



2007 SENATE BILL 2

January 8, 2007 – Introduced by Senators ELLIS, ERPENBACH, RISSER, S. FITZGERALD, ROESSLER, COWLES, OLSEN, HARSDORF, LEHMAN, CARPENTER and SCHULTZ, cosponsored by Representatives KAUFERT, TRAVIS, MUSSER, CULLEN, VAN AKKEREN, HINES, BENEDICT, NELSON, BLACK, HEBL, PARISI, KESSLER, VRUWINK, DAVIS, MOLEPSKE and KRUSICK. Referred to Committee on Ethics Reform and Government Operations.

1 **AN ACT** *to repeal* 5.05 (1) (a), 5.05 (5), 5.05 (6), 5.05 (11), 5.68 (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), 20.510
3 (intro.), 20.510 (1) (title), 20.510 (1) (a), 20.510 (1) (b), 20.510 (1) (bm), 20.510
4 (1) (d), 20.510 (1) (g), 20.510 (1) (gm), 20.510 (1) (h), 20.510 (1) (i), 20.510 (1) (j),
5 20.510 (1) (q), 20.510 (1) (sm), 20.510 (1) (t), 20.510 (1) (x), 20.521 (intro.), 20.521
6 (1) (title), 20.521 (1) (a), 20.521 (1) (b), 20.521 (1) (g), 20.521 (1) (h), 20.521 (1)
7 (i), 20.923 (4) (d) 3., 20.923 (4) (d) 4., 230.08 (2) (om) and 230.08 (2) (wm); **to**
8 **renumber and amend** 15.03, 15.617, 19.46 (2), 19.55 (2) (a) and 19.55 (2) (b);
9 **to amend** 5.02 (1s), 5.05 (title), 5.05 (1) (intro.), 5.05 (1) (b), 5.05 (1) (c), 5.05 (3)
10 (a), 5.40 (7), 5.62 (4) (b), 5.68 (4), 6.26 (2) (b), 6.26 (2) (c), 6.56 (3) to (5), 7.08
11 (title), 7.15 (1) (g), 7.23 (2), 7.31 (5), 7.60 (4) (a), 7.60 (5), 7.70 (1), 7.70 (5) (b),
12 8.05 (1) (j) 3., 8.10 (5), 8.15 (4) (b), 8.18 (2), 8.20 (6), 8.50 (3) (a), 8.50 (3) (e), 9.01
13 (1) (a) 1., 9.01 (1) (ar) 2., 9.01 (10), 10.06 (1) (title), 11.21 (title), 11.21 (7) (intro.),
14 11.22 (4), 11.61 (2), 13.123 (3) (b) 2., 13.23, 13.62 (4), 13.685 (title), 13.94 (1) (k),

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1 14.58 (20), 15.07 (1) (cm), 15.07 (4), 16.753 (2), 16.79 (2), 16.96 (3) (b), 16.973 (6),
2 17.07 (6), 17.17 (1), 17.17 (4), 19.42 (3), 19.43 (4), 19.43 (5), 19.45 (6), 19.46 (1)
3 (intro.), 19.47 (5), 19.50 (2), 19.54 (2), 19.55 (1), 19.55 (2) (c), 19.59 (1) (g) 8.,
4 19.59 (8) (a) and (c), 19.59 (8) (cn), 19.59 (8) (d), 19.85 (1) (h), 20.923 (4) (intro.),
5 46.95 (4), 59.605 (3) (a) 3., 67.05 (3) (b), 67.05 (6), 71.10 (3) (b), 73.0301 (1) (d)
6 13., 73.0301 (1) (e), 85.61 (1), 117.20 (2), 117.27 (2) (b) (intro.), 121.91 (3) (c),
7 125.05 (1) (b) 10., 165.25 (1), 165.93 (4), 198.08 (10), 200.09 (11) (am) 2. and 3.,
8 227.03 (6), 227.52 (6), 230.08 (4) (a), 234.02 (3m) (c), 301.03 (20m), 343.11 (2m),
9 560.04 (2m), 778.135 and 778.136; **to repeal and recreate** 11.60 (4), 15.07 (1)
10 (a) 2. and 19.579; and **to create** 5.05 (1m), 5.05 (2m), 5.05 (3m), 5.05 (5s) (title)
11 and (d), 5.052, 5.054, 5.066, 15.03 (2), 15.07 (2) (n), 15.07 (5) (m), 15.60, 15.603,
12 19.85 (1) (fm), 20.923 (4) (e) 2e., 20.923 (4) (f) 3j., 165.25 (4) (e), 227.03 (6m),
13 230.08 (2) (e) 4h., 230.08 (2) (on), 758.19 (9) and 971.19 (12) of the statutes;
14 **relating to:** creation of a Government Accountability Board; enforcement of
15 elections, ethics, lobbying regulation laws; and providing penalties.

Analysis by the Legislative Reference Bureau

Currently, the Elections Board consists of eight or 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 (as of November 1, 2006, 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

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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 bill abolishes both boards and replaces them with a Government Accountability Board. Under the bill, 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 except the retired judge are nominated by the governor and appointed with the advice and consent of the assembly and senate. Each of the members other than the retired judge must be appointed from nominations submitted by a Government Accountability Candidate Committee, which consists of one court of appeals judge from each of the court of appeals districts. The court of appeals 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. The retired judge is appointed by the nominating committee on a random basis from a register of retired judges. The retired judge serves as chairperson of the board. 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 bill 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 specified by the board 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 bill also permits the executive director to appoint up to two other division administrators outside the classified service but the bill does not authorize any new positions for the administrators. The bill transfers all members of the existing staffs of the Elections Board and Ethics Board and their positions to the Government Accountability Board. Under the bill, the staff members who have civil service rights retain those rights. The bill 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 bill, the Enforcement Division has independent authority to investigate

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violations of the elections, ethics, and lobbying regulation laws 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 bill requires the Enforcement Division to obtain the approval of the board before commencing a prosecution. The vote of at least four members of the board is required for approval. The bill permits the Enforcement Division to request the board to appoint special counsel to investigate or prosecute violations of the law. Under the bill, 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 retaining an investigator. An investigator or the administrator must report to the board concerning an investigation at least once every 90 days, after which the investigation may continue unless the board terminates the investigation by a vote of at least four members of the board. The bill also permits the Enforcement Division to request investigatory and prosecutorial assistance from the Department of Justice and directs the Department of Justice to provide the assistance upon request. Under the bill, 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 bill 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. Under the bill, a district attorney may refer to the board any matter concerning a possible violation of the elections, ethics, or lobbying regulation laws. If a district attorney refers to the board a matter concerning a possible criminal violation of the elections laws in an election for state or national office or an alleged violation of the ethics or lobbying regulation laws by a state official and the board determines not to commence a criminal prosecution, the bill 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 bill directs a district attorney to notify the Government Accountability Board before commencing a prosecution concerning any violation of the elections, ethics, or lobbying regulation laws. The district attorney is prohibited from commencing a prosecution with respect to a violation of the election laws in an election for state or national office, or a violation of the ethics or lobbying regulation laws by a state official unless the board notifies the district attorney that it will not commence a prosecution, or the board does not commence a prosecution within 30 days after the district attorney receives the notice.

The bill 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. Under the bill, 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

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no later than the end of each 180-day period until the prosecution is concluded. If the Enforcement Division commences any prosecution for a violation of the elections, ethics, or lobbying regulation laws, the division 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.

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 bill repeals all appropriations to both boards and does not make any appropriations to the Government Accountability Board. Under the bill, the Government Accountability Board will be unable to operate unless funding is provided for the board by other legislation. The bill requires the board to forward the Enforcement Division's budget requests to the Department of Administration without change, except as concurred in by the division.

Under the bill, any person may file a sworn complaint with the Enforcement 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 bill 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 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 bill 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 bill makes all

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

The bill provides for the bill to become law on January 1, 2009, 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, 2009, subject to appropriation of money for continued operation of the boards by other legislation. Under the bill, the Government Accountability Board may not exercise administrative or enforcement authority until June 1, 2009. The bill 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 bill provides specifically that the Government Accountability Board may meet in closed session to deliberate concerning any investigation under the board's jurisdiction.

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

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

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

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

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

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

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

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

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

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

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

17 5.05 (1) (c) Bring civil or criminal actions ~~to require forfeitures~~ for any violation
18 of ch. 11 under s. 11.60. ~~Forfeiture actions brought by the board may concern only~~
19 ~~violations with respect to reports or statements required by law to be filed with it,~~
20 ~~and other violations arising under elections for state office or statewide referenda~~
21 chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19. The board may compromise
22 and settle any ~~civil~~ action or potential action brought or authorized to be brought by
23 it ~~under ch. 11~~ which, in the opinion of the board, constitutes a minor violation, a
24 violation caused by excusable neglect, or which for other good cause shown, should
25 not in the public interest be prosecuted under such chapter. Notwithstanding s.

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1 778.06, an a civil action or proposed civil action authorized under this paragraph may
2 be settled for such sum as may be agreed between the parties. Any settlement made
3 by the board shall be in such amount as to deprive the alleged violator of any benefit
4 of his or her wrongdoing and may contain a penal component to serve as a deterrent
5 to future violations. In settling actions or proposed actions, the board shall treat
6 comparable situations in a comparable manner and shall assure that any settlement
7 bears a reasonable relationship to the severity of the offense or alleged offense.
8 Forfeiture actions brought by the board shall be brought in the circuit court for the
9 county wherein the violation is alleged to occur.

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

11 5.05 **(1m)** EXECUTIVE DIRECTOR; LEGAL COUNSEL. The board shall employ an
12 executive director outside the classified service and shall employ legal counsel to
13 perform legal services outside the enforcement division.

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

15 5.05 **(2m)** ENFORCEMENT DIVISION. (a) The enforcement division shall
16 investigate and prosecute alleged civil and criminal violations of laws administered
17 by the board pursuant to all statutes granting or assigning that authority or
18 responsibility to the board. The enforcement division shall prosecute civil and
19 criminal actions brought by the board and shall assist the district attorneys and the
20 attorney general in prosecuting criminal actions referred to them by the division.

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

24 (c) 1. The board shall employ at least one full-time attorney and at least one
25 full-time staff support individual within the enforcement division. The enforcement

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1 division may, with or without approval of the board, investigate any possible civil or
2 criminal violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 in the name
3 of the board. The jurisdiction of the enforcement division is concurrent with the
4 jurisdiction of the board, the district attorneys, and where authorized, the attorney
5 general to conduct investigations and enforce these laws. The enforcement division
6 may request authorization of the board to obtain the assistance of special counsel to
7 conduct investigations or to prosecute violations of these laws. The enforcement
8 division may also request assistance from the department of justice to conduct
9 investigations or to prosecute violations of these laws.

10 2. Upon opening or concluding an investigation of any alleged violation of chs.
11 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, the board shall notify the district
12 attorney for the county wherein the violation is alleged to occur. Upon opening or
13 concluding an investigation of any alleged violation of chs. 5 to 12, subch. III of ch.
14 13, or subch. III of ch. 19, a district attorney shall notify the board. Upon request of
15 the board or a district attorney, the board and district attorney shall each share
16 information in their possession relating to any alleged violation of chs. 5 to 12, subch.
17 III of ch. 13, or subch. III of ch. 19. If the board notifies the district attorney for any
18 county that it has opened an investigation of an alleged violation of chs. 5 to 12,
19 subch. III of ch. 13, or subch. III of ch. 19 that is prosecutable in circuit court for that
20 county, the district attorney shall suspend any investigation of the same alleged
21 violation that the district attorney is conducting until the board notifies the district
22 attorney that it has concluded its investigation and it will not prosecute the alleged
23 violation or there elapse 30 days from the date of the board's notification that its
24 investigation is concluded and the board does not commence a prosecution of the
25 alleged violation.

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

11 4. If a district attorney opens an investigation of a possible violation of chs. 5
12 to 12, subch. III of ch. 13, or subch. III of ch. 19, the district attorney shall report to
13 the board concerning the status of the investigation no later than the end of each
14 consecutive 90-day period, beginning on the day that the investigation is opened and
15 ending on the day that the investigation is concluded.

16 5. Each individual who is retained by the board to act as an investigator shall
17 make periodic reports to the board, as directed by the board, but in no case may the
18 interval for reporting exceed 90 days. If the administrator of the enforcement
19 division investigates any matter without retention of an investigator, the
20 administrator shall make periodic reports to the board, as directed by the board, but
21 in no case may the reporting interval exceed 90 days. If, after receiving a report, the
22 board does not terminate the investigation by a vote of at least 4 members of the
23 board, the investigation is continued.

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

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1 written notice to the board. The district attorney shall not commence a prosecution
2 with respect to an alleged violation of chs. 5 to 12 in an election for state or national
3 office, or an alleged violation of subch. III of ch. 13 or subch. III of ch. 19 by an elective
4 state official, as defined in s. 13.62 (6), or a state public official, as defined in s. 19.42
5 (14), unless the board notifies the district attorney in writing that it will not
6 commence a prosecution with respect to that alleged violation or the board fails to
7 commence a prosecution with respect to that alleged violation within 30 days after
8 receiving notice from the district attorney under this subdivision.

9 7. If a district attorney commences a criminal prosecution for an alleged
10 violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, the district attorney
11 shall report to the board concerning the status of the prosecution no later than the
12 end of each consecutive 180-day period, beginning on the day that the prosecution
13 is commenced and ending on the day that the prosecution is concluded.

14 8. If the enforcement division commences a prosecution for an alleged violation
15 of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, the division shall report to
16 the board concerning the status of the prosecution no later than the end of each
17 consecutive 180-day period, beginning on the day that the prosecution is commenced
18 and ending on the day that the prosecution is concluded.

19 9. The enforcement division may file a compliant against any person only upon
20 authorization by the board. A vote of at least 4 members of the board is required for
21 authorization.

22 10. Upon employment of any individual to serve as special counsel for the
23 enforcement division, the administrator of the division shall certify the maximum
24 amount provided in the employment contract to the secretary of administration, and

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1 direct the department of administration to pay special counsel bills related to that
2 case within the certified amount.

3 (e) The enforcement division is bound by applicable laws, rules, formal
4 opinions, and actions of the board, except that the division may nonacquiesce in any
5 formal opinion of the board by publishing a notice of nonacquiescence in the
6 Wisconsin Administrative Register. Thereafter, the division is not bound by the
7 formal opinion in which the division nonacquiesces.

8 (f) Whenever under this subsection an investigation or civil prosecution relates
9 to an alleged violation of ch. 11 that arises out of an election for county office or a
10 county referendum within a county that is served by a board of election
11 commissioners, all references to the district attorney for that county shall include,
12 in addition, the board of election commissioners.

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 for
16 the proper county, or the attorney general ~~or the governor~~ where appropriate under
17 s. 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.

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

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:

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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 possible 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.

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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

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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

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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

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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.

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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.** 5.68 (4) of the statutes is amended to read:

8 5.68 (4) ~~Except as provided under sub. (7), the~~ The cost of compensation of
9 election officials and trainees shall be borne in the manner provided in s. 7.03.

10 **SECTION 21.** 5.68 (7) of the statutes is repealed.

11 **SECTION 22.** 6.26 (2) (b) of the statutes is amended to read:

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

19 **SECTION 23.** 6.26 (2) (c) of the statutes is amended to read:

20 6.26 (2) (c) No individual may serve as a special registration deputy in a
21 municipality unless the individual is appointed by the municipal clerk or board of
22 election commissioners of the municipality or the individual is appointed by the
23 elections government accountability board to serve all municipalities and the
24 individual completes training required under s. 7.315.

25 **SECTION 24.** 6.56 (3) to (5) of the statutes are amended to read:

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1 6.56 (3) Upon receipt of the list under sub. (1), the municipal clerk or board of
2 election commissioners shall make an audit of all electors registering to vote at the
3 polling place or other registration location under s. 6.55 (2) and all electors
4 registering by agent on election day under s. 6.86 (3) (a) 2. unless the clerk or board
5 of election commissioners receives notice from the board under sub. (7) that the board
6 will perform the audit. The audit shall be made by 1st class postcard. The postcard
7 shall be marked in accordance with postal regulations to ensure that it will be
8 returned to the clerk, board of election commissioners, or ~~elections~~ government
9 accountability board if the elector does not reside at the address given on the
10 postcard. If any postcard is returned undelivered, or if the clerk, board of election
11 commissioners, or ~~elections~~ government accountability board is informed of a
12 different address than the one specified by the elector which was apparently
13 improper on the day of the election, the clerk, board of election commissioners, or
14 elections board shall change the status of the elector from eligible to ineligible on the
15 registration list, mail the elector a notice of the change in status, and provide the
16 name of the elector to the district attorney for the county where the polling place is
17 located and the government accountability board.

18 **(3m)** As soon as possible after all information relating to registrations after the
19 close of registration for an election is entered on the registration list following the
20 election under s. 6.33 (5) (a), the board shall compare the list of new registrants
21 whose names do not appear on the poll lists for the election because the names were
22 added after the board certified the poll lists for use at the election with the list
23 containing the names transmitted to the board by the department of corrections
24 under ~~s. 301.03 (20)~~ s. 301.03 (20m) as of election day. If the board finds that the
25 name of any person whose name appears on the list transmitted under ~~s. 301.03 (20)~~

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1 s. 301.03 (20m) has been added to the registration list, the board shall enter on the
2 list the information transmitted to the board under ~~s. 301.03 (20)~~ s. 301.03 (20m) and
3 shall notify the district attorney that the person appears to have voted illegally at
4 the election.

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

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

24 **SECTION 25.** 7.08 (title) of the statutes is amended to read:

25 **7.08** (title) **Elections Government accountability board.**

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

2 7.15 (1) (g) Report suspected election frauds, irregularities or violations of
3 which the clerk has knowledge to the district attorney and the board.

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

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

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

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

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

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1 7.60 (4) (a) The board of canvassers shall make separate duplicate statements
2 showing the numbers of votes cast for the offices of president and vice president; state
3 officials; U.S. senators and representatives in congress; state legislators; justice;
4 court of appeals judge; circuit judges; district attorneys; and metropolitan sewerage
5 commissioners, if the commissioners are elected under s. 200.09 (11) (am). If a
6 municipal judge elected under s. 755.01 (4) serves a municipality that is located
7 partially within the county and candidates for that judgeship file nomination papers
8 in another county, the board of canvassers shall prepare a duplicate statement
9 showing the numbers of votes cast for that judgeship in that county for transmittal
10 to the other county. For partisan candidates, the statements shall include the
11 political party or principle designation, if any, next to the name of each candidate.
12 The board of canvassers shall also prepare a statement showing the results of any
13 county, technical college district, or statewide referendum. Each statement shall
14 state the total number of votes cast in the county for each office; the names of all
15 persons for whom the votes were cast, as returned; the number of votes cast for each
16 person; and the number of votes cast for and against any question submitted at a
17 referendum. The board of canvassers shall use one copy of each duplicate statement
18 to report to the elections government accountability board, technical college district
19 board, or board of canvassers of any other county and shall file the other statement
20 in the office of the county clerk or board of election commissioners.

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

22 7.60 (5) REPORTING. (a) Immediately following the canvass, the county clerk
23 shall deliver or send to the elections government accountability board, by 1st class
24 mail, a certified copy of each statement of the county board of canvassers for
25 president and vice president, state officials, senators and representatives in

SENATE BILL 2**SECTION 30**

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

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

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1 statement to the elections government accountability board or secretary of the
2 technical college district board.

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

4 7.70 (1) RECORDING AND PRESERVING RETURNS. (a) Upon receipt of the certified
5 statements from the county clerks, the elections board shall record the election
6 results by counties and file and carefully preserve the statements.

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

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

14 7.70 (5) (b) For presidential electors, the elections board shall prepare a
15 certificate showing the determination of the results of the canvass and the names of
16 the persons elected, and the governor shall sign, affix the great seal of the state, and
17 transmit the certificate by registered mail to the U.S. administrator of general
18 services. The governor shall also prepare 6 duplicate originals of such certificate and
19 deliver them to one of the presidential electors on or before the first Monday after the
20 2nd Wednesday in December.

21 **SECTION 33.** 8.05 (1) (j) 3. of the statutes is amended to read:

22 8.05 (1) (j) 3. A candidate for municipal judge shall, in addition to making the
23 filings required under subd. 2., file a statement of economic interests with the ethics
24 board under s. 19.43 (4) no later than 4:30 p.m. on the 5th day after notification of
25 nomination is mailed or personally delivered to the candidate, or no later than

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1 4:30 p.m. on the next business day after the last day for filing a declaration of
2 candidacy whenever that candidate is granted an extension of time for filing a
3 declaration of candidacy under subd. 2.

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

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

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

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

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

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1 8.18 (2) The purpose of the convention is to nominate one presidential elector
2 from each congressional district and 2 electors from the state at large. The names
3 of the nominees shall be certified immediately by the chairperson of the state
4 committee of each party to the chairperson of the elections board.

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

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

15 **SECTION 38.** 8.50 (3) (a) of the statutes is amended to read:

16 8.50 (3) (a) Nomination papers may be circulated no sooner than the day the
17 order for the special election is filed and shall be filed not later than 5 p.m. 28 days
18 before the day that the special primary will or would be held, if required, except when
19 a special election is held concurrently with the spring election or general election, the
20 deadline for filing nomination papers shall be specified in the order and the date shall
21 be no earlier than the date provided in s. 8.10 (2) (a) or 8.15 (1), respectively, and no
22 later than 35 days prior to the date of the spring or September primary. Nomination
23 papers may be filed in the manner specified in s. 8.10, 8.15, or 8.20. Each candidate
24 shall file a declaration of candidacy in the manner provided in s. 8.21 no later than
25 the latest time provided in the order for filing nomination papers. If a candidate for

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

6 **SECTION 39.** 8.50 (3) (e) of the statutes is amended to read:

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

11 **SECTION 40.** 9.01 (1) (a) 1. of the statutes is amended to read:

12 9.01 (1) (a) 1. Any candidate voted for at any election or any elector who voted
13 upon any referendum question at any election may petition for a recount. The
14 petitioner shall file a verified petition or petitions with the proper clerk or body under
15 par. (ar) not earlier than the time of completion of the canvass and not later than 5
16 p.m. on the 3rd business day following the last meeting day of the municipal or
17 county board of canvassers determining the election for that office or on that
18 referendum question prior to issuance of any amended return under s. 6.221 (6) (b)
19 or, if more than one board of canvassers makes the determination, not later than 5
20 p.m. on the 3rd business day following the last meeting day of the last board of
21 canvassers which makes a determination prior to issuance of any amended return
22 under s. 6.221 (6) (b). If the chairperson of the board or chairperson's designee makes
23 the determination for the office or the referendum question, the petitioner shall file
24 the petition not earlier than the last meeting day of the last county board of
25 canvassers to make a statement in the election or referendum and not later than 5

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1 p.m. on the 3rd business day following the day on which the elections government
2 accountability board receives the last statement from a county board of canvassers
3 for the election or referendum.

4 **SECTION 41.** 9.01 (1) (ag) 4. of the statutes is repealed.

5 **SECTION 42.** 9.01 (1) (ar) 2. of the statutes is amended to read:

6 9.01 (1) (ar) 2. In the event of a recount for a referendum, the petition shall be
7 filed with the clerk of the jurisdiction in which the referendum is called, and, in the
8 case of the state, with the elections board.

9 **SECTION 43.** 9.01 (10) of the statutes is amended to read:

10 9.01 (10) STANDARD FORMS AND METHODS. The elections government
11 accountability board shall prescribe standard forms and procedures for the making
12 of recounts under this section. The procedures prescribed by the elections
13 government accountability board shall require the boards of canvassers in recounts
14 involving more than one board of canvassers to consult with the elections
15 government accountability board staff prior to beginning any recount in order to
16 ensure that uniform procedures are used, to the extent practicable, in such recounts.

17 **SECTION 44.** 10.06 (1) (title) of the statutes is amended to read:

18 10.06 (1) (title) ELECTIONS GOVERNMENT ACCOUNTABILITY BOARD.

19 **SECTION 45.** 11.21 (title) of the statutes is amended to read:

20 **11.21 (title) Duties of the elections government accountability board.**

21 **SECTION 46.** 11.21 (7) (intro.) of the statutes is amended to read:

22 11.21 (7) (intro.) Include in its biennial report under s. ~~5.05 (5)~~ 15.04 (1) (d)
23 compilations of any of the following in its discretion:

24 **SECTION 47.** 11.22 (4) of the statutes is amended to read:

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1 11.22 (4) Notify the board, the district attorney, or the attorney general where
2 appropriate under ss. 11.60 (4) and 11.61 (2), in writing, of any facts within the filing
3 officer’s knowledge or evidence in the officer’s possession, including errors or
4 discrepancies in reports or statements and delinquencies in filing which may be
5 grounds for civil action or criminal prosecution. The filing officer shall transmit a
6 copy of such notification to the board. The board, district attorney, or the attorney
7 general shall advise the filing officer in writing at the end of each 30-day period of
8 the status of such matter until the time of disposition. The district attorney or
9 attorney general shall transmit a copy of each any such notice to the board.

10 **SECTION 48.** 11.60 (4) of the statutes is repealed and recreated to read:

11 11.60 (4) Subject to the procedures under s. 5.05 (2m), actions under this
12 section may be brought by the board or by the district attorney for the county where
13 the violation is alleged to have occurred, except as specified in s. 11.38. Subject to
14 the procedures under s. 5.05 (2m), actions under this section arising out of an election
15 for county office or a county referendum may be brought by the county board of
16 election commissioners of the county where the violation is alleged to have occurred.
17 If a violation concerns a district attorney or circuit judge or a candidate for either
18 such office, the action shall be brought by the board or by the attorney general.

19 **SECTION 49.** 11.61 (2) of the statutes is amended to read:

20 11.61 (2) Except as provided in s. 11.38 (5), all prosecutions under this section
21 shall be conducted by the board or by district attorney of for the county where the
22 violation is alleged to have occurred. ~~If the district attorney refuses to act upon a~~
23 ~~sworn complaint, or fails to act upon such a complaint within 60 days of the date on~~
24 ~~which the complaint is received, the attorney general may then conduct the~~
25 ~~prosecution under this section~~ subject to the procedures under s. 5.05 (2m). If a

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1 violation concerns a district attorney or circuit judge or a candidate for such offices
2 either such office, the prosecution shall be conducted by the board or by the attorney
3 general. ~~If a violation concerns the attorney general or a candidate for such office,~~
4 ~~the governor may appoint a special prosecutor under s. 14.11 (2) to conduct the~~
5 ~~prosecution in behalf of the state. The prosecutor shall be independent of the~~
6 ~~attorney general and need not be a state employee at the time of appointment.~~

7 **SECTION 50.** 13.123 (3) (b) 2. of the statutes is amended to read:

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

12 **SECTION 51.** 13.23 of the statutes is amended to read:

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

23 **SECTION 52.** 13.62 (4) of the statutes is amended to read:

24 13.62 (4) "Board" means the ethics government accountability board.

25 **SECTION 53.** 13.685 (title) of the statutes is amended to read:

SENATE BILL 2**SECTION 53**

1 **13.685** (title) **Duties of the ethics government accountability board.**

2 **SECTION 54.** 13.94 (1) (k) of the statutes is amended to read:

3 13.94 **(1)** (k) Provide auditing services at the direction of the ~~elections~~
4 government accountability board under s. 5.05 (2).

5 **SECTION 55.** 14.58 (20) of the statutes is amended to read:

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

9 **SECTION 56.** 15.03 of the statutes is renumbered 15.03 (intro.) and amended
10 to read:

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

22 **(1) COMMISSIONER OF RAILROADS.** With respect to the office of the commissioner
23 of railroads, all personnel and biennial budget requests by the office of the
24 commissioner of railroads shall be provided to the department of transportation as
25 required under s. 189.02 (7) and shall be processed and properly forwarded by the

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1 public service commission without change except as requested and concurred in by
2 the office of the commissioner of railroads.

3 **SECTION 57.** 15.03 (2) of the statutes is created to read:

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

8 **SECTION 58.** 15.07 (1) (a) 2. of the statutes is repealed and recreated to read:

9 15.07 (1) (a) 2. Members of the government accountability board except the
10 member who is appointed under s. 15.60 (4) shall be nominated by the governor, and
11 with the advice and consent of the assembly and senate appointed, to serve for terms
12 prescribed by law.

13 **SECTION 59.** 15.07 (1) (cm) of the statutes is amended to read:

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

SENATE BILL 2**SECTION 59**

1 shall expire on July 1 in an even-numbered year. The term of the student member
2 of the Board of Regents of the University of Wisconsin System who is at least 24 years
3 old shall expire on May 1 of every even-numbered year.

4 **SECTION 60.** 15.07 (2) (n) of the statutes is created to read:

5 15.07 (2) (n) The member of the government accountability board who is
6 appointed under s. 15.60 (4) shall serve as chairperson of the board.

7 **SECTION 61.** 15.07 (4) of the statutes is amended to read:

8 15.07 (4) QUORUM. A majority of the membership of a board constitutes a
9 quorum to do business and, unless a more restrictive provision is adopted by the
10 board, a majority of a quorum may act in any matter within the jurisdiction of the
11 board. This subsection does not apply to actions of the ethics board or the school
12 district boundary appeal board as provided in ~~ss. 19.47 (4) and s. 117.05 (2) (a).~~

13 **SECTION 62.** 15.07 (5) (k) of the statutes is repealed.

14 **SECTION 63.** 15.07 (5) (m) of the statutes is created to read:

15 15.07 (5) (m) Members of the government accountability board, \$25 per day.

16 **SECTION 64.** 15.07 (5) (n) of the statutes is repealed.

17 **SECTION 65.** 15.60 of the statutes is created to read:

18 **15.60 Government accountability board; creation.** (1) There is created
19 a government accountability board consisting of 7 persons. Members shall serve for
20 4-year terms.

21 (2) All members of the board except the member who is appointed under sub.
22 (4) shall be appointed from nominations submitted to the governor by a nominating
23 committee to be called the governmental accountability candidate committee, which
24 shall consist of one court of appeals judge from each of the court of appeals districts.
25 The court of appeals judges shall be chosen as members by random selection of the

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1 chief justice of the supreme court in the presence of the other justices of the supreme
2 court.

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

8 (4) One member of the board shall be a retired judge who shall be appointed
9 by a random selection of the governmental accountability candidate committee from
10 the register maintained under s. 758.19 (9).

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

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

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

20 **SECTION 66.** 15.603 of the statutes is created to read:

21 **15.603 Same; specified divisions.** (1) ENFORCEMENT DIVISION. There is
22 created in the government accountability board an enforcement division, which is
23 attached to the board under s. 15.03. The enforcement division shall be under the
24 direction and supervision of an administrator, who shall be appointed by the
25 executive director of the board, with the advice and consent of the board, to serve for

SENATE BILL 2**SECTION 66**

1 a term specified by the board of not less than 4 years nor more than 6 years expiring
2 on September 1 of an odd-numbered year.

3 **SECTION 67.** 15.61 of the statutes is repealed.

4 **SECTION 68.** 15.617 of the statutes is renumbered 15.607, and 15.607 (1) of the
5 statutes, as renumbered, is amended to read:

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

15 **SECTION 69.** 15.62 of the statutes is repealed.

16 **SECTION 70.** 16.753 (2) of the statutes is amended to read:

17 16.753 (2) Except as otherwise expressly provided, each agency shall provide
18 to the ~~ethics~~ government accountability board for posting on the Internet a list
19 identifying each solicitation for bids or competitive sealed proposals and each
20 proposed order or contract of the agency for which bids or competitive sealed
21 proposals will not be solicited that involves a major expenditure, together with all
22 information required under sub. (4).

23 **SECTION 71.** 16.79 (2) of the statutes is amended to read:

24 16.79 (2) The department shall distribute in pamphlet form copies of the
25 constitution and such laws as may be required to meet the public demand, including

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1 the election laws. The department shall distribute election manuals, forms, and
2 supplies specified by the elections government accountability board. The laws,
3 manuals, forms, and supplies shall be sold by the department at cost, including
4 distribution cost as determined under s. 35.80. The elections government
5 accountability board shall inform the department in writing as to which election
6 manuals, forms, and supplies shall be offered for distribution under this subsection.

7 **SECTION 72.** 16.96 (3) (b) of the statutes is amended to read:

8 16.96 (3) (b) Maintain and keep current throughout the decade the maps of
9 congressional and legislative district boundaries received from the legislative
10 reference bureau under s. 13.92 (1) (a) 6. and provide copies thereof to the elections
11 government accountability board.

12 **SECTION 73.** 16.973 (6) of the statutes is amended to read:

13 16.973 (6) With the advice of the ~~ethics~~ government accountability board, adopt
14 and enforce standards of ethical conduct applicable to its paid consultants which are
15 similar to the standards prescribed in subch. III of ch. 19, except that the department
16 shall not require its paid consultants to file statements of economic interests.

17 **SECTION 74.** 17.07 (6) of the statutes is amended to read:

18 17.07 (6) Other state officers serving in an office that is filled by appointment
19 of any officer or body without the concurrence of the governor, by the officer or body
20 having the authority to make appointments to that office, at pleasure, except that
21 officers appointed according to merit and fitness under and subject to ch. 230 or
22 officers whose removal is governed by ch. 230 may be removed only in conformity
23 with that chapter, and except that the administrator of the enforcement division in
24 the government accountability board may be removed from office only by the
25 executive director of the board, for cause.

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1 **SECTION 75.** 17.17 (1) of the statutes is amended to read:

2 17.17 (1) SENATORS AND MEMBERS OF CONGRESS. In the office of United States
3 senator or member of congress from this state, by the county clerk of the county
4 wherein such officer resided at the time of election, to the elections government
5 accountability board.

6 **SECTION 76.** 17.17 (4) of the statutes is amended to read:

7 17.17 (4) JUSTICES AND JUDGES. In the office of justice of the supreme court, court
8 of appeals judge, or judge of a circuit court, by the director of state courts to the
9 governor and the elections government accountability board.

10 **SECTION 77.** 19.42 (3) of the statutes is amended to read:

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

12 **SECTION 78.** 19.42 (10) (a) of the statutes is repealed.

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

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

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1 The information contained on the statement shall be current as of December 31 of
2 the year preceding the filing deadline. Before certifying the name of any candidate
3 for state public office under s. 7.08 (2) (a), the ~~elections~~ government accountability
4 board, municipal clerk, or board of election commissioners shall ascertain whether
5 that candidate has complied with this subsection. If not, the ~~elections~~ government
6 accountability board, municipal clerk, or board of election commissioners may not
7 certify the candidate's name for ballot placement.

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

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

20 **SECTION 81.** 19.45 (6) of the statutes is amended to read:

21 19.45 (6) No state public official, member of a state public official's immediate
22 family, nor any organization with which the state public official or a member of the
23 official's immediate family owns or controls at least 10% of the outstanding equity,
24 voting rights, or outstanding indebtedness may enter into any contract or lease
25 involving a payment or payments of more than \$3,000 within a 12-month period, in

SENATE BILL 2**SECTION 81**

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

10 **SECTION 82.** 19.46 (1) (intro.) of the statutes is amended to read:

11 19.46 (1) (intro.) Except in accordance with the board's advice under sub. (2)
12 of the executive director of the board under s. 5.05 (6a) and except as otherwise
13 provided in sub. (3), no state public official may:

14 **SECTION 83.** 19.46 (2) of the statutes is renumbered 5.05 (6a) and amended to
15 read:

16 5.05 (6a) Any individual, either personally or on behalf of an organization or
17 governmental body, may request of the board executive director of the board an
18 advisory opinion regarding the propriety under chs. 5 to 12, subch. III of ch. 13, or
19 subch. III of ch. 19 of any matter to which the person is or may become a party; and
20 any appointing officer, with the consent of a prospective appointee, may request of
21 the board executive director an advisory opinion regarding the propriety under chs.
22 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 of any matter to which the
23 prospective appointee is or may become a party. The board executive director shall
24 review a request for an advisory opinion and may advise the person making the
25 request. Advisory opinions and requests therefor shall be in writing. ~~The board's~~

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1 ~~deliberations and actions upon~~ The executive director may consult with the board
2 before issuing a formal opinion but shall not reveal any information to the board that
3 would identify the requester of the opinion. All consultations with the board
4 concerning such requests shall be in meetings not open to the public. It is prima facie
5 evidence of intent to comply with ~~this subchapter~~ chs. 5 to 12 or subch. III of ch. 13
6 or subch. III of ch. 19 when a person refers a matter to the ~~board~~ executive director
7 and abides by the ~~board's~~ executive director's advisory opinion, if the material facts
8 are as stated in the opinion request. ~~The board may authorize the executive director~~
9 ~~to act in its stead in instances where delay is of substantial inconvenience or~~
10 ~~detriment to the requesting party.~~ No member or employee of the board may make
11 public the identity of the individual requesting an advisory opinion or of individuals
12 or organizations mentioned in the opinion.

13 **SECTION 84.** 19.47 (2) of the statutes is repealed.

14 **SECTION 85.** 19.47 (4) of the statutes is repealed.

15 **SECTION 86.** 19.47 (5) of the statutes is amended to read:

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

SENATE BILL 2**SECTION 86**

1 further reports on the matters within its jurisdiction and such recommendations for
2 further legislation as it deems desirable.

3 **SECTION 87.** 19.50 (2) of the statutes is amended to read:

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

9 **SECTION 88.** 19.54 (2) of the statutes is amended to read:

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

17 **SECTION 89.** 19.55 (1) of the statutes is amended to read:

18 19.55 (1) Except as provided in sub. (2) and s. 5.05 (5s), all records under this
19 subchapter or subch. III of ch. 13 in the possession of the board are open to public
20 inspection at all reasonable times. The board shall require an individual wishing to
21 examine a statement of economic interests or the list of persons who inspect any
22 statements which are in the board's possession to provide his or her full name and
23 address, and if the individual is representing another person, the full name and
24 address of the person which he or she represents. Such identification may be
25 provided in writing or in person. The board shall record and retain for at least 3 years

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1 information obtained by it pursuant to this subsection. No individual may use a
2 fictitious name or address or fail to identify a principal in making any request for
3 inspection.

4 **SECTION 90.** 19.55 (2) (a) of the statutes is renumbered 5.05 (5s) (b) and
5 amended to read:

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

17 **SECTION 91.** 19.55 (2) (b) of the statutes is renumbered 5.05 (5s) (a) (intro.) and
18 amended to read:

19 5.05 (5s) (a) (intro.) Records obtained or prepared by the board in connection
20 with an investigation are not subject to the right of inspection and copying under s.
21 19.35 (1), except as provided in par. (d) and except that the:

22 1. The board shall permit inspection of records that are made public in the
23 course of a hearing by the board to determine if a violation of this subchapter chs. 5
24 to 12 or subch. III of ch. 13 or subch. III of ch. 19 has occurred. ~~Whenever the board~~

SENATE BILL 2**SECTION 91**

1 ~~refers such investigation and hearing records to a district attorney or to the attorney~~
2 ~~general, they~~

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

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

10 **SECTION 92.** 19.55 (2) (c) of the statutes is amended to read:

11 19.55 (2) (c) Statements of economic interests and reports of economic
12 transactions which are filed with the ~~ethics~~ government accountability board by
13 members or employees of the investment board, except that the ~~ethics~~ government
14 accountability board shall refer statements and reports filed by such individuals to
15 the legislative audit bureau for its review, and except that a statement of economic
16 interests filed by a member or employee of the investment board who is also an
17 official required to file shall be open to public inspection.

18 **SECTION 93.** 19.579 of the statutes is repealed and recreated to read:

19 **19.579 Civil penalty.** Any person who violates s. 19.43, 19.44, or 19.56 (2) may
20 be required to forfeit not more than \$500. Any person who violates any other
21 provision of this subchapter may be required to forfeit not more than \$5,000.

22 **SECTION 94.** 19.59 (1) (g) 8. of the statutes is amended to read:

23 19.59 (1) (g) 8. No district board member, member of a district board member's
24 immediate family, nor any organization with which the district board member or a
25 member of the district board member's immediate family owns or controls at least

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

11 **SECTION 95.** 19.59 (8) (a) and (c) of the statutes are amended to read:

12 19.59 (8) (a) Subsection (1) shall be enforced in the name and on behalf of the
13 state by action of the board or, subject to the procedures prescribed in s. 5.05 (2m) (c),
14 by action of the district attorney of for any county wherein a violation may occur,
15 upon the verified complaint of any person.

16 (c) If Unless the district attorney is precluded from commencing an action
17 under s. 5.05 (2m) (c), if the district attorney fails to commence an action to enforce
18 sub. (1) (a), (b), or (c) to (g) within 20 days after receiving a verified complaint or if
19 the district attorney refuses to commence such an action, the person making the
20 complaint may petition the attorney general to act upon the complaint. The attorney
21 general may then bring an action under par. (a) or (b), or both.

22 **SECTION 96.** 19.59 (8) (cn) of the statutes is amended to read:

23 19.59 (8) (cn) If Subject to the procedures under s. 5.05 (2m) (c), if the board
24 or district attorney for the county in which a violation of sub. (1) (br) is alleged to
25 occur receives a verified complaint alleging a violation of sub. (1) (br), the board or

SENATE BILL 2**SECTION 96**

1 district attorney shall, within 30 days after receipt of the complaint, either
2 commence an investigation of the allegations contained in the complaint or dismiss
3 the complaint. If the district attorney dismisses the complaint, with or without
4 investigation, the district attorney shall notify the complainant in writing. Upon
5 receiving notification of the dismissal, the complainant may then file the complaint
6 with the attorney general or the district attorney for a county that is adjacent to the
7 county in which the violation is alleged to occur. The attorney general or district
8 attorney may then investigate the allegations contained in the complaint and
9 commence a prosecution.

10 **SECTION 97.** 19.59 (8) (d) of the statutes is amended to read:

11 19.59 (8) (d) If the district attorney prevails in such an action, the court shall
12 award any forfeiture recovered together with reasonable costs to the county wherein
13 the violation occurs. If the board or attorney general prevails in such an action, the
14 court shall award any forfeiture recovered together with reasonable costs to the
15 state.

16 **SECTION 98.** 19.85 (1) (fm) of the statutes is created to read:

17 19.85 (1) (fm) Deliberating by the government accountability board concerning
18 any investigation under the board's jurisdiction.

19 **SECTION 99.** 19.85 (1) (h) of the statutes is amended to read:

20 19.85 (1) (h) Consideration of requests for confidential written advice from the
21 ethics executive director of the government accountability board under s. 19.46 (2)
22 s. 5.05 (6a), or from any county or municipal ethics board under s. 19.59 (5).

23 **SECTION 100.** 20.510 (intro.) of the statutes is repealed.

24 **SECTION 101.** 20.510 (1) (title) of the statutes is repealed.

25 **SECTION 102.** 20.510 (1) (a) of the statutes is repealed.

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- 1 **SECTION 103.** 20.510 (1) (b) of the statutes is repealed.
- 2 **SECTION 104.** 20.510 (1) (bm) of the statutes is repealed.
- 3 **SECTION 105.** 20.510 (1) (d) of the statutes is repealed.
- 4 **SECTION 106.** 20.510 (1) (g) of the statutes is repealed.
- 5 **SECTION 107.** 20.510 (1) (gm) of the statutes is repealed.
- 6 **SECTION 108.** 20.510 (1) (h) of the statutes is repealed.
- 7 **SECTION 109.** 20.510 (1) (i) of the statutes is repealed.
- 8 **SECTION 110.** 20.510 (1) (j) of the statutes is repealed.
- 9 **SECTION 111.** 20.510 (1) (q) of the statutes is repealed.
- 10 **SECTION 112.** 20.510 (1) (sm) of the statutes is repealed.
- 11 **SECTION 113.** 20.510 (1) (t) of the statutes is repealed.
- 12 **SECTION 114.** 20.510 (1) (x) of the statutes is repealed.
- 13 **SECTION 115.** 20.521 (intro.) of the statutes is repealed.
- 14 **SECTION 116.** 20.521 (1) (title) of the statutes is repealed.
- 15 **SECTION 117.** 20.521 (1) (a) of the statutes is repealed.
- 16 **SECTION 118.** 20.521 (1) (b) of the statutes is repealed.
- 17 **SECTION 119.** 20.521 (1) (g) of the statutes is repealed.
- 18 **SECTION 120.** 20.521 (1) (h) of the statutes is repealed.
- 19 **SECTION 121.** 20.521 (1) (i) of the statutes is repealed.
- 20 **SECTION 122.** 20.923 (4) (intro.) of the statutes is amended to read:
- 21 20.923 (4) STATE AGENCY POSITIONS. (intro.) State agency heads, the
- 22 administrator of the division of merit recruitment and selection in the office of state
- 23 employment relations, the administrator of the enforcement division in the
- 24 government accountability board, and commission chairpersons and members shall
- 25 be identified and limited in number in accordance with the standardized

SENATE BILL 2**SECTION 122**

1 nomenclature contained in this subsection, and shall be assigned to the executive
2 salary groups listed in pars. (a) to (i). Except for positions specified in ~~par.~~ pars. (c)
3 ~~3m. and (e) 2e.~~ and sub. (12), all unclassified division administrator positions
4 enumerated under s. 230.08 (2) (e) shall be assigned, when approved by the joint
5 committee on employment relations, by the director of the office of state employment
6 relations to one of 10 executive salary groups. The joint committee on employment
7 relations, by majority vote of the full committee, may amend recommendations for
8 initial position assignments and changes in assignments to the executive salary
9 groups submitted by the director of the office of state employment relations. All
10 division administrator assignments and amendments to assignments of
11 administrator positions approved by the committee shall become part of the
12 compensation plan. Whenever a new unclassified division administrator position is
13 created, the appointing authority may set the salary for the position until the joint
14 committee on employment relations approves assignment of the position to an
15 executive salary group. If the committee approves assignment of the position to an
16 executive salary group having a salary range minimum or maximum inconsistent
17 with the salary paid to the incumbent at the time of such approval, the incumbent's
18 salary shall be adjusted by the appointing authority to conform with the committee's
19 action, effective on the date of that action. Positions are assigned as follows:

20 **SECTION 123.** 20.923 (4) (d) 3. of the statutes is repealed.

21 **SECTION 124.** 20.923 (4) (d) 4. of the statutes is repealed.

22 **SECTION 125.** 20.923 (4) (e) 2e. of the statutes is created to read:

23 20.923 (4) (e) 2e. Government accountability board: administrator of the
24 enforcement division.

25 **SECTION 126.** 20.923 (4) (f) 3j. of the statutes is created to read:

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1 20.923 (4) (f) 3j. Government accountability board: executive director.

2 **SECTION 127.** 46.95 (4) of the statutes is amended to read:

3 46.95 (4) LIST OF ELIGIBLE ORGANIZATIONS. The department shall certify to the
4 elections government accountability board, on a continuous basis, a list containing
5 the name and address of each organization that is eligible to receive grants under
6 sub. (2).

7 **SECTION 128.** 59.605 (3) (a) 3. of the statutes is amended to read:

8 59.605 (3) (a) 3. The referendum shall be held in accordance with chs. 5 to 12.
9 The governing body 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). If the resolution under subd. 1. specifies the
13 operating levy rate, the question shall be submitted as follows: "Under state law, the
14 operating levy rate for the ... (name of county), for the tax to be imposed for the year
15 (year), is limited to \$.... per \$1,000 of equalized value. Shall the ... (name of
16 county) be allowed to exceed this rate limit for ... (a specified number of years) (an
17 indefinite period) by \$.... per \$1,000 of equalized value that results in an operating
18 levy rate of \$.... per \$1,000 of equalized value?" If the resolution under subd. 1.
19 specifies the operating levy, the question shall be submitted as follows: "Under state
20 law, the operating levy rate for the ... (name of county), for the tax to be imposed for
21 the year (year), is limited to \$.... per \$1,000 of equalized value. Notwithstanding
22 the operating levy rate limit, shall the ... (name of county) be allowed to levy an
23 amount not to exceed \$.... (operating levy) for operating purposes for the year
24 (year), which may increase the operating levy rate for ... (a specified number of

SENATE BILL 2**SECTION 128**

1 years) (an indefinite period)? This would allow a ...% increase above the levy of \$...
2 (preceding year operating levy) for the year (preceding year).”

3 **SECTION 129.** 67.05 (3) (b) of the statutes is amended to read:

4 67.05 (3) (b) The clerk of the jurisdiction in which the referendum is held shall
5 prepare or arrange for the preparation of the ballots. If the jurisdiction in which the
6 referendum is held is not a city, village, or town, and the clerk of the jurisdiction in
7 which the referendum is held prepares the ballots, the clerk shall deliver the ballots
8 to the municipal clerk of each city, village, or town which is wholly or partly contained
9 within the jurisdiction in which the referendum is held. The form of the ballot shall
10 correspond with the form prescribed by the elections government accountability
11 board under ss. 5.64 (2) and 7.08 (1) (a).

12 **SECTION 130.** 67.05 (6) of the statutes is amended to read:

13 67.05 (6) REFERENDUM IN OTHER CASES. Whenever an initial resolution has been
14 adopted by the governing body of any municipality other than a county, a town, a city,
15 a village, a technical college district, a metropolitan sewerage district created under
16 ss. 200.01 to 200.15 or 200.21 to 200.65, a town sanitary district, a public inland lake
17 protection and rehabilitation district, or a board of park commissioners, the clerk of
18 such municipality shall immediately record the resolution and call a special meeting
19 for the purpose of submitting it to the electors of the municipality for ratification or
20 rejection. The calling and conduct of the meeting shall be governed by those statutes,
21 so far as applicable, which govern the calling and conduct of special meetings in
22 general. The notice of the meeting, which shall be publicly read before the balloting
23 shall commence, and the ballot used, shall embody a copy of the resolution; the form
24 of the ballot shall correspond with the form prescribed by the elections government

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1 accountability board under ss. 5.64 (2) and 7.08 (1) (a); and the question submitted
2 shall be whether the resolution shall be approved.

3 **SECTION 131.** 71.10 (3) (b) of the statutes is amended to read:

4 71.10 (3) (b) The secretary of revenue shall provide a place for those
5 designations on the face of the individual income tax return and shall provide next
6 to that place a statement that a designation will not increase tax liability. Annually
7 on August 15, the secretary of revenue shall certify to the ~~elections~~ government
8 accountability board, the department of administration and the state treasurer
9 under s. 11.50 the total amount of designations made during the preceding fiscal
10 year. If any individual attempts to place any condition or restriction upon a
11 designation, that individual is deemed not to have made a designation on his or her
12 tax return.

13 **SECTION 132.** 73.0301 (1) (d) 13. of the statutes is amended to read:

14 73.0301 (1) (d) 13. A license issued by the ~~ethics~~ government accountability
15 board under s. 13.63 (1).

16 **SECTION 133.** 73.0301 (1) (e) of the statutes is amended to read:

17 73.0301 (1) (e) "Licensing department" means the department of
18 administration; the board of commissioners of public lands; the department of
19 commerce; the ~~ethics~~ government accountability board; the department of financial
20 institutions; the department of health and family services; the department of natural
21 resources; the department of public instruction; the department of regulation and
22 licensing; the department of workforce development; the office of the commissioner
23 of insurance; or the department of transportation.

24 **SECTION 134.** 85.61 (1) of the statutes is amended to read:

SENATE BILL 2**SECTION 134**

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

10 **SECTION 135.** 117.20 (2) of the statutes is amended to read:

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

22 **SECTION 136.** 117.27 (2) (b) (intro.) of the statutes is amended to read:

23 117.27 (2) (b) (intro.) The school district clerk shall include in the notice of the
24 spring election a statement that the election ballot will include a question on the
25 change requested by the petition. The form of the ballot shall correspond to the form

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1 prescribed by the ~~elections~~ government accountability board under ss. 5.64 (2) and
2 7.08 (1) (a) and the question on the ballot shall be:

3 **SECTION 137.** 121.91 (3) (c) of the statutes is amended to read:

4 121.91 (3) (c) The referendum shall be held in accordance with chs. 5 to 12. The
5 school district clerk shall provide the election officials with all necessary election
6 supplies. The form of the ballot shall correspond substantially with the standard
7 form for referendum ballots prescribed by the ~~elections~~ government accountability
8 board under ss. 5.64 (2) and 7.08 (1) (a). The question submitted shall be whether
9 the limit under sub. (2m) may be exceeded by a specified amount. If the resolution
10 provides that any of the excess revenue will be used for a nonrecurring purpose, the
11 ballot in the election shall so state and shall specify the amount that will be used for
12 a nonrecurring purpose. The limit otherwise applicable to the school district under
13 sub. (2m) is increased by the amount approved by a majority of those voting on the
14 question.

15 **SECTION 138.** 125.05 (1) (b) 10. of the statutes is amended to read:

16 125.05 (1) (b) 10. Each question submitted to the electors shall conform to the
17 form prescribed by the ~~elections~~ government accountability board under ss. 5.64 (2)
18 and 7.08 (1) (a).

19 **SECTION 139.** 165.25 (1) of the statutes is amended to read:

20 165.25 (1) REPRESENT STATE. Except as provided in ~~s.~~ ss. 5.05 (2m) (a) and
21 978.05 (5), appear for the state and prosecute or defend all actions and proceedings,
22 civil or criminal, in the court of appeals and the supreme court, in which the state
23 is interested or a party, and attend to and prosecute or defend all civil cases sent or
24 remanded to any circuit court in which the state is a party; and, if requested by the
25 governor or either house of the legislature, appear for and represent the state, any

SENATE BILL 2**SECTION 139**

1 state department, agency, official, employee, or agent, whether required to appear
2 as a party or witness in any civil or criminal matter, and prosecute or defend in any
3 court or before any officer, any cause or matter, civil or criminal, in which the state
4 or the people of this state may be interested. The public service commission may
5 request under s. 196.497 (7) that the attorney general intervene in federal
6 proceedings. All expenses of the proceedings shall be paid from the appropriation
7 under s. 20.455 (1) (d).

8 **SECTION 140.** 165.25 (4) (e) of the statutes is created to read:

9 165.25 (4) (e) Provide assistance to the enforcement division of the government
10 accountability board in the investigation and prosecution of violations of chs. 5 to 12,
11 subch. III of ch. 13, and subch. III of ch. 19.

12 **SECTION 141.** 165.93 (4) of the statutes is amended to read:

13 165.93 (4) LIST OF ELIGIBLE ORGANIZATIONS. The department shall certify to the
14 elections government accountability board, on a continuous basis, a list containing
15 the name and address of each organization that is eligible to receive grants under
16 sub. (2).

17 **SECTION 142.** 198.08 (10) of the statutes is amended to read:

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

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1 because of an intervening change of boundaries of election wards or for any reason,
2 be ascertained from any official record the clerk of the district shall fairly estimate
3 such number for the purposes of such statement to be filed in his or her office.

4 **SECTION 143.** 200.09 (11) (am) 2. and 3. of the statutes are amended to read:

5 200.09 (11) (am) 2. No resolution passed under subd. 1. may authorize election
6 of commissioners sooner than 6 months after the date of passage. The commission
7 shall immediately notify the elections government accountability board under s. 5.05
8 upon passage of a resolution under subd. 1.

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

14 **SECTION 144.** 227.03 (6) of the statutes is amended to read:

15 227.03 (6) Orders of the elections government accountability board under s.
16 5.06 (6) are not subject to this chapter.

17 **SECTION 145.** 227.03 (6m) of the statutes is created to read:

18 227.03 (6m) Cases before the enforcement division of the government
19 accountability board under s. 5.066 are not subject to this chapter.

20 **SECTION 146.** 227.52 (6) of the statutes is amended to read:

21 227.52 (6) Decisions of the chairperson of the elections government
22 accountability board or the chairperson's designee.

23 **SECTION 147.** 230.08 (2) (e) 4h. of the statutes is created to read:

24 230.08 (2) (e) 4h. Government accountability board — 3.

25 **SECTION 148.** 230.08 (2) (om) of the statutes is repealed.

SENATE BILL 2**SECTION 149**

1 **SECTION 149.** 230.08 (2) (on) of the statutes is created to read:

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

3 **SECTION 150.** 230.08 (2) (wm) of the statutes is repealed.

4 **SECTION 151.** 230.08 (4) (a) of the statutes is amended to read:

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

14 **SECTION 152.** 234.02 (3m) (c) of the statutes is amended to read:

15 234.02 **(3m)** (c) The authority shall, with the advice of the ethics government
16 accountability board, adopt and enforce ethics guidelines applicable to its paid
17 consultants which are similar to subch. III of ch. 19, except that the authority may
18 not require its paid consultants to file financial disclosure statements.

19 **SECTION 153.** 301.03 (20m) of the statutes is amended to read:

20 301.03 **(20m)** Transmit to the elections government accountability board, on
21 a continuous basis, a list containing the name of each living person who has been
22 convicted of a felony under the laws of this state and whose civil rights have not been
23 restored, together with his or her residential address and the date on which the
24 department expects his or her civil rights to be restored.

25 **SECTION 154.** 343.11 (2m) of the statutes is amended to read:

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1 343.11 **(2m)** Within 30 days following surrender of a license under sub. (1), the
2 department shall provide notice to the ~~elections~~ government accountability board of
3 the person's name and address, the name of the jurisdiction issuing the surrendered
4 license, and the date on which the license was surrendered.

5 **SECTION 155.** 560.04 (2m) of the statutes is amended to read:

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

15 **SECTION 156.** 758.19 (9) of the statutes is created to read:

16 758.19 **(9)** The director of state courts shall maintain a register of retired judges
17 of courts of record in this state who are willing to accept appointments under s. 15.60
18 (4).

19 **SECTION 157.** 778.135 of the statutes is amended to read:

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

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1 commissioners under s. 7.21 (2m) (a) is settled as a result of agreement between the
2 parties, the moneys accruing to the county on account of such settlement shall be
3 paid to the board of election commissioners and deposited with the county treasurer
4 in the same manner as provided for forfeitures under s. 778.13.

5 **SECTION 158.** 778.136 of the statutes is amended to read:

6 **778.136 Ethics and lobbying forfeitures; how recovered.**

7 Notwithstanding s. 778.13, whenever any moneys are received by the ~~ethics~~
8 government accountability board or attorney general in settlement of a civil action
9 or other civil matter for violation of the lobbying law or code of ethics for state public
10 officials and employees under s. 19.545, the moneys shall accrue to the state and be
11 deposited with the secretary of administration.

12 **SECTION 159.** 971.19 (12) of the statutes is created to read:

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

16 **SECTION 160. Nonstatutory provisions.**

17 (1) TRANSFER OF ELECTIONS BOARD.

18 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
19 liabilities of the elections board shall become the assets and liabilities of the
20 government accountability board.

21 (b) *Positions and employees.*

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

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

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

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

13 (d) *Contracts.* All contracts entered into by the elections board in effect on the
14 effective date of this paragraph remain in effect and are transferred to the
15 government accountability board. The government accountability board shall carry
16 out any contractual obligations under such a contract until the contract is modified
17 or rescinded by the government accountability board to the extent allowed under the
18 contract.

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

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

6 (2) TRANSFER OF ETHICS BOARD.

7 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
8 liabilities of the ethics board shall become the assets and liabilities of the government
9 accountability board.

10 (b) *Positions and employees.*

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

13 2. All incumbent employees holding positions in the ethics board are
14 transferred on the effective date of this subdivision to the government accountability
15 board.

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

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

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

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

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

17 (3) BOARD TRANSITIONS; INITIAL TERMS.

18 (a) Notwithstanding section 15.61, 2005 stats., section 15.62, 2005 stats., and
19 section 15.07 (1) (c) of the statutes, the terms of office of all members of the elections
20 board and all members of the ethics board holding office shall expire on June 1, 2009.

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

24 (c) Notwithstanding section 15.60 (1) of the statutes, as created by this act, and
25 section 15.07 (1) (c) of the statutes, of the members of the government accountability

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1 board who are initially nominated by the governor, and with the advice and consent
2 of the assembly and the senate appointed, 2 members who have prosecutorial
3 experience and one other member who is not a retired judge of a court of record in
4 this state shall be appointed to serve for terms expiring on May 1, 2011, and 2
5 members who have prosecutorial experience and one other member who is not a
6 retired judge of a court of record in this state shall be appointed to serve for terms
7 expiring on May 1, 2013. Notwithstanding section 15.60 (1) of the statutes, as
8 created by this act, and section 15.07 (1) (c) of the statutes, the initial member of the
9 government accountability board who is a retired judge of a court of record in this
10 state shall serve for a term expiring on May 1, 2013.

11 (d) Notwithstanding section 15.603 (1) of the statutes, as created by this act,
12 the person who is initially appointed to serve as administrator of the enforcement
13 division of the government accountability board shall serve for a term expiring on
14 September 1, 2013.

15 (4) INITIAL EXECUTIVE DIRECTOR.

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

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

3 (5) INITIAL NOMINATIONS. The governmental accountability candidate
4 committee under section 15.60 (2) of the statutes, as created by this act, shall submit
5 its initial nominations of individuals to serve as members of the government
6 accountability board no later than November 1, 2008.

7 **SECTION 161. Effective dates.** This act takes effect on June 1, 2009, except
8 as follows:

9 (1) The treatment of sections 5.052, 5.054, 15.07 (5) (m), 15.60, 15.603, 20.923
10 (4) (intro.), (e) 2e., and (f) 3j., 230.08 (2) (e) 4h. and (on) and (4) (a) of the statutes, the
11 renumbering and amendment of section 15.03 of the statutes, the creation of section
12 15.03 (2) of the statutes, and SECTION 160 (3) (b) to (d), (4), and (5) of this act take
13 effect on January 1, 2009.

14 (END)