



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBs0614/3
JTK:cx:rs

**ASSEMBLY SUBSTITUTE AMENDMENT 5,
TO 2005 SENATE BILL 1**

March 2, 2006 – Offered by COMMITTEE ON CAMPAIGNS AND ELECTIONS.

1 **AN ACT** *to repeal* 5.05 (1) (a), 5.05 (5), 5.05 (6), 5.05 (11), 7.08 (7), 9.01 (1) (ag) 4.,
2 15.07 (5) (k), 15.07 (5) (n), 15.61, 15.62, 19.42 (10) (a), 19.47 (2), 19.47 (4), 19.59
3 (1) (a) to (d), 19.59 (1) (g), 19.59 (6), 19.59 (8) (cm), 20.510 (intro.), 20.510 (1)
4 (title), 20.510 (1) (a), 20.510 (1) (bm), 20.510 (1) (c), 20.510 (1) (d), 20.510 (1) (g),
5 20.510 (1) (h), 20.510 (1) (i), 20.510 (1) (j), 20.510 (1) (q), 20.510 (1) (t), 20.510
6 (1) (x), 20.521 (intro.), 20.521 (1) (title), 20.521 (1) (a), 20.521 (1) (b), 20.521 (1)
7 (g), 20.521 (1) (h), 20.521 (1) (i), 20.923 (4) (d) 3., 20.923 (4) (d) 4., 230.08 (2) (om)
8 and 230.08 (2) (wm); *to renumber and amend* 15.03, 15.617, 19.46 (2), 19.55
9 (2) (a), 19.55 (2) (b) and 19.59 (1) (f); *to amend* 5.02 (1s), 5.05 (title), 5.05 (1)
10 (intro.), 5.05 (1) (b), 5.05 (1) (c), 5.05 (3) (a), 5.40 (7), 5.62 (4) (b), 6.26 (2) (b), 6.26
11 (2) (c), 6.56 (2) to (5), 7.08 (title), 7.08 (title), 7.15 (1) (g), 7.23 (2), 7.31 (5), 7.60
12 (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 (2), 8.20
13 (6), 8.50 (3) (a), 8.50 (3) (e), 9.01 (1) (a), 9.01 (1) (ar) 2., 9.01 (10), 11.21 (title),

1 11.21 (7) (intro.), 11.22 (4), 11.61 (2), 13.123 (3) (b) 2., 13.23, 13.62 (4), 13.685
2 (title), 13.94 (1) (k), 14.58 (20), 15.07 (1) (cm), 15.07 (4), 16.79 (2), 16.96 (3) (b),
3 16.973 (6), 17.07 (6), 17.17 (1), 17.17 (4), 19.41 (1), 19.42 (3), 19.43 (4), 19.43 (5),
4 19.43 (7), 19.45 (title), 19.45 (1), 19.45 (2), 19.45 (3), 19.45 (3m), 19.45 (4), 19.45
5 (5), 19.45 (6), 19.45 (8) (a), 19.45 (10), 19.45 (11) (intro.), 19.45 (13), 19.46 (1)
6 (intro.), 19.47 (5), 19.48 (1), 19.48 (4) (a), 19.48 (4) (b), 19.48 (9), 19.49 (5) (b),
7 19.50 (2), 19.53 (1), 19.53 (1m), 19.53 (6), 19.54 (2), 19.55 (1), 19.55 (2) (c), 19.56
8 (1), 19.56 (2) (b) 5., 19.56 (3) (a), 19.56 (3) (b), 19.56 (3) (c), 19.56 (3) (d), 19.56
9 (4), 19.58 (1), 19.58 (2), 19.59 (title), 19.59 (1m), 19.59 (3) (a), 19.59 (3) (e), 19.59
10 (5) (a), 19.59 (7), 19.59 (8) (a) to (c), 19.59 (8) (cn), 19.59 (8) (d), 19.85 (1) (h),
11 20.923 (4) (intro.), 59.605 (3) (a) 3., 67.05 (3) (b), 67.05 (6), 71.10 (3) (b), 73.0301
12 (1) (d) 13., 73.0301 (1) (e), 85.61 (1), 117.20 (2), 117.27 (2) (b) (intro.), 121.91 (3)
13 (c), 125.05 (1) (b) 10., 165.25 (1), 198.08 (10), 200.09 (11) (am) 3., 227.03 (6),
14 227.52 (6), 230.08 (4) (a), 234.02 (3m) (c), 560.04 (2m), 778.135 and 778.136; **to**
15 **repeal and recreate** 11.60 (4), 15.07 (1) (a) 2., 19.579 and 71.10 (3) (b); and **to**
16 **create** 5.05 (1m), 5.05 (2m), 5.05 (3m), 5.05 (5s) (title) and (d), 5.052, 5.054,
17 5.066, 15.03 (2), 15.07 (5) (m), 15.60, 15.603, 19.42 (4a), 19.42 (10) (q), 19.45 (6a),
18 19.45 (7a), 19.45 (8) (ba) and (ca), 19.46 (3a), 19.85 (1) (fm), 20.923 (4) (e) 2e.,
19 20.923 (4) (f) 3j., 165.25 (4) (e), 227.03 (6m), 230.08 (2) (e) 4h., 230.08 (2) (on) and
20 971.19 (12) of the statutes; **relating to:** creation of a Government
21 Accountability Board and providing penalties.

Analysis by the Legislative Reference Bureau

Currently, the Elections Board consists of nine members. The governor appoints all of the members of the Elections Board, without confirmation by the senate, to serve for two-year terms as follows: one member is selected by the governor and one member each is designated by the chief justice of the Supreme

Court, the speaker of the assembly, the senate majority leader, the minority leader in each house of the legislature, and the chief officer of each political party qualifying for a separate ballot at the September primary whose candidate for governor at the most recent gubernatorial election received at least 10 percent of the vote (currently, the Republican, Democratic, and Libertarian parties).

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

This substitute amendment abolishes both boards and replaces them with a Government Accountability Board. Under the substitute amendment, the board is composed of seven members serving for staggered four-year terms. Four members of the board must have prosecutorial experience. One member of the board is a retired judge of a court of record in this state. All of the members are nominated by the governor and appointed with the advice and consent of the assembly and senate. Each of the members must be appointed from nominations submitted by a Government Accountability 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 Board may hold another position that is subject to the code of ethics for state public officials or the code of ethics for local public officials. No member, for one year immediately prior to the date of appointment, may have been, and no member while serving on the board may become, a member of a political party, an officer or member of a committee in any partisan political club or organization, a candidate for any partisan office or an officer or employee of a registrant under the campaign finance law. No member may be a lobbyist or an employee of a principal (person who employs a lobbyist).

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

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

rights retain those rights. The substitute amendment does not provide any funding for continued employment of the staff members, however.

The Enforcement Division is empowered to investigate violations and bring civil and criminal actions to enforce the elections, ethics, and lobbying regulation laws. Under current law, the Elections Board and Ethics Board share civil enforcement authority with district attorneys and in some cases with county boards of election commissioners, and with the attorney general; and the district attorneys, and in some cases the attorney general, exercise criminal enforcement authority. Under the substitute amendment, the Enforcement Division has independent authority to investigate violations of the elections, ethics, and lobbying regulation laws and to prosecute civil or criminal violations without the consent of the Government Accountability Board, except that the division must obtain the concurrence of the board before issuing a subpoena or obtaining a search warrant. The substitute amendment permits the Enforcement Division to request the board to appoint special counsel to investigate or prosecute violations of the law. Under the substitute amendment, the board may retain special counsel to act as an investigator in any matter. The administrator of the Enforcement Division may also investigate any matter without retention of 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 may continue unless the board votes to terminate it. The substitute amendment also permits the Enforcement Division to request investigatory and prosecutorial assistance from the Department of Justice and directs the Department of Justice to provide such assistance upon request. Under the substitute amendment, the Enforcement Division is bound by applicable laws, rules, formal opinions, and actions of the board, except that the division may nonacquiesce in any formal opinion of the board by publishing a notice of nonacquiescence in the Wisconsin Administrative Register. Thereafter, the division is not bound by that opinion. The substitute amendment directs the Government Accountability Board and the district attorneys to share investigatory information concerning possible violations of the elections, ethics, and lobbying regulation laws and accords precedence to the board in conducting investigations and prosecutions. If a district attorney refers to the board a matter concerning a possible criminal violation of the elections, ethics, or lobbying regulation laws by a state official and the board determines not to commence a criminal prosecution, the substitute amendment directs the board to report to the district attorney within 30 days of the referral specifying the reasons why it will not commence a prosecution.

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

The substitute amendment provides that if a district attorney opens an investigation of a possible criminal violation of the elections, ethics, or lobbying regulation laws, the district attorney must report to the Government Accountability

Board concerning the status of the investigation no later than the end of each 90-day period until the investigation is concluded. Similarly, under the substitute amendment, if a district attorney commences a criminal prosecution for a violation of the elections, ethics, or lobbying regulation laws, the district attorney must report to the board concerning the status of the prosecution no later than the end of each 180-day period until the prosecution is concluded. Within 30 days after receiving any report, the substitute amendment permits the board to direct the district attorney to close the investigation or to terminate the prosecution, and the district attorney must do so.

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

Under the substitute amendment, any person may file a sworn complaint with the division alleging a violation of the elections, ethics, or lobbying regulation laws. The division must investigate the complaint unless the division finds the complaint to be without merit. The substitute amendment also permits the division to investigate any violation of the elections, ethics, or lobbying regulation laws on its own initiative or upon direction of the board. The division may order an election official or private person to act in conformity with the elections, ethics, or lobbying regulation laws or rules of the board, and may impose a forfeiture (civil monetary penalty) for a violation. The decision of the division may be appealed to the board or may be appealed directly to circuit court. In deciding an appeal, the board is not bound by any findings of fact or conclusions of law made by the division with respect to the matter. If the decision of the division is not appealed or if the board does not modify or reverse a decision of the division after hearing an appeal, the decision of the division becomes the decision of the board. Any decision of the board is also subject to judicial review in circuit court. If the board modifies or reverses an action of the division, the division may also seek judicial review of the board's decision. The procedure does not apply to any alleged violation of the elections, ethics, or lobbying regulation laws by the board or division, nor to any matter arising in connection with a recount.

Currently, a defendant in a criminal trial is tried in the county where the the defendant's crime is alleged to have been committed, except that the defendant may request the judge to move the trial to another county and the judge may grant the request if the judge believes that an impartial trial cannot be had unless the trial is moved. This substitute amendment 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.

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

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

The substitute amendment provides for the substitute amendment to become law on January 1, 2007, after which date the members of the Government Accountability Board may be appointed and take office. However, the existing Elections Board and Ethics Board continue in operation until June 1, 2007, subject to appropriation of money for continued operation of the boards by other legislation. Under the substitute amendment, the Government Accountability Board may not exercise administrative or enforcement authority until June 1, 2007. The substitute amendment also provides that the director of the Legislative Council Staff shall serve as executive director of the Government Accountability Board, without additional compensation, until the initial executive director of the Government Accountability Board is appointed and qualified, and may exercise all of the functions of the executive director of the Government Accountability Board, the enforcement division, and the administrator of the enforcement division.

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

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

- 1 **SECTION 1.** 5.02 (1s) of the statutes is amended to read:
- 2 5.02 (1s) “Board” means the ~~elections~~ government accountability board.
- 3 **SECTION 2.** 5.05 (title) of the statutes is amended to read:
- 4 **5.05** (title) **Elections Government accountability board; powers and**
- 5 **duties.**

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

2 5.05 (1) **GENERAL AUTHORITY.** (intro.) ~~The elections~~ government accountability
3 board shall have the responsibility for the administration of chs. 5 to 12 and other
4 laws relating to elections and election campaigns. Pursuant to such responsibility,
5 the board may:

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

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

8 5.05 (1) (b) In the discharge of its duties and ~~upon~~ after providing notice to the
9 any party or parties being investigated who is the subject of an investigation,
10 subpoena and bring before it any person ~~in the state~~ and require the production of
11 any papers, books, or other records relevant to an investigation. A circuit court may
12 by order permit the inspection, and copying of the accounts and the depositor's and
13 loan records at any financial institution, as defined in s. 705.01 (3), doing business
14 in the state to obtain evidence of any violation of ch. 11 upon showing by the board
15 of probable cause to believe there is a violation and that such accounts and records
16 may have a substantial relation to the violation. In the discharge of its duties, the
17 board may cause the deposition of witnesses to be taken in the manner prescribed
18 for taking depositions in civil actions in circuit court. The board shall delegate to the
19 enforcement division the power to issue subpoenas and to obtain search warrants
20 under this paragraph on behalf of the board, subject to the procedures under s. 5.066
21 (6). The delegation is supplemental to the board's exercise of direct authority under
22 this paragraph.

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

24 5.05 (1) (c) Bring civil or criminal actions ~~to require forfeitures~~ for any violation
25 of ch. 11 ~~under s. 11.60. Forfeiture actions brought by the board may concern only~~

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

17 **SECTION 7.** 5.05 (1m) of the statutes is created to read:

18 **5.05 (1m) EXECUTIVE DIRECTOR; LEGAL COUNSEL.** The board shall employ an
19 executive director outside the classified service and shall employ legal counsel to
20 perform legal services outside the enforcement division.

21 **SECTION 8.** 5.05 (2m) of the statutes is created to read:

22 **5.05 (2m) ENFORCEMENT DIVISION.** (a) The enforcement division shall
23 investigate and prosecute alleged violations of laws administered by the board
24 pursuant to all statutes granting or assigning that authority or responsibility to the
25 board. The enforcement division shall prosecute civil and criminal actions brought

1 by the board and shall assist the district attorneys and the attorney general in
2 prosecuting criminal actions referred to them by the division.

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

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

17 2. Upon opening or concluding an investigation of any alleged violation of chs.
18 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, the board shall notify the district
19 attorney for the county wherein the violation is alleged to occur. Upon opening or
20 concluding an investigation of any alleged violation of chs. 5 to 12, subch. III of ch.
21 13, or subch. III of ch. 19, a district attorney shall notify the board. Upon request of
22 the board or a district attorney, the board and district attorney shall each share
23 information in their possession relating to any alleged violation of chs. 5 to 12, subch.
24 III of ch. 13, or subch. III of ch. 19. If the board notifies the district attorney for any
25 county that it has opened an investigation of a violation of chs. 5 to 12, subch. III of

1 ch. 13, or subch. III of ch. 19 that is alleged to have occurred in that county, the district
2 attorney shall suspend any investigation of the same alleged violation that the
3 district attorney is conducting until the board notifies the district attorney that it has
4 concluded its investigation and it will not prosecute the alleged violation or there
5 elapse 30 days from the date of the board's notification that its investigation is
6 concluded and the board does not commence a prosecution of the alleged violation.

7 3. The district attorney for any county may refer any matter concerning a
8 possible civil or criminal violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of
9 ch. 19 to the board. If the board determines not to commence a criminal prosecution
10 with respect to a matter concerning an alleged criminal violation of chs. 5 to 12,
11 subch. III of ch. 13, or subch. III of ch. 19 by an elective state official, as defined in
12 s. 13.62 (6), or a state public official, as defined in s. 19.42 (14), that is referred to the
13 board under this subdivision, the board shall, within 30 days of receipt of the referral,
14 report to the district attorney in writing specifying the reasons why it has
15 determined not to commence a criminal prosecution.

16 4. If a district attorney opens an investigation of a possible criminal violation
17 of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, the district attorney shall
18 report to the board concerning the status of the investigation no later than the end
19 of each consecutive 90-day period, beginning on the day that the investigation is
20 opened and ending on the day that the investigation is concluded. Within 30 days
21 after receiving a report under this subdivision, the board may direct the district
22 attorney to close the investigation and the district attorney shall thereupon close the
23 investigation.

24 5. Prior to commencing any criminal prosecution with respect to an alleged
25 violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, a district attorney

1 shall provide written notice to the board. If the board notifies the district attorney
2 in writing that it will not commence a criminal prosecution with respect to that
3 alleged violation or the board fails to commence a criminal prosecution with respect
4 to that alleged violation within 30 days after receiving notice from the district
5 attorney under this subdivision, the district attorney may commence a criminal
6 prosecution with respect to that alleged violation.

7 6. If a district attorney commences a criminal prosecution for an alleged
8 violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, the district attorney
9 shall report to the board concerning the status of the prosecution no later than the
10 end of each consecutive 180-day period, beginning on the day that the prosecution
11 is commenced and ending on the day that the prosecution is concluded. Within 30
12 days after receiving a report under this subdivision, the board may direct the district
13 attorney to terminate the prosecution and the district attorney shall thereupon
14 terminate the prosecution.

15 7. If the board directs a district attorney to close an investigation of a person
16 under subd. 4. or to terminate a prosecution of a person under subd. 6. with respect
17 to an alleged violation of the law, the district attorney shall not open a new criminal
18 investigation or commence a new criminal prosecution of the same person with
19 respect to the same alleged violations of the law.

20 8. Each individual who is retained by the board to act as an investigator shall
21 make periodic reports to the board, as directed by the board, but in no case may the
22 interval for reporting exceed 90 days. If the administrator of the enforcement
23 division investigates any matter without retention of an investigator, the
24 administrator shall make periodic reports to the board, as directed by the board, but

1 in no case may the reporting interval exceed 90 days. If, after receiving a report, the
2 board does not vote to terminate the investigation, the investigation is continued.

3 9. Upon employment of any individual to serve as special counsel for the
4 enforcement division, the administrator of the enforcement division shall certify the
5 maximum amount provided in the employment contract to the secretary of
6 administration, and direct the department of administration to pay special counsel
7 bills related to that case within the certified amount.

8 (e) The enforcement division is bound by applicable laws, rules, formal
9 opinions, and actions of the board, except that the division may nonacquiesce in any
10 formal opinion of the board by publishing a notice of nonacquiescence in the
11 Wisconsin Administrative Register. Thereafter, the division is not bound by the
12 formal opinion in which the division nonacquiesces.

13 **SECTION 9.** 5.05 (3) (a) of the statutes is amended to read:

14 5.05 (3) (a) The board shall upon complaint by any person or on its own motion
15 investigate violations of the elections laws and shall notify the district attorney of the
16 proper county, or the attorney general ~~or the governor~~ where appropriate under s.
17 11.60 (4) or 11.61 (2) of any facts within its knowledge or evidence in its possession
18 which may be grounds for civil action or criminal prosecution.

19 **SECTION 10.** 5.05 (3m) of the statutes is created to read:

20 5.05 (3m) CHIEF ELECTION OFFICER. The board shall designate an employee of
21 the board to serve as the chief election officer of this state.

22 **SECTION 11.** 5.05 (5) of the statutes is repealed.

23 **SECTION 12.** 5.05 (5s) (title) and (d) of the statutes are created to read:

24 5.05 (5s) (title) ACCESS TO RECORDS.

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

3 **SECTION 13.** 5.05 (6) of the statutes is repealed.

4 **SECTION 14.** 5.05 (11) of the statutes is repealed.

5 **SECTION 15.** 5.052 of the statutes is created to read:

6 **5.052 Government accountability candidate committee.** (1) The
7 government accountability candidate committee shall organize whenever a vacancy
8 occurs in the membership of the board that requires a nomination to be submitted
9 to the governor under s. 15.60 (2).

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

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

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

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

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

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

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

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

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

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

23 **5.054 Duties of the executive director.** The executive director of the board
24 shall:

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

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

5 **SECTION 17.** 5.066 of the statutes is created to read:

6 **5.066 Complaints and decision-making procedure.** (1) In this section:

7 (a) “Division” means the enforcement division of the board.

8 (b) “Election official” includes any board of election commissioners under s. 7.20
9 or governing body of a local governmental unit that has the responsibility to
10 administer the election laws.

11 (c) “Local governmental unit” has the meaning given in s. 16.97 (7).

12 (d) “Working day” has the meaning given in s. 227.01 (14).

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

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

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

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

16 **(6)** Subject to the procedures under this subsection, the division may, in the
17 discharge of its functions under this section and after providing notice to any party
18 who is the subject of an investigation, subpoena and bring before it any person and
19 require the production of any papers, books, or other records relevant to an
20 investigation. Prior to issuing a subpoena or obtaining a search warrant, the division
21 shall submit a written request for this purpose to the board. If the board does not
22 disapprove the request within 10 days of receiving the request, the division may
23 issue the subpoena or obtain the search warrant. A circuit court may by order permit
24 the inspection and copying of the accounts and the depositor's and loan records at any
25 financial institution, as defined in s. 705.01 (3), doing business in this state to obtain

1 evidence of any violation of ch. 11 or 12, subch. III of ch. 13, or subch. III of ch. 19
2 upon a showing by the division of probable cause to believe there is a violation and
3 that such accounts and records may have a substantial relation to the violation. In
4 the discharge of its functions under this section, the division may cause the
5 deposition of witnesses to be taken in the manner prescribed for taking depositions
6 in civil actions in circuit court.

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

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

21 (9) If a proposed decision of the division is appealed to the board, the board shall
22 hear the appeal at its next meeting occurring at least 3 working days after the appeal
23 is received by the board. In reviewing the decision of the division, the board is not
24 bound by any finding of fact that is contested or any conclusion of law made by the
25 division. After hearing the appeal, the board may issue a decision, which shall

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

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

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

22 **(12)** When the enforcement division issues an order imposing a forfeiture
23 under sub. (2) or s. 11.60, 12.60 (1) (c) or (d), 13.69, or 19.579 that is not appealed in
24 a timely manner under sub. (8) or (11), or when the board issues an order imposing
25 a forfeiture under sub. (2) or s. 11.60, 12.60 (1) (c) or (d), 13.69, or 19.579 and the

1 period allowed under s. 227.57 for judicial review of the order expires, the division
2 or board may file a copy of its order with the clerk of circuit court for Dane County.
3 The clerk shall thereupon enter the order in the judgment and lien docket in the same
4 manner as provided for entry of civil judgments under s. 806.10. The division or
5 board may also enter the order on the judgment and lien docket of any other county
6 under s. 806.13. The order may be enforced and satisfied in the same manner as
7 provided for enforcement and satisfaction of civil judgments.

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

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

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

18 **SECTION 18.** 5.40 (7) of the statutes is amended to read:

19 5.40 (7) Whenever a municipality adopts and purchases voting machines or an
20 electronic voting system, or adopts and purchases a different type of voting machine
21 or electronic voting system from the type it was previously using, the municipal clerk
22 or executive director of the municipal board of election commissioners shall promptly
23 notify the county clerk or executive director of the county board of election
24 commissioners and the executive director of the elections government accountability
25 board in writing.

1 **SECTION 19.** 5.62 (4) (b) of the statutes is amended to read:

2 5.62 (4) (b) The county board of election commissioners in counties having a
3 population of more than 500,000 shall prepare the official primary ballot. The
4 commissioners shall arrange the names of all candidates for each office whose
5 nomination papers are filed at the county level, using the same method as that used
6 by the elections government accountability board under s. 5.60 (1) (b).

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

8 6.26 (2) (b) The municipal clerk, board of election commissioners, or elections
9 government accountability board may appoint any applicant who qualifies under
10 this subsection, unless the applicant's appointment has been revoked by a
11 municipality or by the board for cause. The municipal clerk, board of election
12 commissioners, or elections government accountability board may revoke an
13 appointment made by the clerk, board of election commissioners, or elections
14 government accountability board for cause at any time.

15 **SECTION 21.** 6.26 (2) (c) of the statutes is amended to read:

16 6.26 (2) (c) No individual may serve as a special registration deputy in a
17 municipality unless the individual is appointed by the municipal clerk or board of
18 election commissioners of the municipality or the individual is appointed by the
19 elections government accountability board to serve all municipalities.

20 **SECTION 22.** 6.56 (2) to (5) of the statutes are amended to read:

21 6.56 (2) Upon receipt of the list, the municipal clerk shall make a check to
22 determine whether each person who has been allowed to vote under s. 6.55 (3) is
23 properly registered. If so, the clerk shall correct the registration list. If the address
24 on the registration list is not correct, the clerk shall correct the address. The clerk
25 shall then notify the elector by postcard when he or she is properly registered. If such

1 person is found not to be properly registered, the clerk shall send the person a 1st
2 class letter with that information, containing a mail registration form under s. 6.30
3 (4). The letter shall be marked in accordance with postal regulations to ensure that
4 it will be returned to the clerk if the elector does not reside at the address given on
5 the postcard. If such letter is returned undelivered, or if the U.S. postal service
6 notifies the clerk of an improper address which was apparently improper on the day
7 of the election, the clerk shall notify the district attorney and the board.

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

21 (4) After each election, the municipal clerk shall carefully check to assure that
22 no person has been allowed to vote more than once. Whenever the municipal clerk
23 has good reason to believe that a person has voted more than once in an election, the
24 clerk shall send the person a 1st class letter marked in accordance with postal
25 regulations to ensure that it will be returned to the clerk if the elector does not reside

1 at the address given on the letter. The letter shall inform the person that all
2 registrations relating to that person may be changed from eligible to ineligible status
3 within 7 days unless the person contacts the office of the clerk to clarify the matter.
4 A copy of the letter and of any subsequent information received from or about the
5 addressee shall be sent to the district attorney and the board.

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

13 **SECTION 23.** 7.08 (title) of the statutes is amended to read:

14 **7.08** (title) **Elections Government accountability board.**

15 **SECTION 24.** 7.08 (title) of the statutes is amended to read:

16 **7.08** (title) **Elections Government accountability board.**

17 **SECTION 25.** 7.08 (7) of the statutes is repealed.

18 **SECTION 26.** 7.15 (1) (g) of the statutes is amended to read:

19 7.15 (1) (g) Report suspected election frauds, irregularities or violations of
20 which the clerk has knowledge to the district attorney and the board.

21 **SECTION 27.** 7.23 (2) of the statutes is amended to read:

22 7.23 (2) If there is a demand for a recount, notice of an election contest or any
23 contest or litigation pending with respect to an election, materials may be destroyed
24 and recorders, units or compartments may be cleared or erased only by order of the
25 judge in whose court litigation is pending or if no litigation is pending, by order of any

1 circuit judge for the affected jurisdiction. Upon petition of the board, the attorney
2 general ~~or~~, a district attorney or the U.S. attorney for the affected jurisdiction, a
3 circuit judge for the affected jurisdiction may order that specified materials not be
4 destroyed or that specified recorders, units or compartments not be cleared or erased
5 as otherwise authorized under this subsection until the court so permits. The
6 governor may by order permit the clearing of voting machine recorders on machines
7 needed to conduct a special election prior to the time authorized under this
8 subsection, unless there is a demand for recount, notice of an election contest or a
9 contest or litigation pending, or a court of record orders that the recorders not be
10 cleared.

11 **SECTION 28.** 7.31 (5) of the statutes is amended to read:

12 7.31 (5) The board shall conduct regular training programs to ensure that
13 individuals who are certified by the board under this section are knowledgeable
14 concerning their authority and responsibilities. ~~The board shall pay all costs~~
15 ~~required to conduct the training programs from the appropriation under s. 20.510 (1)~~
16 ~~(b)m).~~

17 **SECTION 29.** 7.60 (4) (a) of the statutes is amended to read:

18 7.60 (4) (a) The board of canvassers shall make separate duplicate statements
19 showing the numbers of votes cast for the offices of president and vice president; state
20 officials; U.S. senators and representatives in congress; state legislators; justice;
21 court of appeals judge; circuit judges; district attorneys; and metropolitan sewerage
22 commissioners, if the commissioners are elected under s. 200.09 (11) (am). If a
23 municipal judge elected under s. 755.01 (4) serves a municipality that is located
24 partially within the county and candidates for that judgeship file nomination papers
25 in another county, the board of canvassers shall prepare a duplicate statement

1 showing the numbers of votes cast for that judgeship in that county for transmittal
2 to the other county. For partisan candidates, the statements shall include the
3 political party or principle designation, if any, next to the name of each candidate.
4 The board of canvassers shall also prepare a statement showing the results of any
5 county, technical college district, or statewide referendum. Each statement shall
6 state the total number of votes cast in the county for each office; the names of all
7 persons for whom the votes were cast, as returned; the number of votes cast for each
8 person; and the number of votes cast for and against any question submitted at a
9 referendum. The board of canvassers shall use one copy of each duplicate statement
10 to report to the elections government accountability board, technical college district
11 board, or board of canvassers of any other county and shall file the other statement
12 in the office of the county clerk or board of election commissioners.

13 **SECTION 30.** 7.60 (5) of the statutes is amended to read:

14 7.60 (5) REPORTING. (a) Immediately following the canvass, the county clerk
15 shall deliver or send to the elections government accountability board, by 1st class
16 mail, a certified copy of each statement of the county board of canvassers for
17 president and vice president, state officials, senators and representatives in
18 congress, state legislators, justice, court of appeals judge, circuit judge, district
19 attorney, and metropolitan sewerage commissioners, if the commissioners are
20 elected under s. 200.09 (11) (am). The statement shall record the returns for each
21 office or referendum by ward, unless combined returns are authorized under s. 5.15
22 (6) (b) in which case the statement shall record the returns for each group of
23 combined wards. Following primaries the county clerk shall enclose on forms
24 prescribed by the elections government accountability board the names, party or
25 principle designation, if any, and number of votes received by each candidate

1 recorded in the same manner. The county clerk shall deliver or transmit the certified
2 statement to the elections government accountability board no later than 7 days
3 after each primary and no later than 10 days after any other election. The board of
4 canvassers shall deliver or transmit a certified copy of each statement for any
5 technical college district referendum to the secretary of the technical college district
6 board.

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

19 **SECTION 31.** 7.70 (1) of the statutes is amended to read:

20 7.70 (1) RECORDING AND PRESERVING RETURNS. (a) Upon receipt of the certified
21 statements from the county clerks, the elections board shall record the election
22 results by counties and file and carefully preserve the statements.

23 (b) If any county clerk fails or neglects to forward any statements, the elections
24 board may require the clerk to do so immediately and if not received by the 8th day
25 after a primary, or by the 11th day after any other election, the elections board may

1 dispatch a special messenger to obtain them. Whenever it appears upon the face of
2 any statement that an error has been made in reporting or computing, the elections
3 board may return it to the county clerk for correction.

4 **SECTION 32.** 7.70 (5) (b) of the statutes is amended to read:

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

12 **SECTION 33.** 8.05 (1) (j) of the statutes is amended to read:

13 8.05 (1) (j) The municipal clerk shall notify in writing each candidate whose
14 name is certified as a nominee under par. (h) of his or her nomination. If a municipal
15 judge is elected under s. 755.01 (4), the county clerk of the county having the largest
16 portion of the population in the jurisdiction served by the judge shall make the
17 notification. Upon receipt of the notice, each candidate shall file a declaration of
18 candidacy in the manner prescribed by s. 8.21 with the municipal clerk making the
19 notification no later than 5 p.m. on the 5th day after the notification is mailed or
20 personally delivered to the candidate by the municipal clerk, except as authorized
21 in this paragraph. If an incumbent whose name is certified as a nominee fails to file
22 a declaration of candidacy within the time prescribed by this paragraph, each
23 certified candidate for the office held by the incumbent, other than the incumbent,
24 may file a declaration of candidacy no later than 72 hours after the latest time
25 prescribed in this paragraph. If the candidate has not filed a registration statement

1 under s. 11.05 at the time of the notification, the candidate shall file the statement
2 with the declaration. A candidate for municipal judge shall also file a statement of
3 economic interests with the ethics board under s. 19.43 (4) no later than 4:30 p.m.
4 on the 5th day after notification of nomination is mailed or personally delivered to
5 the candidate, or no later than 4:30 p.m. on the next business day after the last day
6 for filing a declaration of candidacy whenever that candidate is granted an extension
7 of time for filing a declaration of candidacy under this paragraph. Upon receipt of
8 the declaration of candidacy and registration statement of each qualified candidate,
9 and upon filing of a statement of economic interests by each candidate for municipal
10 judge, the municipal clerk, or the county clerk if the judge is elected under s. 755.01
11 (4), shall place the name of the candidate on the ballot. No later than the end of the
12 3rd day following qualification by all candidates, the municipal clerk, or the county
13 clerk if the judge is elected under s. 755.01 (4), shall draw lots to determine the
14 arrangement of candidates' names on the spring election ballot.

15 **SECTION 34.** 8.10 (5) of the statutes is amended to read:

16 8.10 (5) Nomination papers shall be accompanied by a declaration of candidacy
17 under s. 8.21. If a candidate has not filed a registration statement under s. 11.05 at
18 the time he or she files nomination papers, the candidate shall file the statement
19 with the papers. A candidate for state office or municipal judge shall also file a
20 statement of economic interests with the ethics board under s. 19.43 (4) no later than
21 4:30 p.m. on the 3rd day following the last day for filing nomination papers under
22 sub. (2) (a), or no later than 4:30 p.m. on the next business day after the last day
23 whenever that candidate is granted an extension of time for filing nomination papers
24 under sub. (2) (a).

25 **SECTION 35.** 8.15 (4) (b) of the statutes is amended to read:

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

10 **SECTION 36.** 8.18 (2) of the statutes is amended to read:

11 8.18 (2) The purpose of the convention is to nominate one presidential elector
12 from each congressional district and 2 electors from the state at large. The names
13 of the nominees shall be certified immediately by the chairperson of the state
14 committee of each party to the chairperson of the elections board.

15 **SECTION 37.** 8.20 (6) of the statutes is amended to read:

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

25 **SECTION 38.** 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 39.** 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 board no later than 7 days
20 after the special primary and 13 days after the special election.

21 **SECTION 40.** 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 board receives the last statement
11 from a county board of canvassers for the election or referendum. Each verified
12 petition shall state that at the election the petitioner was a candidate for the office
13 in question or that he or she voted on the referendum question in issue; that the
14 petitioner is informed and believes that a mistake or fraud has been committed in
15 a specified ward or municipality in the counting and return of the votes cast for the
16 office or upon the question; or shall specify any other defect, irregularity, or illegality
17 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 41.** 9.01 (1) (ag) 4. of the statutes is repealed.

2 **SECTION 42.** 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 43.** 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 44.** 11.21 (title) of the statutes is amended to read:

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

11 **SECTION 45.** 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 46.** 11.22 (4) of the statutes is amended to read:

15 11.22 **(4)** Notify the board, the district attorney, or the attorney general where
16 appropriate under ss. 11.60 (4) and 11.61 (2), 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 board, district attorney, or the attorney
21 general shall advise the filing officer in writing at the end of each 30-day period of
22 the status of such matter until the time of disposition. The district attorney or
23 attorney general shall transmit a copy of each any such notice to the board.

24 **SECTION 47.** 11.60 (4) of the statutes, as affected by 2001 Wisconsin Act 109,
25 is repealed and recreated to read:

1 11.60 (4) Actions under this section may be brought by the board or by the
2 district attorney for the county where the violation is alleged to have occurred, except
3 as specified in s. 11.38. Actions under this section arising out of an election for county
4 office or a county referendum may be brought by the county board of election
5 commissioners of the county where the violation is alleged to have occurred. If a
6 violation concerns a district attorney or circuit judge or a candidate for either such
7 office, the action shall be brought by the board or by the attorney general.

8 **SECTION 48.** 11.61 (2) of the statutes is amended to read:

9 11.61 (2) Except as provided in s. 11.38 (5), all prosecutions under this section
10 shall be conducted by the board or by district attorney of for the county where the
11 violation is alleged to have occurred. ~~If the district attorney refuses to act upon a~~
12 ~~sworn complaint, or fails to act upon such a complaint within 60 days of the date on~~
13 ~~which the complaint is received, the attorney general may then conduct the~~
14 ~~prosecution under this section.~~ If a violation concerns a district attorney or circuit
15 judge or a candidate for such offices either such office, the prosecution shall be
16 conducted by the board or by the attorney general. ~~If a violation concerns the~~
17 ~~attorney general or a candidate for such office, the governor may appoint a special~~
18 ~~prosecutor under s. 14.11 (2) to conduct the prosecution in behalf of the state. The~~
19 ~~prosecutor shall be independent of the attorney general and need not be a state~~
20 ~~employee at the time of appointment.~~

21 **SECTION 49.** 13.123 (3) (b) 2. of the statutes is amended to read:

22 13.123 (3) (b) 2. In making the determination under subd. 1., the chief clerk is
23 bound by the determination of the chairperson of the elections government
24 accountability board or the chairperson's designee if such determination has been
25 issued.

1 **SECTION 50.** 13.23 of the statutes is amended to read:

2 **13.23 Election contests; notice.** Any person wishing to contest the election
3 of any senator or member of the assembly shall, within 30 days after the decision of
4 the board of canvassers, serve a notice in writing on the person whose election the
5 contestant intends to contest, stating briefly that the election will be contested and
6 the cause of such contest, and shall file a copy thereof in the office of the elections
7 government accountability board at least 10 days before the day fixed by law for the
8 meeting of the legislature. The ~~elections~~ government accountability board shall then
9 send a copy of s. 13.24 to both contestants. If any contestant fails to so file a copy of
10 such notice, the contestant shall not be entitled to any mileage or salary in case
11 payment has been made therefor to the sitting member.

12 **SECTION 51.** 13.62 (4) of the statutes is amended to read:

13 13.62 (4) “Board” means the ~~ethics~~ ethics government accountability board.

14 **SECTION 52.** 13.685 (title) of the statutes is amended to read:

15 **13.685 (title) Duties of the ~~ethics~~ ethics government accountability board.**

16 **SECTION 53.** 13.94 (1) (k) of the statutes is amended to read:

17 13.94 (1) (k) Provide auditing services at the direction of the ~~elections~~
18 government accountability board under s. 5.05 (2).

19 **SECTION 54.** 14.58 (20) of the statutes is amended to read:

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

23 **SECTION 55.** 15.03 of the statutes is renumbered 15.03 (intro.) and amended
24 to read:

1 **15.03 Attachment for limited purposes.** (intro.) Any division, office,
2 commission, council or board attached under this section to a department or
3 independent agency or a specified division thereof shall be a distinct unit of that
4 department, independent agency or specified division. Any division, office,
5 commission, council or board so attached shall exercise its powers, duties and
6 functions prescribed by law, including rule making, licensing and regulation, and
7 operational planning within the area of program responsibility of the division, office,
8 commission, council or board, independently of the head of the department or
9 independent agency, but budgeting, program coordination and related management
10 functions shall be performed under the direction and supervision of the head of the
11 department or independent agency, except that with:

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

18 **SECTION 56.** 15.03 (2) of the statutes is created to read:

19 **15.03 (2) ENFORCEMENT DIVISION OF GOVERNMENT ACCOUNTABILITY BOARD.** With
20 respect to the enforcement division of the government accountability board, all
21 budget requests by the division shall be submitted by the board to the department
22 of administration without change except as concurred in by the division.

23 **SECTION 57.** 15.07 (1) (a) 2. of the statutes is repealed and recreated to read:

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

4 **SECTION 58.** 15.07 (1) (cm) of the statutes, as affected by 2005 Wisconsin Acts
5 25 and 76, is amended to read:

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

18 **SECTION 59.** 15.07 (4) of the statutes is amended to read:

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

24 **SECTION 60.** 15.07 (5) (k) of the statutes is repealed.

25 **SECTION 61.** 15.07 (5) (m) of the statutes is created to read:

1 15.07 (5) (m) Members of the government accountability board, \$25 per day.

2 **SECTION 62.** 15.07 (5) (n) of the statutes is repealed.

3 **SECTION 63.** 15.60 of the statutes is created to read:

4 **15.60 Government accountability board; creation. (1)** There is created
5 a government accountability board consisting of 7 persons. Members shall serve for
6 4-year terms.

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

13 **(3)** Four members of the board shall have prosecutorial experience. If, as a
14 result of a vacancy in the membership of the board, the remaining membership does
15 not satisfy the membership requirements of this subsection, no person may be
16 appointed to serve as a member if the person's qualifications would not contribute
17 to satisfaction of the membership requirements of this subsection.

18 **(4)** One member of the board shall be a retired judge of a court of record in this
19 state.

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

22 **(6)** No member, for one year immediately prior to the date of appointment may
23 have been, or while serving on the board may become, a member of a political party,
24 an officer or member of a committee in any partisan political club or organization,

1 an officer or employee of a registrant under s. 11.05, or a candidate for any partisan
2 elective public office.

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

5 **SECTION 64.** 15.603 of the statutes is created to read:

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

13 **SECTION 65.** 15.61 of the statutes is repealed.

14 **SECTION 66.** 15.617 of the statutes is renumbered 15.607, and 15.607 (1) of the
15 statutes, as renumbered, is amended to read:

16 15.607 (1) ELECTION ADMINISTRATION COUNCIL. There is created in the ~~elections~~
17 government accountability board an election administration council consisting of
18 members appointed by the executive director of the elections government
19 accountability board, including the clerk or executive director of the board of election
20 commissioners of the 2 counties or municipalities in this state having the largest
21 population, one or more election officials of other counties or municipalities,
22 representatives of organizations that advocate for the interests of individuals with
23 disabilities and organizations that advocate for the interests of the voting public, and
24 other electors of this state.

25 **SECTION 67.** 15.62 of the statutes is repealed.

1 **SECTION 68.** 16.79 (2) of the statutes is amended to read:

2 16.79 (2) The department shall distribute in pamphlet form copies of the
3 constitution and such laws as may be required to meet the public demand, including
4 the election laws. The department shall distribute election manuals, forms, and
5 supplies specified by the elections government accountability board. The laws,
6 manuals, forms, and supplies shall be sold by the department at cost, including
7 distribution cost as determined under s. 35.80. The elections government
8 accountability board shall inform the department in writing as to which election
9 manuals, forms, and supplies shall be offered for distribution under this subsection.

10 **SECTION 69.** 16.96 (3) (b) of the statutes is amended to read:

11 16.96 (3) (b) Maintain and keep current throughout the decade the maps of
12 congressional and legislative district boundaries received from the legislative
13 reference bureau under s. 13.92 (1) (a) 6. and provide copies thereof to the elections
14 government accountability board.

15 **SECTION 70.** 16.973 (6) of the statutes is amended to read:

16 16.973 (6) With the advice of the ~~ethics~~ government accountability board, adopt
17 and enforce standards of ethical conduct applicable to its paid consultants which are
18 similar to the standards prescribed in subch. III of ch. 19, except that the department
19 shall not require its paid consultants to file statements of economic interests.

20 **SECTION 71.** 17.07 (6) of the statutes is amended to read:

21 17.07 (6) Other state officers serving in an office that is filled by appointment
22 of any officer or body without the concurrence of the governor, by the officer or body
23 having the authority to make appointments to that office, at pleasure, except that
24 officers appointed according to merit and fitness under and subject to ch. 230 or
25 officers whose removal is governed by ch. 230 may be removed only in conformity

1 with that chapter, and except that the administrator of the enforcement division in
2 the government accountability board may be removed from office only by the
3 executive director of the board, for cause.

4 **SECTION 72.** 17.17 (1) of the statutes is amended to read:

5 17.17 (1) SENATORS AND MEMBERS OF CONGRESS. In the office of United States
6 senator or member of congress from this state, by the county clerk of the county
7 wherein such officer resided at the time of election, to the elections government
8 accountability board.

9 **SECTION 73.** 17.17 (4) of the statutes is amended to read:

10 17.17 (4) JUSTICES AND JUDGES. In the office of justice of the supreme court, court
11 of appeals judge, or judge of a circuit court, by the director of state courts to the
12 governor and the elections government accountability board.

13 **SECTION 74.** 19.41 (1) of the statutes is amended to read:

14 19.41 (1) It is declared that high moral and ethical standards among state and
15 local public officials and state and local government employees are essential to the
16 conduct of free government; that the legislature believes that a code of ethics for the
17 guidance of state and local public officials and state and local government employees
18 will help them avoid conflicts between their personal interests and their public
19 responsibilities, will improve standards of public service and will promote and
20 strengthen the faith and confidence of the people of this state in their state and local
21 public officials and state and local government employees.

22 **SECTION 75.** 19.42 (3) of the statutes is amended to read:

23 19.42 (3) “Board” means the ethics government accountability board.

24 **SECTION 76.** 19.42 (4a) of the statutes is created to read:

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

8 **SECTION 77.** 19.42 (10) (a) of the statutes is repealed.

9 **SECTION 78.** 19.42 (10) (q) of the statutes is created to read:

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

11 **SECTION 79.** 19.43 (4) of the statutes is amended to read:

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

1 name of any candidate for state or local public office under s. 7.08 (2) (a), the ~~elections~~
2 government accountability board, municipal clerk, or board of election
3 commissioners shall ascertain whether that candidate has complied with this
4 subsection. If not, the ~~elections~~ government accountability board, municipal clerk,
5 or board of election commissioners may not certify the candidate's name for ballot
6 placement.

7 **SECTION 80.** 19.43 (5) of the statutes is amended to read:

8 19.43 (5) Each member of the investment board and each employee of the
9 investment board who is a state public official shall complete and file with the ~~ethics~~
10 government accountability board a quarterly report of economic transactions no
11 later than the last day of the month following the end of each calendar quarter during
12 any portion of which he or she was a member or employee of the investment board.
13 Such reports of economic transactions shall be in the form prescribed by the ~~ethics~~
14 government accountability board and shall identify the date and nature of any
15 purchase, sale, put, call, option, lease, or creation, dissolution, or modification of any
16 economic interest made during the quarter for which the report is filed and
17 disclosure of which would be required by s. 19.44 if a statement of economic interests
18 were being filed.

19 **SECTION 81.** 19.43 (7) of the statutes is amended to read:

20 19.43 (7) If an official required to file fails to make a timely filing, the board
21 shall promptly provide notice of the delinquency to the secretary of administration,
22 and to the chief executive of the department of which the official's office or position
23 is a part, or, in the case of a district attorney, to the chief executive of that department
24 and to the county clerk of each county served by the district attorney or in the case
25 of a ~~municipal judge~~ local public official to the clerk of the ~~municipality~~ local

1 governmental unit of which the official's office is a part, or in the case of a justice,
2 court of appeals judge, or circuit judge, to the director of state courts. Upon such
3 notification both the secretary of administration and the department, ~~municipality~~
4 local governmental unit, or director shall withhold all payments for compensation,
5 reimbursement of expenses, and other obligations to the official until the board
6 notifies the officers to whom notice of the delinquency was provided that the official
7 has complied with this section.

8 **SECTION 82.** 19.45 (title) of the statutes is amended to read:

9 **19.45 (title) Standards of conduct; state and local public officials.**

10 **SECTION 83.** 19.45 (1) of the statutes is amended to read:

11 19.45 (1) The legislature hereby reaffirms that a state or local public official
12 holds his or her position as a public trust, and any effort to realize substantial
13 personal gain through official conduct is a violation of that trust. This subchapter
14 does not prevent any state or local public official from accepting other employment
15 or following any pursuit which in no way interferes with the full and faithful
16 discharge of his or her duties to this state or to the local governmental unit served
17 by the official. The legislature further recognizes that in a representative democracy,
18 the representatives are drawn from society and, therefore, cannot and should not be
19 without all personal and economic interest in the decisions and policies of
20 government; that citizens who serve as state or local public officials retain their
21 rights as citizens to interests of a personal or economic nature; that standards of
22 ethical conduct for state or local public officials need to distinguish between those
23 minor and inconsequential conflicts that are unavoidable in a free society, and those
24 conflicts which are substantial and material; and that state or local public officials
25 may need to engage in employment, professional or business activities, other than

1 official duties, in order to support themselves or their families and to maintain a
2 continuity of professional or business activity, or may need to maintain investments,
3 which activities or investments do not conflict with the specific provisions of this
4 subchapter.

5 **SECTION 84.** 19.45 (2) of the statutes is amended to read:

6 19.45 (2) No state or local public official may use his or her public position or
7 office to obtain financial gain or anything of substantial value for the private benefit
8 of himself or herself or his or her immediate family, or for an organization with which
9 he or she is associated. This subsection does not prohibit a state or local public official
10 from using the title or prestige of his or her office to obtain contributions permitted
11 and reported as required by ch. 11.

12 **SECTION 85.** 19.45 (3) of the statutes is amended to read:

13 19.45 (3) No person may offer or give to a state or local public official, directly
14 or indirectly, and no state or local public official may solicit or accept from any person,
15 directly or indirectly, anything of value if it could reasonably be expected to influence
16 the state or local public official's vote, official actions or judgment, or could
17 reasonably be considered as a reward for any official action or inaction on the part
18 of the state or local public official. This subsection does not prohibit a state or local
19 public official from engaging in outside employment.

20 **SECTION 86.** 19.45 (3m) of the statutes is amended to read:

21 19.45 (3m) No state or local public official may accept or retain any
22 transportation, lodging, meals, food or beverage, or reimbursement therefor, except
23 in accordance with s. 19.56 (3).

24 **SECTION 87.** 19.45 (4) of the statutes is amended to read:

1 19.45 (4) No state or local public official may intentionally use or disclose
2 information gained in the course of or by reason of his or her official position or
3 activities in any way that could result in the receipt of anything of value for himself
4 or herself, for his or her immediate family, or for any other person, if the information
5 has not been communicated to the public or is not public information.

6 **SECTION 88.** 19.45 (5) of the statutes is amended to read:

7 19.45 (5) No state or local public official may use or attempt to use the public
8 position held by the public official to influence or gain unlawful benefits, advantages
9 or privileges personally or for others.

10 **SECTION 89.** 19.45 (6) of the statutes is amended to read:

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

25 **SECTION 90.** 19.45 (6a) of the statutes is created to read:

1 19.45 **(6a)** No local public official, member of a local public official's immediate
2 family, nor any organization with which the local public official or a member of the
3 official's immediate family owns or controls at least 10% of the outstanding equity,
4 voting rights, or outstanding indebtedness may enter into any contract or lease
5 involving a payment or payments of more than \$3,000 within a 12-month period, in
6 whole or in part derived from funds of the local governmental unit served by the
7 official, unless the local public official has first made written disclosure of the nature
8 and extent of such relationship or interest to the board and to the local governmental
9 unit in regard to such contract or lease. Any contract or lease entered into in violation
10 of this subsection may be voided by the local governmental unit in an action
11 commenced within 3 years of the date on which the board, or the local governmental
12 unit from which such payment is derived, knew or should have known that a
13 violation of this subsection had occurred. This subsection does not affect the
14 application of s. 946.13.

15 **SECTION 91.** 19.45 (7a) of the statutes is created to read:

16 19.45 **(7a)** (a) No local public official may represent a person for compensation
17 before the local governmental unit served by the official or any employee thereof,
18 except:

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

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

22 or

23 3. In a matter that involves only ministerial action by the local governmental
24 unit.

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

3 **SECTION 92.** 19.45 (8) (a) of the statutes is amended to read:

4 19.45 (8) (a) No former state or local public official, for 12 months following the
5 date on which he or she ceases to be a state or local public official, may, for
6 compensation, on behalf of any person other than a governmental entity, make any
7 formal or informal appearance before, or negotiate with, any officer or employee of
8 the department ~~with which he or she was associated as a state public or local~~
9 governmental unit served by the former official within 12 months prior to the date
10 on which he or she ceased to be a state or local public official.

11 **SECTION 93.** 19.45 (8) (ba) and (ca) of the statutes are created to read:

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

21 (ca) No former local public official may, for compensation, act on behalf of any
22 party other than the local governmental unit served by the former official in
23 connection with any judicial or quasi-judicial proceeding, application, contract,
24 claim, or charge which might give rise to a judicial or quasi-judicial proceeding in

1 which the former official participated personally and substantially as a local public
2 official.

3 **SECTION 94.** 19.45 (10) of the statutes is amended to read:

4 19.45 (10) This section does not prohibit a ~~legislator~~ member of the legislature
5 or a local legislative body from making inquiries for information on behalf of a person
6 or from representing a person before a department if he or she receives no
7 compensation therefor beyond the salary and other compensation or reimbursement
8 to which the ~~legislator~~ member is entitled by law, except as authorized under sub.
9 (7) or (7a).

10 **SECTION 95.** 19.45 (11) (intro.) of the statutes is amended to read:

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

14 **SECTION 96.** 19.45 (13) of the statutes is amended to read:

15 19.45 (13) No state or local public official or candidate for state or local public
16 office may, directly or by means of an agent, give, or offer or promise to give, or
17 withhold, or offer or promise to withhold, his or her vote or influence, or promise to
18 take or refrain from taking official action with respect to any proposed or pending
19 matter in consideration of, or upon condition that, any other person make or refrain
20 from making a political contribution, or provide or refrain from providing any service
21 or other thing of value, to or for the benefit of a candidate, a political party, any person
22 who is subject to a registration requirement under s. 11.05, or any person making a
23 communication that contains a reference to a clearly identified state or local public
24 official holding an elective office or to a candidate for state or local public office.

25 **SECTION 97.** 19.46 (1) (intro.) of the statutes is amended to read:

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

4 **SECTION 98.** 19.46 (2) of the statutes is renumbered 5.05 (6a) and amended to
5 read:

6 5.05 (6a) Any individual, either personally or on behalf of an organization or
7 governmental body, may request of the board executive director of the board an
8 advisory opinion regarding the propriety under chs. 5 to 12, subch. III of ch. 13, or
9 subch. III of ch. 19 of any matter to which the person is or may become a party; and
10 any appointing officer, with the consent of a prospective appointee, may request of
11 the board executive director an advisory opinion regarding the propriety under chs.
12 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 of any matter to which the
13 prospective appointee is or may become a party. The board executive director shall
14 review a request for an advisory opinion and may advise the person making the
15 request. Advisory opinions and requests therefor shall be in writing. The board's
16 ~~deliberations and actions upon~~ The executive director may consult with the board
17 before issuing a formal opinion but shall not reveal any information to the board that
18 would identify the requester of the opinion. All consultations with the board
19 concerning such requests shall be in meetings not open to the public. It is prima facie
20 evidence of intent to comply with ~~this subchapter~~ chs. 5 to 12 or subch. III of ch. 13
21 or subch. III of ch. 19 when a person refers a matter to the board executive director
22 and abides by the board's executive director's advisory opinion, if the material facts
23 are as stated in the opinion request. ~~The board may authorize the executive director~~
24 ~~to act in its stead in instances where delay is of substantial inconvenience or~~
25 ~~detriment to the requesting party.~~ No member or employee of the board may make

1 public the identity of the individual requesting an advisory opinion or of individuals
2 or organizations mentioned in the opinion.

3 **SECTION 99.** 19.46 (3a) of the statutes is created to read:

4 19.46 (3a) This section does not prohibit a local public official from taking any
5 action concerning the lawful payment of salaries or employee benefits or
6 reimbursement of actual and necessary expenses, or prohibit a local public official
7 from taking official action with respect to any proposal to modify a local ordinance
8 or a written policy of the local governmental unit.

9 **SECTION 100.** 19.47 (2) of the statutes is repealed.

10 **SECTION 101.** 19.47 (4) of the statutes is repealed.

11 **SECTION 102.** 19.47 (5) of the statutes is amended to read:

12 19.47 (5) ~~No later than September 1 of each year, the board shall submit a~~
13 ~~report concerning its actions in the preceding fiscal year to the governor and the chief~~
14 ~~clerk of each house of the legislature, for distribution to the legislature under s.~~
15 ~~13.172 (2). Such~~ The board shall include in its biennial report shall contain under
16 s. 15.04 (1) (d) the names and duties of all individuals employed by the board and a
17 summary of its determinations and advisory opinions issued by the executive
18 director under s. 5.05 (6a). The board shall make sufficient alterations in the
19 summaries to prevent disclosing the identities of individuals or organizations
20 involved in the decisions or opinions. The board may also include in its biennial
21 report any information compiled under s. 11.21 (7). The board shall make such
22 further reports on the matters within its jurisdiction and such recommendations for
23 further legislation as it deems desirable.

24 **SECTION 103.** 19.48 (1) of the statutes is amended to read:

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

4 **SECTION 104.** 19.48 (4) (a) of the statutes is amended to read:

5 19.48 (4) (a) Upon the expiration of 3 years after an individual ceases to be a
6 state or local public official the board shall, unless the former state or local public
7 official otherwise requests, destroy any statement of economic interests filed by him
8 or her and any copies thereof in its possession.

9 **SECTION 105.** 19.48 (4) (b) of the statutes is amended to read:

10 19.48 (4) (b) Upon the expiration of 3 years after any election at which a
11 candidate for state or local public office was not elected, the board shall destroy any
12 statements of economic interests filed by him or her as a candidate for state or local
13 public office and any copies thereof in the board's possession, unless the individual
14 continues to hold another position for which he or she is required to file a statement,
15 or unless the individual otherwise requests.

16 **SECTION 106.** 19.48 (9) of the statutes is amended to read:

17 19.48 (9) Administer programs to explain and interpret this subchapter and
18 subch. III of ch. 13 for state public officials, and for elective state officials, candidates
19 for state and local public office, legislative officials, agency officials, lobbyists, as
20 defined in s. 13.62, local public officials, corporation counsels and attorneys for local
21 governmental units. The programs shall provide advice regarding appropriate
22 ethical and lobbying practices, with special emphasis on public interest lobbying.
23 The board may delegate creation and implementation of any such program to a group
24 representing the public interest. The board may charge a fee to participants in any
25 such program.

1 **SECTION 107.** 19.49 (5) (b) of the statutes is amended to read:

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

5 **SECTION 108.** 19.50 (2) of the statutes is amended to read:

6 19.50 (2) To administer oaths and to require by subpoena issued by it the
7 attendance and testimony of witnesses and the production of any documentary
8 evidence relating to the investigation or hearing being conducted. ~~Notwithstanding~~
9 ~~s. 885.01 (4), the issuance of a subpoena requires action by the board in accordance~~
10 ~~with s. 19.47 (4).~~

11 **SECTION 109.** 19.53 (1) of the statutes is amended to read:

12 19.53 (1) In the case of a state or local public official outside the classified
13 service, a recommendation that the state or local public official be censured,
14 suspended, or removed from office or employment. Such recommendation shall be
15 made to the appropriate appointing authority who may censure, suspend, or take
16 action to remove the official from office or employment.

17 **SECTION 110.** 19.53 (1m) of the statutes is amended to read:

18 19.53 (1m) In the case of a state or local public official in the classified service,
19 a recommendation that the state or local public official be disciplined or discharged
20 ~~under s. 230.34 (1)~~. Such recommendation shall be made to the appropriate
21 appointing authority.

22 **SECTION 111.** 19.53 (6) of the statutes is amended to read:

23 19.53 (6) An order requiring the accused to forfeit not more than \$500 for each
24 violation of s. 19.43, 19.44, or 19.56 (2) or not more than \$5,000 for each violation of
25 any other provision of this subchapter, or not more than the applicable amount

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

14 **SECTION 112.** 19.54 (2) of the statutes is amended to read:

15 19.54 (2) An application for rehearing is governed by such general rules as the
16 board may establish. Only one rehearing may be granted by the board. No order of
17 the board pursuant to this subchapter or subch. III of ch.13 becomes effective until
18 20 days after it is issued, or while an application for rehearing or a rehearing is
19 pending, or until 10 days after such application for rehearing is either denied,
20 expressly or by implication, or the board has announced its final determination on
21 rehearing.

22 **SECTION 113.** 19.55 (1) of the statutes is amended to read:

23 19.55 (1) Except as provided in sub. (2) and s. 5.05 (5s), all records under this
24 subchapter or subch. III of ch. 13 in the possession of the board are open to public
25 inspection at all reasonable times. The board shall require an individual wishing to

1 examine a statement of economic interests or the list of persons who inspect any
2 statements which are in the board's possession to provide his or her full name and
3 address, and if the individual is representing another person, the full name and
4 address of the person which he or she represents. Such identification may be
5 provided in writing or in person. The board shall record and retain for at least 3 years
6 information obtained by it pursuant to this subsection. No individual may use a
7 fictitious name or address or fail to identify a principal in making any request for
8 inspection.

9 **SECTION 114.** 19.55 (2) (a) of the statutes is renumbered 5.05 (5s) (b) and
10 amended to read:

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

22 **SECTION 115.** 19.55 (2) (b) of the statutes is renumbered 5.05 (5s) (a) (intro.) and
23 amended to read:

1 5.05 (5s) (a) (intro.) Records obtained or prepared by the board in connection
2 with an investigation are not subject to the right of inspection and copying under s.
3 19.35 (1), except as provided in par. (d) and except that the:

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

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

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

16 **SECTION 116.** 19.55 (2) (c) of the statutes is amended to read:

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

24 **SECTION 117.** 19.56 (1) of the statutes is amended to read:

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

6 **SECTION 118.** 19.56 (2) (b) 5. of the statutes is amended to read:

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

12 **SECTION 119.** 19.56 (3) (a) of the statutes is amended to read:

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

19 **SECTION 120.** 19.56 (3) (b) of the statutes is amended to read:

20 19.56 (3) (b) A state or local public official may receive and retain anything of
21 value if the activity or occasion for which it is given is unrelated to the official's use
22 of the state's time, facilities, services or supplies of the state or the local
23 governmental unit served by the official that are not generally available to all
24 citizens of this state or residents of the local governmental unit served by the official
25 and the official can show by clear and convincing evidence that the payment or

1 reimbursement was unrelated to and did not arise from the recipient's holding or
2 having held a public office and was paid for a purpose unrelated to the purposes
3 specified in sub. (1).

4 **SECTION 121.** 19.56 (3) (c) of the statutes is amended to read:

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

14 **SECTION 122.** 19.56 (3) (d) of the statutes is amended to read:

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

19 **SECTION 123.** 19.56 (4) of the statutes is amended to read:

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

1 return it or its equivalent to the payor or convey it to the state or the local
2 governmental unit served by the official or to a charitable organization other than
3 one with which he or she is associated.

4 **SECTION 124.** 19.579 of the statutes is repealed and recreated to read:

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

8 **SECTION 125.** 19.58 (1) of the statutes is amended to read:

9 19.58 (1) (a) Any person who intentionally violates any provision of this
10 subchapter except s. 19.45 (13) ~~or 19.59 (1) (b)~~, or a code of ethics adopted or
11 established under s. 19.45 (11) (a) or (b), shall be fined not less than \$100 nor more
12 than \$5,000 or imprisoned not more than one year in the county jail or both.

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

15 **SECTION 126.** 19.58 (2) of the statutes is amended to read:

16 19.58 (2) The penalties under sub. (1) do not limit the power of either house of
17 the legislature to discipline its own members or to impeach a public official, or limit
18 the power of a department or a local governmental unit to discipline its state or local
19 public officials or employees.

20 **SECTION 127.** 19.59 (title) of the statutes is amended to read:

21 **19.59 (title) Codes of ethics for local Local government officials,**
22 **employees and candidates.**

23 **SECTION 128.** 19.59 (1) (a) to (d) of the statutes are repealed.

24 **SECTION 129.** 19.59 (1) (f) of the statutes is renumbered 19.461 and amended
25 to read:

1 **19.461 Nonapplication to members of certain local committees.**

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

9 **SECTION 130.** 19.59 (1) (g) of the statutes is repealed.

10 **SECTION 131.** 19.59 (1m) of the statutes is amended to read:

11 19.59 (1m) In addition to the requirements of ~~sub. (1)~~ 19.45 and 19.46 (1), any
12 county, city, village or town may enact an ordinance establishing a code of ethics for
13 public officials and employees of the county or municipality and candidates for
14 county or municipal elective offices.

15 **SECTION 132.** 19.59 (3) (a) of the statutes is amended to read:

16 19.59 (3) (a) A requirement for ~~local public officials, other employees of the~~
17 county or municipality other than local public officials and candidates for local public
18 office to identify any of the economic interests specified in s. 19.44.

19 **SECTION 133.** 19.59 (3) (e) of the statutes is amended to read:

20 19.59 (3) (e) Provisions in addition to those prescribed in ss. 19.45 and 19.46
21 (1), whenever applicable, prescribing ethical standards of conduct and prohibiting
22 conflicts of interest on the part of local public officials and other employees of the
23 county or municipality or on the part of former local public officials or former
24 employees of the county or municipality.

25 **SECTION 134.** 19.59 (5) (a) of the statutes is amended to read:

1 19.59 (5) (a) Any individual, either personally or on behalf of an organization
2 or governmental body, may request of a county or municipal ethics board, or, in the
3 absence of a county or municipal ethics board, a county corporation counsel or
4 attorney for a local governmental unit, an advisory opinion regarding the propriety
5 of any matter to which the person is or may become a party with respect to the
6 application or interpretation of any ordinance enacted under this section. Any
7 appointing officer, with the consent of a prospective appointee, may request of a
8 county or municipal ethics board, or, in the absence of a county or municipal ethics
9 board, a county corporation counsel or attorney for a local governmental unit an
10 advisory opinion regarding the propriety under an ordinance enacted under this
11 section of any matter to which the prospective appointee is or may become a party.
12 The county or municipal ethics board or the county corporation counsel or attorney
13 shall review a request for an advisory opinion and may advise the person making the
14 request. Advisory opinions and requests therefor shall be in writing. It is prima facie
15 evidence of intent to comply with ~~this section~~ or any ordinance enacted under this
16 section when a person refers a matter to a county or municipal ethics board or a
17 county corporation counsel or attorney for a local governmental unit and abides by
18 the advisory opinion, if the material facts are as stated in the opinion request. A
19 county or municipal ethics board may authorize a county corporation counsel or
20 attorney to act in its stead in instances where delay is of substantial inconvenience
21 or detriment to the requesting party. Except as provided in par. (b), neither a county
22 corporation counsel or attorney for a local governmental unit nor a member or agent
23 of a county or municipal ethics board may make public the identity of an individual
24 requesting an advisory opinion or of individuals or organizations mentioned in the
25 opinion.

1 **SECTION 135.** 19.59 (6) of the statutes is repealed.

2 **SECTION 136.** 19.59 (7) of the statutes is amended to read:

3 19.59 (7) (a) Any person local public official who violates sub. ~~(1)~~ this
4 subchapter may be required to forfeit not more than \$1,000 for each violation, and,
5 if the court determines that the accused has violated sub. ~~(1)~~ (br) s. 19.45 (13), the
6 court may, in addition, order the accused to forfeit an amount equal to the amount
7 or value of any political contribution, service, or other thing of value that was
8 wrongfully obtained.

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

16 **SECTION 137.** 19.59 (8) (a) to (c) of the statutes are amended to read:

17 19.59 (8) (a) Subsection ~~(1)~~ Violations of this subchapter by a local public
18 official shall be enforced prosecuted in the name and on behalf of the state by action
19 of the board or, subject to the procedures prescribed in s. 5.05 (2m) (c), by action of
20 the district attorney of for any county wherein a violation may occur, upon the
21 verified complaint of any person.

22 (b) In addition and supplementary to the remedy provided in sub. (7) for
23 violation of this subchapter by any local public official, the board or district attorney
24 may commence an action, separately or in conjunction with an action brought to
25 obtain the remedy provided in sub. (7), to obtain such other legal or equitable relief,

1 including but not limited to mandamus, injunction or declaratory judgment, as may
2 be appropriate under the circumstances.

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

10 **SECTION 138.** 19.59 (8) (cm) of the statutes is repealed.

11 **SECTION 139.** 19.59 (8) (cn) of the statutes is amended to read:

12 19.59 (8) (cn) If Subject to the procedures prescribed in s. 5.05 (2m) (c), if the
13 board or district attorney for the county in which a violation of sub. (1) (~~br~~) s. 19.45
14 (13) is alleged to occur receives a verified complaint alleging a violation of sub. (1) (~~br~~)
15 s. 19.45 (13) by a local public official, the board or district attorney shall, within 30
16 days after receipt of the complaint, either commence an investigation of the
17 allegations contained in the complaint or dismiss the complaint. If the district
18 attorney dismisses the complaint, with or without investigation, the district attorney
19 shall notify the complainant in writing. Upon receiving notification of the dismissal,
20 the complainant may then file the complaint with the attorney general or the district
21 attorney for a county that is adjacent to the county in which the violation is alleged
22 to occur. The attorney general or district attorney may then investigate the
23 allegations contained in the complaint and commence a prosecution.

24 **SECTION 140.** 19.59 (8) (d) of the statutes is amended to read:

1 19.59 (8) (d) If the district attorney prevails in such an action, the court shall
2 award any forfeiture recovered together with reasonable costs to the county wherein
3 the violation occurs. If the board or attorney general prevails in such an action, the
4 court shall award any forfeiture recovered together with reasonable costs to the
5 state.

6 **SECTION 141.** 19.85 (1) (fm) of the statutes is created to read:

7 19.85 (1) (fm) Deliberating by the government accountability board concerning
8 any investigation under the board’s jurisdiction.

9 **SECTION 142.** 19.85 (1) (h) of the statutes is amended to read:

10 19.85 (1) (h) Consideration of requests for confidential written advice from the
11 ethics executive director of the government accountability board under s. 19.46 (2)
12 s. 5.05 (6a), or from any county or municipal ethics board under s. 19.59 (5).

13 **SECTION 143.** 20.510 (intro.) of the statutes is repealed.

14 **SECTION 144.** 20.510 (1) (title) of the statutes is repealed.

15 **SECTION 145.** 20.510 (1) (a) of the statutes is repealed.

16 **SECTION 146.** 20.510 (1) (bm) of the statutes is repealed.

17 **SECTION 147.** 20.510 (1) (c) of the statutes is repealed.

18 **SECTION 148.** 20.510 (1) (d) of the statutes is repealed.

19 **SECTION 149.** 20.510 (1) (g) of the statutes is repealed.

20 **SECTION 150.** 20.510 (1) (h) of the statutes is repealed.

21 **SECTION 151.** 20.510 (1) (i) of the statutes is repealed.

22 **SECTION 152.** 20.510 (1) (j) of the statutes is repealed.

23 **SECTION 153.** 20.510 (1) (q) of the statutes, as affected by 2001 Wisconsin Act
24 109, is repealed.

25 **SECTION 154.** 20.510 (1) (t) of the statutes is repealed.

1 **SECTION 155.** 20.510 (1) (x) of the statutes is repealed.

2 **SECTION 156.** 20.521 (intro.) of the statutes is repealed.

3 **SECTION 157.** 20.521 (1) (title) of the statutes is repealed.

4 **SECTION 158.** 20.521 (1) (a) of the statutes is repealed.

5 **SECTION 159.** 20.521 (1) (b) of the statutes is repealed.

6 **SECTION 160.** 20.521 (1) (g) of the statutes is repealed.

7 **SECTION 161.** 20.521 (1) (h) of the statutes is repealed.

8 **SECTION 162.** 20.521 (1) (i) of the statutes is repealed.

9 **SECTION 163.** 20.923 (4) (intro.) of the statutes is amended to read:

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

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

9 **SECTION 164.** 20.923 (4) (d) 3. of the statutes is repealed.

10 **SECTION 165.** 20.923 (4) (d) 4. of the statutes is repealed.

11 **SECTION 166.** 20.923 (4) (e) 2e. of the statutes is created to read:

12 20.923 (4) (e) 2e. Government accountability board: administrator of the
13 enforcement division.

14 **SECTION 167.** 20.923 (4) (f) 3j. of the statutes is created to read:

15 20.923 (4) (f) 3j. Government accountability board: executive director.

16 **SECTION 168.** 59.605 (3) (a) 3. of the statutes is amended to read:

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

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

11 **SECTION 169.** 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
19 board under ss. 5.64 (2) and 7.08 (1) (a).

20 **SECTION 170.** 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 board under ss. 5.64 (2) and 7.08 (1) (a); and the question submitted
9 shall be whether the resolution shall be approved.

10 **SECTION 171.** 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 board, the department of administration and the state treasurer
16 under s. 11.50 the total amount of designations made during the preceding fiscal
17 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 172.** 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 board
9 under s. 11.50 (2m) without cost to the board. Annually on August 15, the secretary
10 of revenue shall certify to the government accountability board, the department of
11 administration, and the state treasurer the total amount of designations made on
12 returns processed by the department of revenue during the preceding fiscal year and
13 the amount of designations made during that fiscal year for the general account and
14 for the account of each eligible political party. If any individual designates an
15 amount greater than the amount authorized under par. (am) or attempts to place any
16 condition or restriction upon a designation not authorized under par. (am), that
17 individual is deemed not to have made a designation on his or her tax return.

18 **SECTION 173.** 73.0301 (1) (d) 13. of the statutes is amended to read:

19 73.0301 (1) (d) 13. A license issued by the ~~ethics~~ government accountability
20 board under s. 13.63 (1).

21 **SECTION 174.** 73.0301 (1) (e) of the statutes is amended to read:

22 73.0301 (1) (e) “Licensing department” means the department of
23 administration; the board of commissioners of public lands; the department of
24 commerce; the ~~ethics~~ government accountability board; the department of financial
25 institutions; the department of health and family services; the department of natural

1 resources; the department of public instruction; the department of regulation and
2 licensing; the department of workforce development; the office of the commissioner
3 of insurance; or the department of transportation.

4 **SECTION 175.** 85.61 (1) of the statutes is amended to read:

5 85.61 (1) The secretary of transportation and the executive director of the
6 elections government accountability board shall enter into an agreement to match
7 personally identifiable information on the official registration list maintained by the
8 elections government accountability board under s. 6.36 (1) with personally
9 identifiable information in the operating record file database under ch. 343 and
10 vehicle registration records under ch. 341 to the extent required to enable the
11 secretary of transportation and the executive director of the elections government
12 accountability board to verify the accuracy of the information provided for the
13 purpose of voter registration.

14 **SECTION 176.** 117.20 (2) of the statutes is amended to read:

15 117.20 (2) The clerk of each affected school district shall publish notice, as
16 required under s. 8.55, in the territory of that school district. The procedures for
17 school board elections under s. 120.06 (9), (11), (13), and (14) apply to a referendum
18 held under this section. The school board and school district clerk of each affected
19 school district shall each perform, for that school district, the functions assigned to
20 the school board and the school district clerk, respectively, under those subsections.
21 The form of the ballot shall correspond to the form prescribed by the elections
22 government accountability board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each
23 affected school district shall file with the secretary of the board a certified statement
24 prepared by the school district board of canvassers of the results of the referendum
25 in that school district.

1 **SECTION 177.** 117.27 (2) (b) (intro.) of the statutes is amended to read:

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

7 **SECTION 178.** 121.91 (3) (c) of the statutes is amended to read:

8 121.91 **(3)** (c) The referendum shall be held in accordance with chs. 5 to 12. The
9 school district clerk shall provide the election officials with all necessary election
10 supplies. The form of the ballot shall correspond substantially with the standard
11 form for referendum ballots prescribed by the elections government accountability
12 board under ss. 5.64 (2) and 7.08 (1) (a). The question submitted shall be whether
13 the limit under sub. (2m) may be exceeded by a specified amount. If the resolution
14 provides that any of the excess revenue will be used for a nonrecurring purpose, the
15 ballot in the election shall so state and shall specify the amount that will be used for
16 a nonrecurring purpose. The limit otherwise applicable to the school district under
17 sub. (2m) is increased by the amount approved by a majority of those voting on the
18 question.

19 **SECTION 179.** 125.05 (1) (b) 10. of the statutes is amended to read:

20 125.05 **(1)** (b) 10. Each question submitted to the electors shall conform to the
21 form prescribed by the elections government accountability board under ss. 5.64 (2)
22 and 7.08 (1) (a).

23 **SECTION 180.** 165.25 (1) of the statutes is amended to read:

24 165.25 **(1)** REPRESENT STATE. Except as provided in s. ss. 5.05 (2m) (c) 1. and
25 978.05 (5), appear for the state and prosecute or defend all actions and proceedings,

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

12 **SECTION 181.** 165.25 (4) (e) of the statutes is created to read:

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

16 **SECTION 182.** 198.08 (10) of the statutes is amended to read:

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

1 be ascertained from any official record the clerk of the district shall fairly estimate
2 such number for the purposes of such statement to be filed in his or her office.

3 **SECTION 183.** 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 board
8 under s. 5.05 upon passage of a resolution under this subdivision.

9 **SECTION 184.** 227.03 (6) of the statutes is amended to read:

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

12 **SECTION 185.** 227.03 (6m) of the statutes is created to read:

13 227.03 (6m) Cases before the enforcement division of the government
14 accountability board under s. 5.066 are not subject to this chapter.

15 **SECTION 186.** 227.52 (6) of the statutes is amended to read:

16 227.52 (6) Decisions of the chairperson of the ~~elections~~ government
17 accountability board or the chairperson's designee.

18 **SECTION 187.** 230.08 (2) (e) 4h. of the statutes is created to read:

19 230.08 (2) (e) 4h. Government accountability board — 3.

20 **SECTION 188.** 230.08 (2) (om) of the statutes is repealed.

21 **SECTION 189.** 230.08 (2) (on) of the statutes is created to read:

22 230.08 (2) (on) The executive director of the government accountability board.

23 **SECTION 190.** 230.08 (2) (wm) of the statutes is repealed.

24 **SECTION 191.** 230.08 (4) (a) of the statutes is amended to read:

1 230.08 (4) (a) The number of administrator positions specified in sub. (2) (e)
2 includes all administrator positions specifically authorized by law to be employed
3 outside the classified service in each department, board or commission and the
4 historical society. In this paragraph, “department” has the meaning given under s.
5 15.01 (5), “board” means the educational communications board, government
6 accountability board, investment board, public defender board and technical college
7 system board and “commission” means the public service commission.
8 Notwithstanding sub. (2) (z), no division administrator position exceeding the
9 number authorized in sub. (2) (e) may be created in the unclassified service.

10 **SECTION 192.** 234.02 (3m) (c) of the statutes is amended to read:

11 234.02 (3m) (c) The authority shall, with the advice of the ~~ethics~~ government
12 accountability board, adopt and enforce ethics guidelines applicable to its paid
13 consultants which are similar to subch. III of ch. 19, except that the authority may
14 not require its paid consultants to file financial disclosure statements.

15 **SECTION 193.** 560.04 (2m) of the statutes is amended to read:

16 560.04 (2m) DUTIES. The department may assign one or more full-time
17 equivalent positions to the functions of coordinating the development and scheduling
18 of training programs for local government officials by the University of
19 Wisconsin-Extension, technical college system, department of revenue, ~~elections~~
20 government accountability board, and other state agencies in order to assure the
21 effective delivery of training programs and to prevent duplication of effort and of
22 coordinating requests for management or personnel consultative services from
23 government units other than the state and directing those requests to the
24 appropriate division of the department of administration.

25 **SECTION 194.** 778.135 of the statutes is amended to read:

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

11 **SECTION 195.** 778.136 of the statutes is amended to read:

12 **778.136 Ethics and lobbying forfeitures; how recovered.**
13 Notwithstanding s. 778.13, whenever any moneys are received by the ethics
14 government accountability board or attorney general in settlement of a civil action
15 or other civil matter for violation of the lobbying law or code of ethics for state and
16 local public officials and employees under s. 19.545, the moneys shall accrue to the
17 state and be deposited with the secretary of administration.

18 **SECTION 196.** 971.19 (12) of the statutes is created to read:

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

22 **SECTION 197. Nonstatutory provisions.**

23 (1) TRANSFER OF ELECTIONS BOARD.

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

4 (b) *Positions and employees.*

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

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

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

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

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

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

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

12 (2) TRANSFER OF ETHICS BOARD.

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

16 (b) *Positions and employees.*

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

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

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

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

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

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

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

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

22 (3) BOARD TRANSITIONS; INITIAL TERMS.

23 (a) Notwithstanding section 15.61, 2001 stats., section 15.62, 2003 stats., and
24 section 15.07 (1) (c) of the statutes, the terms of office of all members of the elections
25 board and all members of the ethics board holding office shall expire on June 1, 2007.

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

4 (c) Notwithstanding section 15.60 (1) of the statutes, as created by this act, and
5 section 15.07 (1) (c) of the statutes, of the members of the government accountability
6 who are initially nominated by the governor, and with the advice and consent of the
7 assembly and the senate appointed, 2 members who have prosecutorial experience
8 and one other member who is not a retired judge of a court of record in this state shall
9 be appointed to serve for terms expiring on May 1, 2009, and 2 members who have
10 prosecutorial experience and one member who is a retired judge of a court of record
11 in this state and one other member shall be appointed to serve for terms expiring on
12 May 1, 2011.

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

17 (4) IMPLEMENTATION.

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

1 board, and the administrator of the enforcement division prior to appointment and
2 qualification of the initial executive director, including the retention and
3 termination of all staff not transferred to the board that the board is authorized to
4 employ under this act.

5 (5) INITIAL NOMINATIONS. The governmental accountability candidate
6 committee under section 15.60 (2) of the statutes, as created by this act, shall submit
7 its initial nominations of individuals to serve as members of the government
8 accountability board no later than November 1, 2006.

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

14 **SECTION 198. Effective dates.** This act takes effect on June 1, 2007, except
15 as follows:

16 (1) The treatment of sections 5.052, 5.054, 15.07 (5) (m), 15.60, 15.603, 20.923
17 (4) (intro.), (e) 2e., and (f) 3j., 230.08 (2) (e) 4h. and (on) and (4) (a) of the statutes, the
18 renumbering and amendment of section 15.03 of the statutes, the creation of section
19 15.03 (2) of the statutes, and SECTION 197 (3) (b) to (d) and (4) to (6) of this act take
20 effect on January 1, 2007.

21 (END)