) of the statutes is repealed.

3 **SECTION 193.** 20.923 (4) (intro.) of the statutes is amended to read:

4 20.923 (4) STATE AGENCY POSITIONS. (intro.) State agency heads, the
5 administrator of the division of merit recruitment and selection in the office of state
6 employment relations, the administrator of the enforcement division in the
7 government accountability and integrity board, and commission chairpersons and
8 members shall be identified and limited in number in accordance with the
9 standardized nomenclature contained in this subsection, and shall be assigned to the
10 executive salary groups listed in pars. (a) to (i). Except for positions specified in ~~par.~~
11 pars. (c) 3m. and (e) 2e. and sub. (12), all unclassified division administrator
12 positions enumerated under s. 230.08 (2) (e) shall be assigned, when approved by the
13 joint committee on employment relations, by the director of the office of state
14 employment relations to one of 10 executive salary groups. The joint committee on
15 employment relations, by majority vote of the full committee, may amend
16 recommendations for initial position assignments and changes in assignments to the
17 executive salary groups submitted by the director of the office of state employment
18 relations. All division administrator assignments and amendments to assignments
19 of administrator positions approved by the committee shall become part of the
20 compensation plan. Whenever a new unclassified division administrator position is
21 created, the appointing authority may set the salary for the position until the joint
22 committee on employment relations approves assignment of the position to an
23 executive salary group. If the committee approves assignment of the position to an
24 executive salary group having a salary range minimum or maximum inconsistent
25 with the salary paid to the incumbent at the time of such approval, the incumbent's

1 salary shall be adjusted by the appointing authority to conform with the committee's
2 action, effective on the date of that action. Positions are assigned as follows:

3 **SECTION 194.** 20.923 (4) (d) 3. of the statutes is repealed.

4 **SECTION 195.** 20.923 (4) (d) 4. of the statutes is repealed.

5 **SECTION 196.** 20.923 (4) (e) 2e. of the statutes is created to read:

6 20.923 (4) (e) 2e. Government accountability and integrity board:
7 administrator of the enforcement division.

8 **SECTION 197.** 20.923 (4) (f) 3j. of the statutes is created to read:

9 20.923 (4) (f) 3j. Government accountability and integrity board: executive
10 director.

11 **SECTION 198.** 20.930 of the statutes is amended to read:

12 **20.930 Attorney fees.** Except as provided in ss. 5.05 (2m) (c) 7., 46.27 (7g) (h),
13 49.496 (3) (f) and 49.682 (6), no state agency in the executive branch may employ any
14 attorney until such employment has been approved by the governor.

15 **SECTION 199.** 59.605 (3) (a) 3. of the statutes is amended to read:

16 59.605 (3) (a) 3. The referendum shall be held in accordance with chs. 5 to 12.
17 The governing body shall provide the election officials with all necessary election
18 supplies. The form of the ballot shall correspond substantially with the standard
19 form for referendum ballots prescribed by the ~~elections~~ government accountability
20 and integrity board under ss. 5.64 (2) and 7.08 (1) (a). If the resolution under subd.
21 1. specifies the operating levy rate, the question shall be submitted as follows:
22 “Under state law, the operating levy rate for the (name of county), for the tax to
23 be imposed for the year (year), is limited to \$.... per \$1,000 of equalized value.
24 Shall the (name of county) be allowed to exceed this rate limit for (a specified
25 number of years) (an indefinite period) by \$.... per \$1,000 of equalized value that

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

11 **SECTION 200.** 67.05 (3) (b) of the statutes is amended to read:

12 67.05 (3) (b) The clerk of the jurisdiction in which the referendum is held shall
13 prepare or arrange for the preparation of the ballots. If the jurisdiction in which the
14 referendum is held is not a city, village, or town, and the clerk of the jurisdiction in
15 which the referendum is held prepares the ballots, the clerk shall deliver the ballots
16 to the municipal clerk of each city, village, or town which is wholly or partly contained
17 within the jurisdiction in which the referendum is held. The form of the ballot shall
18 correspond with the form prescribed by the elections government accountability and
19 integrity board under ss. 5.64 (2) and 7.08 (1) (a).

20 **SECTION 201.** 67.05 (6) of the statutes is amended to read:

21 67.05 (6) REFERENDUM IN OTHER CASES. Whenever an initial resolution has been
22 adopted by the governing body of any municipality other than a county, a town, a city,
23 a village, a technical college district, a metropolitan sewerage district created under
24 ss. 200.01 to 200.15 or 200.21 to 200.65, a town sanitary district, a public inland lake
25 protection and rehabilitation district, or a board of park commissioners, the clerk of

1 such municipality shall immediately record the resolution and call a special meeting
2 for the purpose of submitting it to the electors of the municipality for ratification or
3 rejection. The calling and conduct of the meeting shall be governed by those statutes,
4 so far as applicable, which govern the calling and conduct of special meetings in
5 general. The notice of the meeting, which shall be publicly read before the balloting
6 shall commence, and the ballot used, shall embody a copy of the resolution; the form
7 of the ballot shall correspond with the form prescribed by the elections government
8 accountability and integrity board under ss. 5.64 (2) and 7.08 (1) (a); and the question
9 submitted shall be whether the resolution shall be approved.

10 **SECTION 202.** 71.10 (3) (b) of the statutes is amended to read:

11 71.10 (3) (b) The secretary of revenue shall provide a place for those
12 designations on the face of the individual income tax return and shall provide next
13 to that place a statement that a designation will not increase tax liability. Annually
14 on August 15, the secretary of revenue shall certify to the elections government
15 accountability and integrity board, the department of administration and the state
16 treasurer under s. 11.50 the total amount of designations made during the preceding
17 fiscal year. If any individual attempts to place any condition or restriction upon a
18 designation, that individual is deemed not to have made a designation on his or her
19 tax return.

20 **SECTION 203.** 71.10 (3) (b) of the statutes, as affected by 2001 Wisconsin Act
21 109, is repealed and recreated to read:

22 71.10 (3) (b) The secretary of revenue shall ensure that space for the
23 designations under par. (am) is provided on the face of the individual income tax
24 return in a manner that is convenient to the individual filing the return. The
25 secretary of revenue shall provide next to the place on the return where designation

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

19 **SECTION 204.** 73.0301 (1) (d) 13. of the statutes is amended to read:

20 73.0301 (1) (d) 13. A license issued by the ~~ethics~~ government accountability and
21 integrity board under s. 13.63 (1).

22 **SECTION 205.** 73.0301 (1) (e) of the statutes is amended to read:

23 73.0301 (1) (e) “Licensing department” means the department of
24 administration; the board of commissioners of public lands; the department of
25 commerce; the ~~ethics~~ government accountability and integrity board; the

1 department of financial institutions; the department of health and family services;
2 the department of natural resources; the department of public instruction; the
3 department of regulation and licensing; the department of workforce development;
4 the office of the commissioner of insurance; or the department of transportation.

5 **SECTION 206.** 85.61 (1) of the statutes is amended to read:

6 85.61 (1) The secretary of transportation and the executive director of the
7 ~~elections~~ government accountability and integrity board shall enter into an
8 agreement to match personally identifiable information on the official registration
9 list maintained by the ~~elections~~ government accountability and integrity board
10 under s. 6.36 (1) with personally identifiable information in the operating record file
11 database under ch. 343 and vehicle registration records under ch. 341 to the extent
12 required to enable the secretary of transportation and the executive director of the
13 ~~elections~~ government accountability and integrity board to verify the accuracy of the
14 information provided for the purpose of voter registration.

15 **SECTION 207.** 117.20 (2) of the statutes is amended to read:

16 117.20 (2) The clerk of each affected school district shall publish notice, as
17 required under s. 8.55, in the territory of that school district. The procedures for
18 school board elections under s. 120.06 (9), (11), (13), and (14) apply to a referendum
19 held under this section. The school board and school district clerk of each affected
20 school district shall each perform, for that school district, the functions assigned to
21 the school board and the school district clerk, respectively, under those subsections.
22 The form of the ballot shall correspond to the form prescribed by the ~~elections~~
23 government accountability and integrity board under ss. 5.64 (2) and 7.08 (1) (a). The
24 clerk of each affected school district shall file with the secretary of the board a

1 certified statement prepared by the school district board of canvassers of the results
2 of the referendum in that school district.

3 **SECTION 208.** 117.27 (2) (b) (intro.) of the statutes is amended to read:

4 117.27 (2) (b) (intro.) The school district clerk shall include in the notice of the
5 spring election a statement that the election ballot will include a question on the
6 change requested by the petition. The form of the ballot shall correspond to the form
7 prescribed by the elections government accountability and integrity board under ss.
8 5.64 (2) and 7.08 (1) (a) and the question on the ballot shall be:

9 **SECTION 209.** 121.91 (3) (c) of the statutes is amended to read:

10 121.91 (3) (c) The referendum shall be held in accordance with chs. 5 to 12. The
11 school district clerk shall provide the election officials with all necessary election
12 supplies. The form of the ballot shall correspond substantially with the standard
13 form for referendum ballots prescribed by the elections government accountability
14 and integrity board under ss. 5.64 (2) and 7.08 (1) (a). The question submitted shall
15 be whether the limit under sub. (2m) may be exceeded by a specified amount. If the
16 resolution provides that any of the excess revenue will be used for a nonrecurring
17 purpose, the ballot in the election shall so state and shall specify the amount that will
18 be used for a nonrecurring purpose. The limit otherwise applicable to the school
19 district under sub. (2m) is increased by the amount approved by a majority of those
20 voting on the question.

21 **SECTION 210.** 125.05 (1) (b) 10. of the statutes is amended to read:

22 125.05 (1) (b) 10. Each question submitted to the electors shall conform to the
23 form prescribed by the elections government accountability and integrity board
24 under ss. 5.64 (2) and 7.08 (1) (a).

25 **SECTION 211.** 165.25 (1) of the statutes is amended to read:

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

14 **SECTION 212.** 198.08 (10) of the statutes is amended to read:

15 198.08 (10) ELECTION STATISTICS. The clerk of the district shall seasonably
16 obtain, compile, and file in his or her office, for the information of the public, a
17 statement showing the total number of votes cast for the office of governor in the last
18 preceding general election in each subdistrict of the district. The clerk of every
19 municipality and the ~~elections~~ government accountability and integrity board shall
20 furnish such information so far as obtainable from their records, duly certified, to the
21 clerk of the district upon request therefor by the clerk of the district. If the total
22 number of votes cast in any subdistrict for the office of governor in the last preceding
23 election cannot, because of an intervening change of boundaries of election wards or
24 for any reason, be ascertained from any official record the clerk of the district shall

1 fairly estimate such number for the purposes of such statement to be filed in his or
2 her office.

3 **SECTION 213.** 200.09 (11) (am) 3. of the statutes is amended to read:

4 200.09 (11) (am) 3. If the governing bodies of each city, town, and village
5 comprising the district pass a resolution to discontinue election of commissioners,
6 each commissioner may hold office until a successor is appointed and qualified. The
7 commission shall immediately notify the elections government accountability and
8 integrity board under s. 5.05 upon passage of a resolution under this subdivision.

9 **SECTION 214.** 227.03 (6) of the statutes is amended to read:

10 227.03 (6) Orders of the elections government accountability and integrity
11 board under s. 5.06 (6) are not subject to this chapter.

12 **SECTION 215.** 227.45 (1) of the statutes is amended to read:

13 227.45 (1) Except as provided in ~~ss. 19.52 (3) and s.~~ 901.05, an agency or
14 hearing examiner shall not be bound by common law or statutory rules of evidence.
15 The agency or hearing examiner shall admit all testimony having reasonable
16 probative value, but shall exclude immaterial, irrelevant or unduly repetitious
17 testimony or evidence that is inadmissible under s. 901.05. The agency or hearing
18 examiner shall give effect to the rules of privilege recognized by law. Basic principles
19 of relevancy, materiality and probative force shall govern the proof of all questions
20 of fact. Objections to evidentiary offers and offers of proof of evidence not admitted
21 may be made and shall be noted in the record.

22 **SECTION 216.** 227.46 (1) (intro.) of the statutes is amended to read:

23 227.46 (1) (intro.) Except as provided under s. 227.43 (1), an agency may
24 designate an official of the agency or an employee on its staff or borrowed from
25 another agency under s. 20.901 or 230.047 as a hearing examiner to preside over any

1 contested case. ~~In hearings under s. 19.52, a reserve judge shall be appointed.~~

2 Subject to rules of the agency, examiners presiding at hearings may:

3 **SECTION 217.** 227.52 (6) of the statutes is amended to read:

4 227.52 (6) Decisions of the chairperson of the elections government
5 accountability and integrity board or the chairperson’s designee.

6 **SECTION 218.** 230.08 (2) (e) 4h. of the statutes is created to read:

7 230.08 (2) (e) 4h. Government accountability and integrity board — 3.

8 **SECTION 219.** 230.08 (2) (om) of the statutes is repealed.

9 **SECTION 220.** 230.08 (2) (on) of the statutes is created to read:

10 230.08 (2) (on) The executive director of the government accountability and
11 integrity board.

12 **SECTION 221.** 230.08 (2) (wm) of the statutes is repealed.

13 **SECTION 222.** 230.08 (4) (a) of the statutes is amended to read:

14 230.08 (4) (a) The number of administrator positions specified in sub. (2) (e)
15 includes all administrator positions specifically authorized by law to be employed
16 outside the classified service in each department, board or commission and the
17 historical society. In this paragraph, “department” has the meaning given under s.
18 15.01 (5), “board” means the educational communications board, government
19 accountability and integrity board, investment board, public defender board and
20 technical college system board and “commission” means the public service
21 commission. Notwithstanding sub. (2) (z), no division administrator position
22 exceeding the number authorized in sub. (2) (e) may be created in the unclassified
23 service.

24 **SECTION 223.** 234.02 (3m) (c) of the statutes is amended to read:

1 234.02 **(3m)** (c) The authority shall, with the advice of the ethics government
2 accountability and integrity board, adopt and enforce ethics guidelines applicable to
3 its paid consultants which are similar to subch. III of ch. 19, except that the authority
4 may not require its paid consultants to file financial disclosure statements.

5 **SECTION 224.** 560.04 (2m) of the statutes is amended to read:

6 560.04 **(2m)** DUTIES. The department may assign one or more full-time
7 equivalent positions to the functions of coordinating the development and scheduling
8 of training programs for local government officials by the University of
9 Wisconsin-Extension, technical college system, department of revenue, elections
10 government accountability and integrity board, and other state agencies in order to
11 assure the effective delivery of training programs and to prevent duplication of effort
12 and of coordinating requests for management or personnel consultative services
13 from government units other than the state and directing those requests to the
14 appropriate division of the department of administration.

15 **SECTION 225.** 778.135 of the statutes is amended to read:

16 **778.135 Campaign finance, lobbying, and ethics forfeitures; how**
17 **recovered.** Notwithstanding s. 778.13, whenever any action or proposed action by
18 the ~~elections~~ government accountability and integrity board under s. 5.05 (1) (c) is
19 settled as a result of agreement between the parties without approval of the court,
20 the moneys accruing to the state on account of such settlement shall be paid to the
21 board and deposited with the secretary of administration. ~~Whenever any proposed~~
22 ~~action by a county board of election commissioners under s. 7.21 (2m) (a) is settled~~
23 ~~as a result of agreement between the parties, the moneys accruing to the county on~~
24 ~~account of such settlement shall be paid to the board of election commissioners and~~

1 deposited with the county treasurer in the same manner as provided for forfeitures
2 under s. 778.13.

3 **SECTION 226.** 778.136 of the statutes is repealed.

4 **SECTION 227.** 971.19 (12) of the statutes is created to read:

5 971.19 (12) In an action for a violation of chs. 5 to 12, subch. III of ch. 13, or
6 subch. III of ch. 19, a defendant who is a resident of this state shall be tried in circuit
7 court for the county where the defendant resides.

8 **SECTION 228. Nonstatutory provisions.**

9 (1) TRANSFER OF ELECTIONS BOARD.

10 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
11 liabilities of the elections board shall become the assets and liabilities of the
12 government accountability and integrity board.

13 (b) *Positions and employees.*

14 1. On the effective date of this subdivision, all full-time equivalent positions
15 in the elections board are transferred to the government accountability and integrity
16 board.

17 2. All incumbent employees holding positions in the elections board are
18 transferred on the effective date of this subdivision to the government accountability
19 and integrity board.

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

1 (c) *Tangible personal property.* On the effective date of this paragraph, all
2 tangible personal property, including records, of the elections board is transferred to
3 the government accountability and integrity board.

4 (d) *Contracts.* All contracts entered into by the elections board in effect on the
5 effective date of this paragraph remain in effect and are transferred to the
6 government accountability and integrity board. The government accountability and
7 integrity board shall carry out any contractual obligations under such a contract
8 until the contract is modified or rescinded by the government accountability and
9 integrity board to the extent allowed under the contract.

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

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

21 (2) TRANSFER OF ETHICS BOARD.

22 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
23 liabilities of the ethics board shall become the assets and liabilities of the government
24 accountability and integrity board.

25 (b) *Positions and employees.*

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

4 2. All incumbent employees holding positions in the ethics board are
5 transferred on the effective date of this subdivision to the government accountability
6 and integrity board.

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

13 (c) *Tangible personal property.* On the effective date of this paragraph, all
14 tangible personal property, including records, of the ethics board is transferred to the
15 government accountability and integrity board.

16 (d) *Contracts.* All contracts entered into by the ethics board remain in effect
17 and are transferred to the government accountability and integrity board. The
18 government accountability and integrity board shall carry out any contractual
19 obligations under such a contract until the contract is modified or rescinded by the
20 government accountability and integrity board to the extent allowed under the
21 contract.

22 (e) *Rules and orders.* All rules promulgated by the ethics board that are in effect
23 on the effective date of this paragraph remain in effect until their specified expiration
24 dates or until amended or repealed by the government accountability and integrity
25 board. All orders issued by the ethics board that are in effect on the effective date

1 of this paragraph remain in effect until their specified expiration dates or until
2 modified or rescinded by the government accountability and integrity board.

3 (f) *Pending matters.* Any matter pending with the ethics board on the effective
4 date of this paragraph is transferred to the government accountability and integrity
5 board, and all materials submitted to or actions taken by the ethics board with
6 respect to the pending matter are considered as having been submitted to or taken
7 by the government accountability and integrity board.

8 (3) BOARD TRANSITIONS; INITIAL TERMS.

9 (a) Notwithstanding section 15.61, 2001 stats., section 15.62, 2003 stats., and
10 section 15.07 (1) (c) of the statutes, the terms of office of all members of the elections
11 board and all members of the ethics board holding office shall expire on July 1, 2007.

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

16 (c) Notwithstanding section 15.60 (1) of the statutes, as created by this act, and
17 section 15.07 (1) (c) of the statutes, of the members of the government accountability
18 and integrity board who are initially nominated by the governor, and with the advice
19 and consent of the assembly and the senate appointed, one member who is a former
20 nonpartisan elective official of a local governmental unit and one member who has
21 prosecutorial experience shall be appointed to serve for terms expiring on May 1,
22 2009; one member who is a former nonpartisan elective official of a local
23 governmental unit and one member who has prosecutorial experience shall be
24 appointed to serve for terms expiring on May 1, 2010; 2 members who prosecutorial
25 experience shall be appointed to serve for terms expiring on May 1, 2011; and one

1 member who is retired judge of a court of record in this state shall be appointed to
2 serve for a term expiring on May 1, 2012.

3 (d) Notwithstanding section 15.603 (1) of the statutes, as created by this act,
4 the person who is initially appointed to serve as administrator of the enforcement
5 division in the government accountability and integrity board shall serve for a term
6 expiring on September 1, 2011.

7 (4) IMPLEMENTATION.

8 (a) Notwithstanding section 5.05 (1m) and (2m) of the statutes, as created by
9 this act, and section 20.922 (1) of the statutes, the director of the legislative council
10 staff shall serve as executive director of the government accountability and integrity
11 board, without additional compensation for such service, until such time as the board
12 initially appoints an executive director and the appointee qualifies to take office. The
13 executive director of the legislative council staff is vested with full authority and
14 responsibility to carry out all functions of the executive director of the government
15 accountability and integrity board, the divisions in the government accountability
16 and integrity board, and the administrators of the divisions prior to appointment and
17 qualification of the initial executive director, including the retention and
18 termination of all staff not transferred to the board that the board is authorized to
19 employ under this act.

20 (5) GENERAL NONSEVERABILITY. Notwithstanding section 990.001 (11) of the
21 statutes, if a court finds that any provision of this act is unconstitutional, the entire
22 act is void.

23 (6) NONSEVERABILITY; 2001 WISCONSIN ACT 109. Notwithstanding section 990.001
24 (11) of the statutes, if a court finds that the repeal and recreation of section 71.10 (3)
25 (b) of the statutes by this act, or any part of the laws specified in 2001 Wisconsin Act

1 109, section 9115 (2y) (b), is unconstitutional, the repeal and recreation of section
2 71.10 (3) (b) of the statutes by this act is void.

3 **SECTION 229. Effective dates.** This act takes effect on July 1, 2007, except as
4 follows:

5 (1) The treatment of sections 5.052, 5.054, 15.07 (1) (a) 2. and (5) (m), 15.60,
6 15.603, 20.923 (4) (intro.), (e) 2e., and (f) 3j., 230.08 (2) (e) 4h. and (on) and (4) (a) of
7 the statutes and SECTION 228 (3) (b) to (d) and (4) of this act take effect on January
8 1, 2007.

9 (END)