



State of Wisconsin
2007 - 2008 LEGISLATURE

January 2007 Special Session

LRB-1451/1
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SENATE BILL 1

January 11, 2007 – Introduced by JOINT COMMITTEE ON LEGISLATIVE ORGANIZATION.
Referred to Committee on Ethics Reform and Government Operations.

1 **AN ACT** *to repeal* 5.05 (1) (a), 5.05 (3), 5.05 (5), 5.05 (6), 5.68 (7), 7.21 (2m), 11.38
2 (5), 13.69 (8), 15.07 (5) (k), 15.07 (5) (n), 15.61, 15.62, 19.42 (10) (a), 19.47 (2),
3 19.47 (4), 19.49 (title), 19.49 (1), 19.49 (3), 19.49 (4), 19.50 (title), 19.50 (2), 19.51
4 (title), 19.51 (1) (a) and (b), 19.51 (3), 19.52, 19.53 (intro.), 19.53 (1) to (5), 19.53
5 (7) and (8), 19.535, 19.54, 19.545, 20.510 (intro.), 20.510 (1) (title), 20.510 (1) (a),
6 20.510 (1) (gm), 20.510 (1) (h), 20.510 (1) (i), 20.511 (1) (c), 20.521 (intro.), 20.521
7 (1) (title), 20.521 (1) (a), 20.521 (1) (g), 20.521 (1) (i), 20.923 (4) (d) 3., 20.923 (4)
8 (d) 4., 230.08 (2) (om), 230.08 (2) (wm) and 778.136; **to renumber** 19.49 (1m),
9 19.50 (4) and (5), 19.51 (2), 19.579, 20.510 (1) (b), 20.510 (1) (bm), 20.510 (1) (c),
10 20.510 (1) (d), 20.510 (1) (g), 20.510 (1) (j), 20.510 (1) (q), 20.510 (1) (t) and 20.510
11 (1) (x); **to renumber and amend** 15.617, 19.46 (2), 19.49 (2), 19.49 (5), 19.50
12 (intro.) and (1), 19.50 (3), 19.51 (1) (intro.), 19.53 (6), 19.55 (2) (a), 19.55 (2) (b),
13 20.521 (1) (b) and 20.521 (1) (h); **to amend** 5.02 (1s), 5.05 (title), 5.05 (1) (intro.),
14 5.05 (1) (b), 5.05 (1) (c), 5.05 (1) (e), 5.05 (9), 5.05 (11), 5.055, 5.056, 5.08, 5.09,

1 5.40 (7), 5.62 (4) (b), 5.68 (4), 6.26 (2) (b), 6.26 (2) (c), 6.36 (2) (a), 6.56 (3) to (5),
2 7.08 (title), 7.08 (7), 7.15 (1) (g), 7.31 (5), 7.60 (4) (a), 7.60 (5), 7.70 (1), 7.70 (5),
3 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
4 (1) (a) 1., 9.01 (1) (ag) 4., 9.01 (1) (ar) 2., 9.01 (10), 10.06 (1) (title), 11.21 (title),
5 11.21 (7) (intro.), 11.22 (4), 11.60 (4), 11.60 (5), 11.61 (2), 13.123 (3) (b) 2., 13.23,
6 13.62 (4), 13.685 (title), 13.94 (1) (k), 14.58 (20), 15.07 (1) (cm), 15.07 (4), 16.753
7 (2), 16.79 (2), 16.96 (3) (b), 16.973 (6), 17.17 (1), 17.17 (4), 19.42 (3), 19.43 (4),
8 19.43 (5), 19.45 (6), 19.46 (1) (intro.), 19.47 (5), 19.55 (1), 19.55 (2) (c), 19.579
9 (title), 19.59 (1) (g) 8., 19.85 (1) (h), 20.455 (1) (b), 20.930, 46.95 (4), 59.605 (3)
10 (a) 3., 67.05 (3) (b), 67.05 (6), 71.10 (3) (b), 73.0301 (1) (d) 13., 73.0301 (1) (e),
11 85.61 (1), 117.20 (2), 117.27 (2) (b) (intro.), 121.91 (3) (c), 125.05 (1) (b) 10.,
12 165.25 (1), 165.93 (4), 198.08 (10), 200.09 (11) (am) 2. and 3., 227.03 (6), 227.45
13 (1), 227.46 (1) (intro.), 227.52 (6), 230.08 (4) (a), 234.02 (3m) (c), 301.03 (20m),
14 343.11 (2m), 560.04 (2m), 778.135, 801.52 and 978.05 (1) and (2); **to repeal and**
15 **recreate** 15.07 (1) (a) 2. and 20.005 (3) (schedule) 20.511; and **to create** 5.05
16 (1e), 5.05 (1m), 5.05 (2m), (2s) and (2w), 5.05 (3g), 5.05 (5s) (title), (d) and (e),
17 5.052, 5.054, 8.30 (2m), 12.13 (5), 12.60 (1) (bm), 15.07 (2) (b), 15.07 (5) (m),
18 15.60, 15.603, 19.851, 20.511 (intro.) and (1) (title) and (a), 20.511 (1) (h) and (i),
19 20.923 (4) (f) 3j., 230.08 (2) (e) 4h., 230.08 (2) (on), 758.19 (9), 801.50 (5t) and
20 971.19 (12) of the statutes; **relating to:** creation of a Government
21 Accountability Board, enforcement of elections, ethics, and lobbying regulation

1 laws, venue for prosecution of certain offenses, granting rule-making
2 authority, making appropriations, and providing penalties.

Analysis by the Legislative Reference Bureau

This bill creates a Government Accountability Board which replaces the current Elections Board and Ethics Board. Significant provisions include:

Board structure

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 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. The consent of a majority of the senators present and voting is required to confirm a nominee. All members of the Ethics Board 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. No member, for one year immediately prior to the date of nomination, 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 an officer or employee of a registrant under the campaign finance law. No member, while serving on the board or for 12 months thereafter, may become a candidate for state or local elective office. In addition, no member, while serving on the board, may make a political contribution to a candidate for state or local elective office.

This bill abolishes both boards and replaces them with a Government Accountability Board. Under the bill, the board is composed of six members serving for staggered four-year terms who are nominated by the governor and appointed with the advice and consent of the senate. The consent of two-thirds of the senators present and voting is required to confirm a nominee. However, the bill provides that the governor shall submit three of the nominees to initially fill seats on the board solely to the senate for confirmation by a majority of the senators who are present and voting and shall submit three of the nominees to initially fill seats on the board solely to the assembly for confirmation by a majority of the representatives to the assembly who are present and voting. Each of the members of the Government Accountability Board must be a retired judge of a court of record in this state who was elected to serve in the position that he or she held. Each of the members must be appointed from nominations submitted by a Governmental Accountability

Candidate Committee, which consists of one court of appeals judge from each of the court of appeals districts who serve for two-year terms. The judges are chosen by lot by the chief justice of the supreme court in the presence of the other justices. A unanimous vote of the committee is required to nominate a candidate. No member of the Government Accountability Board may hold another position that is subject to the code of ethics for state public officials or the code of ethics for local public officials, except that a member may serve as a circuit judge or court of appeals judge if appointed on a reserve basis. No member, for one year immediately prior to the date of nomination, 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 state or local elective office or an officer or employee of a registrant under the campaign finance law. No member may, while serving on the board or for 12 months thereafter, become a candidate for state or local elective office. No member may be a lobbyist or an employee of a principal (person who employs a lobbyist). The chairperson of the board is chosen by lot by the current chairperson at the first meeting of the board in January of each year. The concurrence of at least four members is required for the board to take any action. No member, for 12 months prior to beginning that service, may have made a political contribution to a candidate for a partisan state or local office.

Currently, the Elections Board and the Ethics Board must employ executive directors outside the classified service and the Elections Board must employ legal counsel. This bill directs the Government Accountability Board to employ an individual outside the classified service to serve as legal counsel to the board, who is directed to provide legal and administrative functions for the board. The bill prescribes certain other statutory responsibilities for this officer.

The bill creates two divisions within the Government Accountability Board. The divisions are an Ethics and Accountability Division and an Elections Division. The Ethics and Accountability Division has the responsibility for the administration of the campaign finance law. Each division is headed by a division administrator who is appointed outside the classified service by the board to serve at its pleasure. The bill prescribes certain statutory responsibilities for the administrators.

The bill does not authorize any new positions for the administrators. The bill transfers all authorized FTE positions of the Elections Board and Ethics Board to the Government Accountability Board. The bill also transfers all incumbent employees in the positions, except the executive directors of the boards. Under the bill, the staff members who have civil service rights retain those rights.

Enforcement procedures

Under current law, the Elections Board and Ethics Board share civil enforcement authority with district attorneys and in some cases with county boards of election commissioners and the attorney general; and the district attorneys, and in some cases the attorney general, exercise criminal enforcement authority. Currently, the Elections Board and Ethics Board may investigate violations of the law, with or without complaint, and may enforce their respective laws. The Elections Board may file civil actions to collect forfeitures (civil monetary penalties) for violations of the law and the Ethics Board may, after an administrative hearing,

assess civil forfeitures or impose certain other remedies for violations of the law. Currently, the Elections Board has an administrative procedure for processing of complaints from electors alleging that an action or failure to act on the part of an election official is contrary to law, or that an official has abused his or her discretion. Under the procedure, the board may order the official to conform his or her conduct to the law or may prosecute the official for a civil violation of the law. If either board finds a criminal violation of the law, it may refer the matter to the appropriate district attorney, or in certain cases the attorney general. Under current law, the attorney general is directed to investigate crimes that are statewide in nature and to represent state agencies and witnesses in court. In addition, under current law, the attorney general has certain limited responsibilities related to administration and enforcement of the elections, ethics, and lobbying regulation laws and may prosecute certain offenses when the Ethics Board so requests or when a district attorney declines or fails to do so.

This bill maintains the current shared enforcement authority between the Government Accountability Board and the district attorneys, but deletes the enforcement authority of county boards of election commissioners. The bill maintains the current responsibilities of the attorney general but modifies the authority of the attorney general to prosecute most offenses under the elections, ethics, and lobbying regulation laws. In addition, the bill creates a new investigatory and prosecution procedure that is uniformly applicable to all investigations and prosecutions of violations of the elections, ethics, and lobbying regulation laws by the Government Accountability Board. Under the bill, the board may investigate any alleged violation of the elections, ethics, or lobbying regulation laws and may prosecute alleged civil violations. The board may also refer suspected civil or criminal violations to the appropriate district attorney. Any person may file a complaint with the board alleging a violation of the elections, ethics, or lobbying regulation laws. If the board reviews a complaint and does not find that there is a reasonable suspicion that a violation has occurred or is occurring, the board must dismiss the complaint. If the board determines that there is a reasonable suspicion that a violation has occurred or is occurring, it may direct the administrator of the ethics and accountability division of the board to submit the names of three qualified individuals to act as special investigators. The board may retain one or more of the special investigators. The board may also authorize the administrator to investigate any matter without retaining an investigator. If the board retains a special investigator, the board may issue a subpoena to a specific person or may authorize the investigator to obtain a search warrant if the board approves that action by motion at a meeting of the board. A special investigator or the administrator must report to the board concerning an investigation at least once every 30 days. The board must meet with the special investigator or administrator at least once every 90 days to review the progress of an investigation. The investigation terminates after 90 days unless the board votes to continue it for an additional period not exceeding 90 days. The board is prohibited from expending more than \$10,000 to finance the cost of an investigation before receiving a report on the progress of the investigation and a recommendation to commit additional resources. The board may

vote to terminate an investigation at any time. If the board finds that there is probable cause to believe that a violation of the elections, ethics, or lobbying regulation laws has occurred or is occurring, it may authorize the filing of a civil complaint against a person and may, in addition, request the administrator to submit the names of three individuals to act as special counsel. If the board retains special counsel, the bill provides for the counsel to be paid from a sum sufficient appropriation from general purpose revenue. Once retained, the special counsel proceeds with the case in the manner he or she sees fit, with the assistance of the staff of the board if requested. Alternatively, the board may refer the matter to the district attorney for the county having authority to prosecute the matter for potential civil or criminal prosecution or in certain cases to another district attorney or to the attorney general (see below). Under the bill, the only authority of the attorney general to prosecute violations of the elections, ethics, and lobbying regulation laws is upon referral by the Government Accountability Board after two district attorneys have declined or failed to act or in criminal cases involving a district attorney or circuit judge or a candidate for one of those offices.

The bill permits the Government Accountability Board, by rule, to authorize the administrator of the ethics and accountability division to compromise and settle specified categories of offenses in the name of the board without a formal investigation, if the offenses by any given alleged offender do not involve payment of more than \$1,000. The bill provides that no individual who serves as an employee of the board and no individual who is retained to serve as a special investigator or special counsel for the board may, during such service or for 12 months after ceasing to be so employed or retained, become a candidate for a state or local elective office. In addition, under the bill, no such employee or individual, while serving in his or her position, may make a political contribution to a candidate for state or local office, and no such employee or individual, for 12 months prior to becoming so employed or retained, may have made a political contribution to a candidate for a partisan state or local office.

Venue

Currently, civil prosecutions for violations of the elections laws are brought by the Elections Board or by a district attorney in circuit court for the county where the violation is alleged to occur. Civil violations of the ethics or lobbying regulation laws may be prosecuted by the Ethics Board in an administrative proceeding. Currently, with limited exceptions, a defendant in a criminal trial is tried in circuit court for the county where the defendant's crime is alleged to have been committed by the district attorney for that county, 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, and except that the district attorney may request the appointment of, or a circuit judge may appoint, another prosecutor. Currently, a defendant in a trial to impose a civil (monetary) forfeiture for most offenses is generally tried in circuit court for the county where the offense is alleged to occur.

This bill provides that if the defendant in a civil or criminal trial for a violation of the elections, ethics, or lobbying regulation laws is a resident of this state, the trial

must be held in circuit court for the county where the defendant resides, except that a civil or criminal trial may be moved in the same manner as currently provided for criminal trials. Under the bill, with the same limited exceptions, the prosecution is conducted by the district attorney for the county where the trial is required to be held prior to any removal, unless that district attorney requests, or the circuit judge appoints, another prosecutor. The bill provides, however, that if the Government Accountability Board refers any matter to the district attorney for the county in which the alleged violator resides for prosecution and the district attorney informs the board that he or she declines to prosecute any civil or criminal violation related to any matter referred to the district attorney by the board, or the district attorney fails to commence a civil or criminal prosecution related to any such matter within 60 days of the date of referral, the board may then refer the matter to the district attorney for a prosecutorial unit that is contiguous to the prosecutorial unit of the district attorney to whom the matter was originally referred. If there is more than one such prosecutorial unit, the chairperson of the board determines the prosecutorial unit of the district attorney to whom the matter is to be referred by the public drawing of lots at a meeting of the board. The district attorney for the contiguous prosecutorial unit may then commence a civil or criminal prosecution related to any of the alleged violations referred to him or her by the board. The bill provides, in addition, that if the district attorney to whom a matter is rereferred by the board informs the board that he or she declines to prosecute any civil or criminal violation related to any matter referred to the district attorney by the board, or if that district attorney fails to commence any civil or criminal prosecution related to any such matter within 60 days of the date of the referral, the board may then refer the matter to the attorney general, who may then commence a civil or criminal prosecution related to any of the alleged violations referred to him or her by the board. However, the venue for the trial is not altered by the substitution of the prosecutor. Under the bill, if a special prosecutor is appointed in lieu of the district attorney for the county in which the alleged violator resides, the board is not authorized to appoint another prosecutor.

The bill also provides that violations of any civil or criminal laws by a resident of this state arising from or in relation to the official functions of the subject of the investigation or any matter that involves elections, ethics, or lobbying regulation laws shall be prosecuted in circuit court for the county where the defendant resides by the district attorney for that county, subject to the current exceptions.

Advisory opinions

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 opinions issued by the Government Accountability Board closed to public inspection, subject to the current exceptions for opinions issued by the Ethics Board. Currently, the Ethics Board may authorize its executive director issue opinions on its behalf.

The bill permits the Government Accountability Board to authorize an employee of the board to issue informal opinions on its behalf. The bill requires every

opinion issued by the staff to be consistent with applicable opinions of the Government Accountability Board. The bill provides that in order to have legal force and effect, each advisory opinion issued by the board must be supported by specific legal authority under a statute or other law, or case or common law authority. In addition, each opinion must include citations to that authority, and must specifically articulate or explain which parts of the cited authority are relevant to the board's conclusion and why they are relevant. Under the bill, no person acting in good faith upon an opinion of the board is subject to criminal or civil prosecution for so acting, but the board may withdraw or modify opinions and no person is protected from liability unless that person acts in accordance with a current opinion. The bill permits a person who disagrees with an opinion issued to the person to request and receive a public or private hearing before the board on the matter.

Implementation

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. Currently, the Ethics Board has a sum certain appropriation to finance the cost of investigations of potential violations of the code of ethics for public officials. This bill creates an appropriation structure for the Government Accountability Board that is similar to the structure that is currently provided for the existing boards, except that the bill appropriates a sum sufficient to finance the costs of investigations of potential violations of the elections, ethics, and lobbying regulation laws by the Government Accountability Board. The bill makes an appropriation to the Joint Committee on Finance to enable the committee to provide transitional funding to the Government Accountability Board during the 2006–07 fiscal year. In addition, the bill creates a budget for the Government Accountability Board for the 2007–09 fiscal biennium. This budget is subject to review and revision as a part of the 2007–09 biennial budget bill.

The bill provides for the bill to become law on the day after publication as an act, after which date the members of the Government Accountability Board may be appointed and take office, and the board may employ staff and expend moneys from its appropriation for general program operations. However, the existing Elections Board and Ethics Board continue in operation until the first day of the seventh month beginning after publication of the act resulting from enactment of the bill. Under the bill, the Government Accountability Board may not exercise administrative or enforcement authority until that date. 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 divisions within the board, and the administrators of the divisions.

The bill directs the Government Accountability Board to hold one or more public hearings on the question of reaffirmation of each rule that has been promulgated and each order that has been issued by the Elections Board or the Ethics Board and that is in effect on the date of the Government Accountability

Board's initial meeting. The bill further directs the Government Accountability Board to hold one or more public hearings on the question of reaffirmation of each formal opinion that has been issued by the Elections Board or the Ethics Board and that has not been withdrawn or modified on the date of the Government Accountability Board's initial meeting. Similarly, the bill directs the Government Accountability Board to hold one or more public hearings on the question of reaffirmation of each guideline that has been issued by the Ethics Board. The bill also provides that every rule promulgated and every order issued by the Elections Board or the Ethics Board that is in effect on the day of the Government Accountability Board's initial meeting shall expire on its specified expiration date or 365 days after the date of the Government Accountability Board's initial meeting, whichever is earlier, unless the Government Accountability Board repeals or amends the rule, effective on a earlier date, or the Government Accountability Board reaffirms the rule or order before its expiration. In addition, the bill provides that every formal opinion issued by the Elections Board or the Ethics Board that has not been withdrawn or modified on the date of the Government Accountability Board's initial meeting remains in effect until the end of the 365-day period beginning on the date of that meeting unless the Government Accountability Board withdraws or modifies the opinion on an earlier date or the Government Accountability Board reaffirms the opinion on an earlier date. Similarly, the bill provides that every guideline issued by the Ethics Board must be withdrawn by the Government Accountability Board no later than the end of the 365-day period beginning on the date of that board's initial meeting unless that board chooses to withdraw or revise the guideline at an earlier date or unless the board specifically votes to reaffirm the current text of the guideline as issued prior to the end of that period. The bill permits the Government Accountability Board to extend the expiration date, the period of effectiveness, or the circulation period of any rule, order, or formal opinion of either board or any guideline that has been issued by the Ethics Board by not more than three months at a time, but not more than six months in all.

The bill also directs the Government Accountability Board, within one year after the date of the board's initial meeting, to review all internal operating procedures of the Ethics Board and the Elections Board in effect on the date of that meeting that affect the manner in which the board interrelates with persons who are not employees of the Government Accountability Board. The review must specifically address the degree to which employees are authorized to perform their functions without direct supervision or approval of the Government Accountability Board. While the review is underway, the bill provides that no employee of the Government Accountability Board may make any change in such an internal operating procedure unless the board holds a public hearing concerning the proposed change and the board specifically approves the change.

Records and information

Currently, except as otherwise provided by law, public records may be examined or copied by any person unless the custodian demonstrates that the public interest in withholding access to a record outweighs the public interest in providing access. With certain exceptions, records obtained and prepared by the Ethics Board in

connection with an investigation are specifically exempted from public access. This bill provides specifically that investigatory records of the Government Accountability Board are exempted from the right of public access, subject to the current exceptions, except that if the board commences a prosecution of a person as a result of an investigation, the person who is the subject of the investigation may direct the board to provide access to records of the investigation pertaining to that person if the records are available by law to the subject person, and except that records of the board containing a finding that a complaint does not raise a reasonable suspicion that a violation of the law has occurred or records containing a finding that no probable cause exists to believe that a violation of the law has occurred are open to public access. Under the bill, except as specifically authorized by law, an investigator, prosecutor, employee of an investigator or prosecutor, or member or employee of the board who verbally discloses information related to an investigation or prosecution under the elections, ethics, or lobbying regulation laws or other laws arising from or in relation to the official functions of the subject of the investigation or any matter that involves elections, ethics, or lobbying regulation or who provides public access to a record of the investigator, prosecutor, or the board that is not accessible to the public prior to presentation of the information or record in a court of law is guilty of a misdemeanor and may be fined not more than \$10,000 or imprisoned for not more than nine months or both.

Closed sessions

Currently, state boards may convene in closed session to discuss the investigation of charges against specific persons. This bill provides that the Government Accountability Board must convene in closed session for the purpose of deliberating concerning any investigation under the board's jurisdiction. If any member of the board knowingly attends a meeting held in violation of this requirement, the member is subject to a forfeiture (civil penalty) of not less than \$25 nor more than \$300 for each offense.

Nonseverability

Currently, if any part of an act is found by a court to be invalid, those parts that are valid are severed from the invalid part and the severed parts continue in force. This bill provides that if any part of the act resulting from enactment of the bill is found by a court to be invalid, then all parts of the act are void, except that any such invalidation does not revive any law that is repealed by this bill nor revive any administrative body that was in existence prior to the day this bill becomes law.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

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

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

3 **5.05** (title) **Elections Government accountability board; powers and**
4 **duties.**

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

6 5.05 (1) GENERAL AUTHORITY. (intro.) The elections government accountability
7 board shall have the responsibility for the administration of chs. 5 to 12 and, other
8 laws relating to elections and election campaigns, subch. III of ch. 13, and subch. III
9 of ch. 19. Pursuant to such responsibility, the board may:

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

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

12 5.05 (1) (b) In the discharge of its duties and upon after providing notice to the
13 any party or parties being investigated who is the subject of an investigation,
14 subpoena and bring before it any person ~~in the state~~ and require the production of
15 any papers, books, or other records relevant to an investigation. Notwithstanding
16 s. 885.01 (4), the issuance of a subpoena requires action by the board at a meeting
17 of the board. A circuit court may by order permit the inspection and copying of the
18 accounts and the depositor's and loan records at any financial institution, as defined
19 in s. 705.01 (3), doing business in the state to obtain evidence of any violation of ch.
20 11 upon showing by the board of probable cause to believe there is a violation and that
21 such accounts and records may have a substantial relation to the violation. In the
22 discharge of its duties, the board may cause the deposition of witnesses to be taken
23 in the manner prescribed for taking depositions in civil actions in circuit court.

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

1 5.05 (1) (c) Bring civil actions to require forfeitures a forfeiture for any violation
2 of ch. 11 under s. 11.60. ~~Forfeiture actions brought by the board may concern only~~
3 ~~violations with respect to reports or statements required by law to be filed with it,~~
4 ~~and other violations arising under elections for state office or statewide referenda~~
5 chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 or a license revocation for any
6 violation of subch. III of ch. 13 for which the offender is subject to a revocation. The
7 board may compromise and settle any civil action or potential action brought or
8 authorized to be brought by it ~~under ch.11~~ which, in the opinion of the board,
9 constitutes a minor violation, a violation caused by excusable neglect, or which for
10 other good cause shown, should not in the public interest be prosecuted under such
11 chapter. Notwithstanding s. 778.06, ~~an~~ a civil action or proposed civil action
12 authorized under this paragraph may be settled for such sum as may be agreed
13 between the parties. Any settlement made by the board shall be in such amount as
14 to deprive the alleged violator of any benefit of his or her wrongdoing and may
15 contain a penal component to serve as a deterrent to future violations. In settling
16 civil actions or proposed civil actions, the board shall treat comparable situations in
17 a comparable manner and shall assure that any settlement bears a reasonable
18 relationship to the severity of the offense or alleged offense. ~~Forfeiture~~ Except as
19 otherwise provided in sub. (2m) (c) 15. and 16. and ss. 5.08, 5.081, 19.535, and 19.59
20 (8), forfeiture and license revocation actions brought by the board shall be brought
21 in the circuit court for the county where the defendant resides, or if the defendant
22 is a nonresident of this state, in circuit court for the county wherein the violation is
23 alleged to occur. For purposes of this paragraph, a person other than a natural
24 person resides within a county if the person's principal place of operation is located
25 within that county. Whenever the board enters into a settlement agreement with an

1 individual who is accused of a civil violation of chs. 5 to 12, subch. III of ch. 13, or
2 subch. III of ch. 19 or who is investigated by the board for a possible civil violation
3 of one of those provisions, the board shall reduce the agreement to writing, together
4 with a statement of the board's findings and reasons for entering into the agreement
5 and shall retain the agreement and statement in its office for inspection.

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

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

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

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

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

20 5.05 (1m) LEGAL COUNSEL. The board shall employ outside the classified service
21 an individual to serve as legal counsel who shall perform legal and administrative
22 functions for the board.

23 **SECTION 10.** 5.05 (2m), (2s) and (2w) of the statutes are created to read:

24 5.05 (2m) ENFORCEMENT. (a) The board shall investigate violations of laws
25 administered by the board and may prosecute alleged civil violations of those laws,

1 directly or through its agents under this subsection, pursuant to all statutes granting
2 or assigning that authority or responsibility to the board. Prosecution of alleged
3 criminal violations investigated by the board may be brought only as provided in par.
4 (c) 11., 14., 15., and 16. and s. 978.05 (1).

5 (c) 2. a. Any person may file a complaint with the board alleging a violation of
6 chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19. If the board finds, by a
7 preponderance of the evidence, that a complaint is frivolous, the board may order the
8 complainant to forfeit not more than the greater of \$500 or the expenses incurred by
9 the division in investigating the complaint.

10 4. If the board reviews a complaint and fails to find that there is a reasonable
11 suspicion that a violation under subd. 2. has occurred or is occurring, the board shall
12 dismiss the complaint. If the board believes that there is reasonable suspicion that
13 a violation under subd. 2. has occurred or is occurring, the board may by resolution
14 authorize the commencement of an investigation. The resolution shall specifically
15 set forth any matter that is authorized to be investigated. To assist in the
16 investigation, the board may elect to retain a special investigator. If the board elects
17 to retain a special investigator, the administrator of the ethics and accountability
18 division shall submit to the board the names of 3 qualified individuals to serve as a
19 special investigator. The board may retain one or more of the individuals. If the
20 board retains a special investigator to investigate a complaint against a person who
21 is a resident of this state, the board shall provide to the district attorney for the
22 county in which the person resides a copy of the complaint and shall notify the
23 district attorney that it has retained a special investigator to investigate the
24 complaint. For purposes of this subdivision, a person other than a natural person
25 resides within a county if the person's principal place of operation is located within

1 that county. The board shall enter into a written contract with any individual who
2 is retained as a special investigator setting forth the terms of the engagement. A
3 special investigator who is retained by the board may request the board to issue a
4 subpoena to a specific person or to authorize the special investigator to request a
5 circuit court to issue a search warrant. The board may grant the request by
6 approving a motion to that effect at a meeting of the board if the board finds that such
7 action is legally appropriate.

8 5. Each special investigator who is retained by the board shall make periodic
9 reports to the board, as directed by the board, but in no case may the interval for
10 reporting exceed 30 days. If the board authorizes the administrator of the ethics and
11 accountability division to investigate any matter without retaining a special
12 investigator, the administrator shall make periodic reports to the board, as directed
13 by the board, but in no case may the reporting interval exceed 30 days. During the
14 pendency of any investigation, the board shall meet for the purpose of reviewing the
15 progress of the investigation at least once every 90 days. The special investigator or
16 the administrator shall report in person to the board at that meeting concerning the
17 progress of the investigation. If, after receiving a report, the board does not vote to
18 continue an investigation for an additional period not exceeding 90 days, the
19 investigation is terminated at the end of the reporting interval. The board shall not
20 expend more than \$10,000 to finance the cost of an investigation before receiving a
21 report on the progress of the investigation and recommendation to commit additional
22 resources. The board may vote to terminate an investigation at any time. If an
23 investigation is terminated, any complaint from which the investigation arose is
24 deemed to be dismissed by the board. Unless an investigation is terminated by the

1 board, at the conclusion of each investigation, the administrator shall present to the
2 board one of the following:

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

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

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

10 6. a. If the board finds that there is probable cause to believe that a violation
11 under subd. 2. has occurred or is occurring, the board may authorize the
12 administrator of the ethics and accountability division to file a civil complaint
13 against the alleged violator. In such case, the administrator may request the
14 assistance of special counsel to prosecute any action brought by the board. If the
15 administrator requests the assistance of special counsel with respect to any matter,
16 the administrator shall submit to the board the names of 3 qualified individuals to
17 serve as special counsel. The board may retain one of the individuals to act as special
18 counsel. The staff of the board shall provide assistance to the special counsel as may
19 be required by the counsel to carry out his or her responsibilities.

20 b. The board shall enter into a written contract with any individual who is
21 retained as special counsel setting forth the terms of the engagement. The contract
22 shall set forth the compensation to be paid such counsel by the state. The contract
23 shall be executed on behalf of the state by the board's legal counsel, who shall file the
24 contract in the office of the secretary of state. The compensation shall be charged to
25 the appropriation under s. 20.455 (1) (b).

1 7. No individual who is appointed or retained by the board to serve as special
2 counsel or as a special investigator is subject to approval under s. 20.930.

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

9 11. If the board finds that there is probable cause to believe that a violation
10 under subd. 2. has occurred or is occurring, the board may, in lieu of civil prosecution
11 of any matter by the board, refer the matter to the district attorney for the county
12 in which the alleged violator resides, or if the alleged violator is a nonresident, to the
13 district attorney for the county where the matter arises, or if par. (i) applies, to the
14 attorney general or a special prosecutor. For purposes of this subdivision, a person
15 other than a natural person resides within a county if the person's principal place of
16 operation is located within that county.

17 12. The board may, by rule, prescribe categories of civil offenses which the board
18 will agree to compromise and settle without a formal investigation upon payment of
19 specified amounts by the alleged offender. The board may authorize the
20 administrator of the ethics and accountability division to compromise and settle such
21 alleged offenses in the name of the board if the alleged offenses by an offender, in the
22 aggregate, do not involve payment of more than \$1,000.

23 13. If a special investigator or the administrator of the ethics and
24 accountability division, in the course of an investigation authorized by the board,
25 discovers evidence that a violation under subd. 2. that was not within the scope of

1 the authorized investigation has occurred or is occurring, the special investigator or
2 the administrator may present that evidence to the board. If the board finds that
3 there is a reasonable suspicion that a violation under subd. 2. that is not within the
4 scope of the authorized investigation has occurred or is occurring, the board may
5 authorize the special investigator or the administrator to investigate the alleged
6 violation or may elect to authorize a separate investigation of the alleged violation
7 as provided in subd. 4.

8 14. If a special investigator or the administrator of the ethics and
9 accountability division of the board, in the course of an investigation authorized by
10 the board, discovers evidence of a potential violation of a law that is not administered
11 by the board arising from or in relation to the official functions of the subject of the
12 investigation or any matter that involves elections, ethics, or lobbying regulation,
13 the special investigator or the administrator may present that evidence to the board.
14 The board may thereupon refer the matter to the appropriate district attorney
15 specified in subd. 11.

16 15. Except as provided in subd. 17., if the board refers a matter to the district
17 attorney specified in subd. 11. for prosecution of a potential violation under subd. 2.
18 or 14. and the district attorney informs the board that he or she declines to prosecute
19 any alleged civil or criminal violation related to any matter referred to the district
20 attorney by the board, or the district attorney fails to commence a prosecution of any
21 civil or criminal violation related to any matter referred to the district attorney by
22 the board within 60 days of the date of the board's referral, the board may refer the
23 matter to the district attorney for another prosecutorial unit that is contiguous to the
24 prosecutorial unit of the district attorney to whom the matter was originally
25 referred. If there is more than one such prosecutorial unit, the chairperson of the

1 board shall determine the district attorney to whom the matter shall be referred by
2 publicly drawing lots at a meeting of the board. The district attorney may then
3 commence a civil or criminal prosecution relating to the matter.

4 16. Except as provided in subd. 17., if the board refers a matter to a district
5 attorney under subd. 15. for prosecution of a potential violation under subd. 2. or 14.
6 and the district attorney informs the board that he or she declines to prosecute any
7 alleged civil or criminal violation related to any matter referred to the district
8 attorney by the board, or the district attorney fails to commence a prosecution of any
9 civil or criminal violation related to any matter referred to the district attorney by
10 the board within 60 days of the date of the board's referral, the board may refer the
11 matter to the attorney general. The attorney general may then commence a civil or
12 criminal prosecution relating to the matter.

13 17. The board is not authorized to act under subd. 15. or 16. if a special
14 prosecutor is appointed under s. 978.045 in lieu of the district attorney specified in
15 subd. 11.

16 18. Whenever the board refers a matter to special counsel or to a district
17 attorney or to the attorney general under this subsection, the special counsel, district
18 attorney, or attorney general shall report to the board concerning any action taken
19 regarding the matter. The report shall be transmitted no later than 40 days after the
20 date of the referral. If the matter is not disposed of during that period, the special
21 counsel, district attorney, or attorney general shall file a subsequent report at the
22 end of each 30-day period following the filing of the initial report until final
23 disposition of the matter.

24 (d) No individual who serves as an employee of the board and no individual who
25 is retained by the board to serve as a special investigator or as special counsel may,

1 while so employed or retained or for 12 months after ceasing to be so employed or
2 retained, may become a candidate, as defined in s. 11.01 (1), for state or local office.
3 A filing officer shall decline to accept nomination papers or a declaration of candidacy
4 from any individual who does not qualify to become a candidate under this
5 paragraph.

6 (e) No individual who serves as an employee of the board and no individual who
7 is retained by the board to serve as a special investigator or a special counsel may,
8 while so employed or retained, make a contribution, as defined in s. 11.01 (6), to a
9 candidate for state or local office. No individual who serves as an employee of the
10 board and no individual who is retained by the board to serve as a special investigator
11 or as special counsel, for 12 months prior to becoming so employed or retained, may
12 have made a contribution, as defined in s. 11.01 (6), to a candidate for a partisan state
13 or local office.

14 (h) If the defendant in an action for a civil violation of chs. 5 to 12, subch. III
15 of ch. 13, or subch. III of ch. 19 is a district attorney or a circuit judge or a candidate
16 for either such office, the action shall be brought by the board. If the defendant in
17 an action for a civil violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch.
18 19 is the attorney general or a candidate for that office, the board may appoint special
19 counsel to bring suit on behalf of the state.

20 (i) If the defendant in an action for a criminal violation of chs. 5 to 12, subch.
21 III of ch. 13, or subch. III of ch. 19 is a district attorney or a circuit judge or a candidate
22 for either such office, the action shall be brought by the attorney general. If the
23 defendant in an action for a criminal violation of chs. 5 to 12, subch. III of ch. 13, or
24 subch. III of ch. 19 is the attorney general or a candidate for that office, the board may
25 appoint a special prosecutor to conduct the prosecution on behalf of the state.

1 (j) Any special counsel or prosecutor who is appointed under par. (h) or (i) shall
2 be independent of the attorney general and need not be a state employee at the time
3 of his or her appointment.

4 **(2s) ETHICS AND ACCOUNTABILITY DIVISION.** The ethics and accountability
5 division has the responsibility for administration of ch. 11, subch. III of ch. 13, and
6 subch. III of ch. 19.

7 **(2w) ELECTIONS DIVISION.** The elections division has the responsibility for the
8 administration of chs. 5 to 10 and 12.

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

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

11 5.05 **(3g) CHIEF ELECTION OFFICER.** The board shall designate an employee of
12 the board to serve as the chief election officer of this state.

13 **SECTION 13.** 5.05 (5) of the statutes is repealed.

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

15 5.05 **(5s) (title) ACCESS TO RECORDS.**

16 (d) If the board commences a civil prosecution of a person for an alleged
17 violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 as the result of an
18 investigation, the person who is the subject of the investigation may authorize the
19 board to make available for inspection and copying under s. 19.35 (1) records of the
20 investigation pertaining to that person if the records are available by law to the
21 subject person and the board shall then make those records available.

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

24 1. Any record of the action of the board authorizing the filing of a civil complaint
25 under sub. (2m) (c) 6.

1 2. Any record of the action of the board referring a matter to a district attorney
2 or other prosecutor for investigation or prosecution.

3 3. Any record containing a finding that a complaint does not raise a reasonable
4 suspicion that a violation of the law has occurred.

5 4. Any record containing a finding, following an investigation, that no probable
6 cause exists to believe that a violation of the law has occurred.

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

8 **SECTION 16.** 5.05 (9) of the statutes is amended to read:

9 5.05 (9) STANDING. The board has standing to commence or intervene in an any
10 civil action or proceeding for the purpose of enforcing the laws regulating the conduct
11 of elections or election campaigns or ensuring their proper administration. If the
12 board delegates authority to the executive director its legal counsel under sub. (1) (e)
13 to act in its stead, the ~~executive director~~ legal counsel has standing to commence or
14 intervene in such an action or proceeding.

15 **SECTION 17.** 5.05 (11) of the statutes is amended to read:

16 5.05 (11) AIDS TO COUNTIES AND MUNICIPALITIES. From the appropriations under
17 s. ~~20.510~~ 20.511 (1) (t) and (x), the board may provide financial assistance to eligible
18 counties and municipalities for election administration costs in accordance with the
19 plan adopted under sub. (10). As a condition precedent to receipt of assistance under
20 this subsection, the board shall enter into an agreement with the county or
21 municipality receiving the assistance specifying the intended use of the assistance
22 and shall ensure compliance with the terms of the agreement. Each agreement shall
23 provide that if the federal government objects to the use of any assistance moneys
24 provided to the county or municipality under the agreement, the county or
25 municipality shall repay the amount of the assistance provided to the board.

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

2 **5.052 Government accountability candidate committee.** (1) The
3 government accountability candidate committee shall meet whenever a vacancy
4 occurs in the membership of the board that requires a nomination to be submitted
5 to the governor under s. 15.60 (2).

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

8 (3) Except as provided in sub. (4), the committee shall submit at least the
9 following number of nominations:

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

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

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

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

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

15 (4) If a nominee dies or withdraws, or if a nomination of the governor is
16 withdrawn by the governor or rejected by the senate, the committee shall submit an
17 additional nominee to the governor.

18 **SECTION 19.** 5.054 of the statutes is created to read:

19 **5.054 Duties of the legal counsel.** The board's legal counsel shall:

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

22 (2) Assist the government accountability candidate committee in the
23 performance of its functions.

24 **SECTION 20.** 5.055 of the statutes is amended to read:

1 **5.055 Election assistance commission standards board.** The executive
2 ~~director of administrator of the elections division of~~ the board shall, in consultation
3 with the board, appoint an individual to represent this state as a member of the
4 federal election assistance commission standards board. The ~~executive director~~
5 administrator shall also conduct and supervise a process for the selection of an
6 election official by county and municipal clerks and boards of election commissioners
7 to represent local election officials of this state as a member of the federal election
8 assistance commission standards board. The ~~executive director~~ administrator shall
9 ensure that the members of the federal election assistance commission standards
10 board representing this state shall at no time be members of the same political party.
11 Upon appointment or election of any new member of the federal election assistance
12 commission standards board representing this state, the ~~executive director~~
13 administrator shall transmit a notice of that member's appointment or election to the
14 officer or agency designated by federal law.

15 **SECTION 21.** 5.056 of the statutes is amended to read:

16 **5.056 Matching program with secretary of transportation.** The
17 ~~executive director~~ administrator of the elections division of the board shall enter into
18 the agreement with the secretary of transportation specified under s. 85.61 (1) to
19 match personally identifiable information on the official registration list maintained
20 by the board under s. 6.36 (1) with personally identifiable information maintained
21 by the department of transportation.

22 **SECTION 22.** 5.08 of the statutes is amended to read:

23 **5.08 Petition for enforcement.** ~~Any~~ In addition to or in lieu of filing a
24 complaint, any elector may file a verified petition alleging such facts as are within
25 his or her knowledge to indicate that an election official has failed or is failing to

1 comply with any law regulating the conduct of elections or election campaigns or
2 proposes to act in a manner inconsistent with such a law, and requesting that an
3 action be commenced for injunctive relief, a writ of mandamus or prohibition or other
4 such legal or equitable relief as may be appropriate to compel compliance with the
5 law. The petition shall be filed with the district attorney ~~of for~~ the county where the
6 violation or proposed action inconsistent with this chapter occurs or is proposed to
7 occur having jurisdiction to prosecute the alleged failure to comply under s. 978.05
8 (1) and (2). The district attorney may then commence the action or dismiss the
9 petition. If the district attorney declines to act upon the petition or if the district
10 attorney fails to act upon the petition within 15 days of the date of filing, the
11 petitioner may file the same petition with the attorney general, who may then
12 commence the action.

13 **SECTION 23.** 5.09 of the statutes is amended to read:

14 **5.09 Certification of documents.** Whenever the board is authorized or
15 required to make a certification of any document in the custody of the board, and the
16 authority to make the certification is lawfully delegated to the ~~executive director, the~~
17 ~~executive director~~ board's legal counsel, the legal counsel may, personally or through
18 an employee authorized by the ~~director~~ legal counsel, affix his or her signature by
19 means of a stamp, machine impression, reproduction print or similar process. This
20 section does not apply to certificates of election.

21 **SECTION 24.** 5.40 (7) of the statutes is amended to read:

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

1 notify the county clerk or executive director of the county board of election
2 commissioners and the ~~executive director of the elections~~ administrator of the
3 elections division of the board in writing.

4 **SECTION 25.** 5.62 (4) (b) of the statutes is amended to read:

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

10 **SECTION 26.** 5.68 (4) of the statutes is amended to read:

11 5.68 (4) ~~Except as provided under sub. (7), the~~ The cost of compensation of
12 election officials and trainees shall be borne in the manner provided in s. 7.03.

13 **SECTION 27.** 5.68 (7) of the statutes is repealed.

14 **SECTION 28.** 6.26 (2) (b) of the statutes is amended to read:

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

22 **SECTION 29.** 6.26 (2) (c) of the statutes is amended to read:

23 6.26 (2) (c) No individual may serve as a special registration deputy in a
24 municipality unless the individual is appointed by the municipal clerk or board of
25 election commissioners of the municipality or the individual is appointed by the

1 elections government accountability board to serve all municipalities and the
2 individual completes training required under s. 7.315.

3 **SECTION 30.** 6.36 (2) (a) of the statutes is amended to read:

4 6.36 (2) (a) Except as provided in par. (b), each registration list prepared for use
5 as a poll list at a polling place or for purposes of canvassing absentee ballots at an
6 election shall contain the full name and address of each registered elector; a blank
7 column for the entry of the serial number of the electors when they vote or the poll
8 list number used by the municipal board of absentee ballot canvassers in canvassing
9 absentee ballots; an indication next to the name of each elector for whom proof of
10 residence under s. 6.34 is required; and a form of certificate bearing the certification
11 of the ~~executive director~~ administrator of the elections division of the board stating
12 that the list is a true and complete registration list of the municipality or the ward
13 or wards for which the list is prepared.

14 **SECTION 31.** 6.56 (3) to (5) of the statutes are amended to read:

15 6.56 (3) Upon receipt of the list under sub. (1), the municipal clerk or board of
16 election commissioners shall make an audit of all electors registering to vote at the
17 polling place or other registration location under s. 6.55 (2) and all electors
18 registering by agent on election day under s. 6.86 (3) (a) 2. unless the clerk or board
19 of election commissioners receives notice from the board under sub. (7) that the board
20 will perform the audit. The audit shall be made by 1st class postcard. The postcard
21 shall be marked in accordance with postal regulations to ensure that it will be
22 returned to the clerk, board of election commissioners, or elections government
23 accountability board if the elector does not reside at the address given on the
24 postcard. If any postcard is returned undelivered, or if the clerk, board of election
25 commissioners, or elections government accountability board is informed of a

1 different address than the one specified by the elector which was apparently
2 improper on the day of the election, the clerk, board of election commissioners, or
3 ~~elections~~ government accountability board shall change the status of the elector from
4 eligible to ineligible on the registration list, mail the elector a notice of the change
5 in status, and provide the name of the elector to the district attorney for the county
6 where the polling place is located and the government accountability board.

7 **(3m)** As soon as possible after all information relating to registrations after the
8 close of registration for an election is entered on the registration list following the
9 election under s. 6.33 (5) (a), the board shall compare the list of new registrants
10 whose names do not appear on the poll lists for the election because the names were
11 added after the board certified the poll lists for use at the election with the list
12 containing the names transmitted to the board by the department of corrections
13 under ~~s. 301.03 (20)~~ s. 301.03 (20m) as of election day. If the board finds that the
14 name of any person whose name appears on the list transmitted under ~~s. 301.03 (20)~~
15 s. 301.03 (20m) has been added to the registration list, the board shall enter on the
16 list the information transmitted to the board under ~~s. 301.03 (20)~~ s. 301.03 (20m) and
17 shall notify the district attorney for the county where the polling place is located that
18 the person appears to have voted illegally at the election.

19 **(4)** After each election, the municipal clerk shall perform an audit to assure
20 that no person has been allowed to vote more than once. Whenever the municipal
21 clerk has good reason to believe that a person has voted more than once in an election,
22 the clerk shall send the person a 1st class letter marked in accordance with postal
23 regulations to ensure that it will be returned to the clerk if the elector does not reside
24 at the address given on the letter. The letter shall inform the person that all
25 registrations relating to that person may be changed from eligible to ineligible status

1 within 7 days unless the person contacts the office of the clerk to clarify the matter.
2 A copy of the letter and of any subsequent information received from or about the
3 addressee shall be sent to the district attorney for the county where the person
4 resides and the board.

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

13 **SECTION 32.** 7.08 (title) of the statutes is amended to read:

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

15 **SECTION 33.** 7.08 (7) of the statutes is amended to read:

16 7.08 (7) VOTING SYSTEM TRANSITIONAL ASSISTANCE. From the appropriation under
17 s. 20.510 (1) (e) 20.511 (1) (c), provide assistance to municipalities that used punch
18 card electronic voting systems at the 2001 spring election to enable the
19 municipalities to employ another type of electronic voting system, and provide
20 training for election officials in the use of replacement systems.

21 **SECTION 34.** 7.15 (1) (g) of the statutes is amended to read:

22 7.15 (1) (g) Report suspected election frauds, irregularities or violations of
23 which the clerk has knowledge to the district attorney for the county where the
24 suspected activity occurs and to the board.

25 **SECTION 35.** 7.21 (2m) of the statutes is repealed.

1 **SECTION 36.** 7.31 (5) of the statutes is amended to read:

2 7.31 (5) The board shall conduct regular training programs to ensure that
3 individuals who are certified by the board under this section are knowledgeable
4 concerning their authority and responsibilities. The board shall pay all costs
5 required to conduct the training programs from the appropriation under s. ~~20.510 (1)~~
6 ~~(bm)~~ 20.511 (1) (bm).

7 **SECTION 37.** 7.60 (4) (a) of the statutes is amended to read:

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

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

3 **SECTION 38.** 7.60 (5) of the statutes is amended to read:

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

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

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

10 **SECTION 39.** 7.70 (1) of the statutes is amended to read:

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

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

20 **SECTION 40.** 7.70 (5) of the statutes is amended to read:

21 7.70 (5) CERTIFICATES OF ELECTION. (a) The board shall record in its office each
22 certified statement and determination made by the chairperson of the board or the
23 chairperson's designee. Immediately after the expiration of the time allowed to file
24 a petition for recount, the board shall make and transmit to each person declared
25 elected a certificate of election under the seal of the board. It shall also prepare

1 similar certificates, attested by the ~~executive director~~ administrator of the elections
2 division of the board, addressed to the U.S. house of representatives, stating the
3 names of those persons elected as representatives to the congress from this state.
4 In the case of U.S. senators, the board shall prepare a certificate of election for the
5 governor's signature, and the governor shall sign and affix the great seal of the state
6 and transmit the certificate to the president of the U.S. senate. The certificate shall
7 be countersigned by the secretary of state. If a person elected was elected to fill a
8 vacancy, the certificate shall so state. When a valid petition for recount is filed, the
9 chairperson of the board or the chairperson's designee may not certify a nomination,
10 and the governor or board may not issue a certificate of election until the recount has
11 been completed and the time allowed for filing an appeal has passed, or if appealed
12 until the appeal is decided.

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

20 **SECTION 41.** 8.05 (1) (j) 3. of the statutes is amended to read:

21 8.05 (1) (j) 3. A candidate for municipal judge shall, in addition to making the
22 filings required under subd. 2., file a statement of economic interests with the ~~ethics~~
23 board under s. 19.43 (4) no later than 4:30 p.m. on the 5th day after notification of
24 nomination is mailed or personally delivered to the candidate, or no later than
25 4:30 p.m. on the next business day after the last day for filing a declaration of

1 candidacy whenever that candidate is granted an extension of time for filing a
2 declaration of candidacy under subd. 2.

3 **SECTION 42.** 8.10 (5) of the statutes is amended to read:

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

13 **SECTION 43.** 8.15 (4) (b) of the statutes is amended to read:

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

23 **SECTION 44.** 8.18 (2) of the statutes is amended to read:

24 8.18 (2) The purpose of the convention is to nominate one presidential elector
25 from each congressional district and 2 electors from the state at large. The names

1 of the nominees shall be certified immediately by the chairperson of the state
2 committee of each party to the chairperson of the elections board.

3 **SECTION 45.** 8.20 (6) of the statutes is amended to read:

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

13 **SECTION 46.** 8.30 (2m) of the statutes is created to read:

14 8.30 (2m) The official or agency with whom nomination papers and
15 declarations of candidacy are required to be filed shall not place a candidate's name
16 on the ballot if the candidate's name is ineligible for ballot placement under s. 15.60
17 (6).

18 **SECTION 47.** 8.50 (3) (a) of the statutes is amended to read:

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

1 papers may be filed in the manner specified in s. 8.10, 8.15, or 8.20. Each candidate
2 shall file a declaration of candidacy in the manner provided in s. 8.21 no later than
3 the latest time provided in the order for filing nomination papers. If a candidate for
4 state or local office has not filed a registration statement under s. 11.05 at the time
5 he or she files nomination papers, the candidate shall file the statement with the
6 papers. A candidate for state office shall also file a statement of economic interests
7 with the ethics board no later than the end of the 3rd day following the last day for
8 filing nomination papers specified in the order.

9 **SECTION 48.** 8.50 (3) (e) of the statutes is amended to read:

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

14 **SECTION 49.** 9.01 (1) (a) 1. of the statutes is amended to read:

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

1 the determination for the office or the referendum question, the petitioner shall file
2 the petition not earlier than the last meeting day of the last county board of
3 canvassers to make a statement in the election or referendum and not later than 5
4 p.m. on the 3rd business day following the day on which the elections government
5 accountability board receives the last statement from a county board of canvassers
6 for the election or referendum.

7 **SECTION 50.** 9.01 (1) (ag) 4. of the statutes is amended to read:

8 9.01 (1) (ag) 4. The board shall deposit all moneys received by it into the account
9 under s. ~~20.510~~ 20.511 (1) (g), and shall pay the fees required for each recount to the
10 county clerks of the counties in which the recount is to be held. The county clerk shall
11 deposit fees received by him or her with the county treasurer. The municipal clerk
12 shall deposit fees received by him or her with the municipal treasurer.

13 **SECTION 51.** 9.01 (1) (ar) 2. of the statutes is amended to read:

14 9.01 (1) (ar) 2. In the event of a recount for a referendum, the petition shall be
15 filed with the clerk of the jurisdiction in which the referendum is called, and, in the
16 case of the state, with the elections board.

17 **SECTION 52.** 9.01 (10) of the statutes is amended to read:

18 9.01 (10) STANDARD FORMS AND METHODS. The elections government
19 accountability board shall prescribe standard forms and procedures for the making
20 of recounts under this section. The procedures prescribed by the elections
21 government accountability board shall require the boards of canvassers in recounts
22 involving more than one board of canvassers to consult with the elections
23 government accountability board staff prior to beginning any recount in order to
24 ensure that uniform procedures are used, to the extent practicable, in such recounts.

25 **SECTION 53.** 10.06 (1) (title) of the statutes is amended to read:

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

2 **SECTION 54.** 11.21 (title) of the statutes is amended to read:

3 **11.21** (title) **Duties of the elections government accountability board.**

4 **SECTION 55.** 11.21 (7) (intro.) of the statutes is amended to read:

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

7 **SECTION 56.** 11.22 (4) of the statutes is amended to read:

8 11.22 (4) Notify the board and the district attorney, or the attorney general
9 where appropriate under ss. ~~11.60 (4) and 11.61 (2)~~ s. 5.05 (2m) (i), in writing, of any
10 facts within the filing officer's knowledge or evidence in the officer's possession,
11 including errors or discrepancies in reports or statements and delinquencies in filing
12 which may be grounds for civil action or criminal prosecution. The filing officer shall
13 transmit a copy of such notification to the board. ~~The board and the~~ district attorney
14 or the attorney general shall advise the filing officer in writing at the end of each
15 30-day period of the status of such matter until the time of disposition. ~~The district~~
16 ~~attorney or attorney general shall transmit a copy of each such notice to the board.~~

17 **SECTION 57.** 11.38 (5) of the statutes is repealed.

18 **SECTION 58.** 11.60 (4) of the statutes is amended to read:

19 11.60 (4) ~~Actions~~ Except as otherwise provided in ss. 5.05 (2m) (c) 15. and 16.
20 and (h), 5.08, and 5.081, actions under this section ~~arising out of an election for state~~
21 ~~office or a statewide referendum~~ may be brought by the board or by the district
22 attorney ~~of~~ for the county where the defendant resides or, if the defendant is a
23 nonresident, by the district attorney for the county where the violation is alleged to
24 have occurred, ~~except as specified in s. 11.38.~~ ~~Actions under this section arising out~~
25 ~~of an election for local office or a local referendum may be brought by the district~~

1 attorney of the county where the violation is alleged to have occurred. Actions under
2 this section arising out of an election for county office or a county referendum may
3 be brought by the county board of election commissioners of the county wherein the
4 violation is alleged to have occurred. If a violation concerns a district attorney or
5 circuit judge or candidate for such offices, the action shall be brought by the attorney
6 general. If a violation concerns the attorney general or a candidate for such office,
7 the governor may appoint special counsel under s. 14.11 (2) to bring suit in behalf of
8 the state. The counsel shall be independent of the attorney general and need not be
9 a state employee at the time of appointment. For purposes of this subsection, a
10 person other than a natural person resides within a county if the person's principal
11 place of operation is located within that county.

12 **SECTION 59.** 11.60 (5) of the statutes is amended to read:

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

19 **SECTION 60.** 11.61 (2) of the statutes is amended to read:

20 11.61 (2) Except as otherwise provided in s. ~~11.38 (5)~~ ss. 5.05 (2m) (c) 15. and
21 16. and (i), 5.08, and 5.081, all prosecutions under this section shall be conducted by
22 the district attorney of for the county where the defendant resides or, if the defendant
23 is a nonresident, by the district attorney for the county where the violation is alleged
24 to have occurred. ~~If the district attorney refuses to act upon a sworn complaint, or~~
25 ~~fails to act upon such a complaint within 60 days of the date on which the complaint~~

1 is received, the attorney general may then conduct the prosecution under this
2 section. If a violation concerns a district attorney or circuit judge or candidate for
3 such offices, the prosecution shall be conducted by the attorney general. If a violation
4 concerns the attorney general or a candidate for such office, the governor may
5 appoint a special prosecutor under s. 14.11 (2) to conduct the prosecution in behalf
6 of the state. The prosecutor shall be independent of the attorney general and need
7 not be a state employee at the time of appointment For purposes of this subsection,
8 a person other than a natural person resides within a county if the person's principal
9 place of operation is located within that county.

10 **SECTION 61.** 12.13 (5) of the statutes is created to read:

11 12.13 (5) UNAUTHORIZED RELEASE OF RECORDS OR INVESTIGATORY INFORMATION.

12 Except as specifically authorized by law, no investigator, prosecutor, employee of an
13 investigator or prosecutor, or member or employee of the board may verbally disclose
14 information related to an investigation or prosecution under chs. 5 to 12, subch. III
15 of ch. 13, or subch. III of ch. 19 or any other law specified in s. 978.05 (1) or (2) or
16 provide access to any record of the investigator, prosecutor, or the board that is not
17 subject to access under s. 5.05 (5s) to any person other than an employee or agent of
18 the prosecutor or investigator or a member, employee, or agent of the board prior to
19 presentation of the information or record in a court of law.

20 **SECTION 62.** 12.60 (1) (bm) of the statutes is created to read:

21 12.60 (1) (bm) Whoever violates s. 12.13 (5) may be fined not more than \$10,000
22 or imprisoned for not more than 9 months or both.

23 **SECTION 63.** 13.123 (3) (b) 2. of the statutes is amended to read:

24 13.123 (3) (b) 2. In making the determination under subd. 1., the chief clerk is
25 bound by the determination of the chairperson of the elections government

1 accountability board or the chairperson's designee if such determination has been
2 issued.

3 **SECTION 64.** 13.23 of the statutes is amended to read:

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

14 **SECTION 65.** 13.62 (4) of the statutes is amended to read:

15 13.62 (4) "Board" means the ethics government accountability board.

16 **SECTION 66.** 13.685 (title) of the statutes is amended to read:

17 **13.685 (title) Duties of the ethics government accountability board.**

18 **SECTION 67.** 13.69 (8) of the statutes is repealed.

19 **SECTION 68.** 13.94 (1) (k) of the statutes is amended to read:

20 13.94 (1) (k) Provide auditing services at the direction of the elections
21 government accountability board under s. 5.05 (2).

22 **SECTION 69.** 14.58 (20) of the statutes is amended to read:

23 14.58 (20) ELECTION CAMPAIGN FUND. Make disbursements to each candidate
24 certified under s. 7.08 (2) (c) or (cm) by the ~~elections~~ government accountability board
25 as eligible to receive moneys from the Wisconsin election campaign fund.

1 **SECTION 70.** 15.07 (1) (a) 2. of the statutes is repealed and recreated to read:

2 15.07 (1) (a) 2. Members of the government accountability board shall be
3 nominated by the governor, and with the advice and consent of two-thirds of the
4 members of the senate present and voting shall be appointed, to serve for terms
5 prescribed by law.

6 **SECTION 71.** 15.07 (1) (cm) of the statutes is amended to read:

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

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

3 **SECTION 72.** 15.07 (2) (b) of the statutes is created to read:

4 15.07 (2) (b) The chairperson of the governmental accountability board shall
5 be chosen by lot by the current chairperson of the board at the first meeting of the
6 board in January of each year.

7 **SECTION 73.** 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~~ government
12 accountability board or the school district boundary appeal board as provided in ss.
13 ~~19.47 (4)~~ 5.05 (1e) and 117.05 (2) (a).

14 **SECTION 74.** 15.07 (5) (k) of the statutes is repealed.

15 **SECTION 75.** 15.07 (5) (m) of the statutes is created to read:

16 15.07 (5) (m) Members of the government accountability board, \$200 per day.

17 **SECTION 76.** 15.07 (5) (n) of the statutes is repealed.

18 **SECTION 77.** 15.60 of the statutes is created to read:

19 **15.60 Government accountability board; creation.** (1) There is created
20 a government accountability board consisting of 6 persons. Members shall serve for
21 4-year terms.

22 (2) All members of the board shall be appointed from nominations submitted
23 to the governor by a nominating committee to be called the governmental
24 accountability candidate committee, which shall consist of one court of appeals judge
25 from each of the court of appeals districts. The members of the committee shall serve

1 for 2-year terms expiring on March 1. The court of appeals judges shall be chosen
2 as members by lot by the chief justice of the supreme court in the presence of the other
3 justices of the supreme court. Service on the committee is mandatory except as
4 provided in s. 758.19 (9).

5 (3) Each member of the board shall be a retired judge of a court of record in this
6 state who was elected to the position in which he or she served.

7 (4) No member may hold another office or position that is a state public office
8 or a local public office, as defined in s. 19.42, except the office of circuit judge or court
9 of appeals judge under s. 753.075.

10 (5) No member, for one year immediately prior to the date of nomination may
11 have been, or while serving on the board may become, a member of a political party,
12 an officer or member of a committee in any partisan political club or organization,
13 or an officer or employee of a registrant under s. 11.05.

14 (6) No member, while serving on the board or for 12 months thereafter, may
15 become a candidate, as defined in s. 11.01 (1), for state office or local office, as defined
16 in s. 5.02.

17 (7) No member, while serving on the board, may make a contribution, as
18 defined in s. 11.01 (6), to a candidate, as defined in s. 11.01 (1) for state office or local
19 office, as defined in s. 5.02. No individual who serves as a member of the board, for
20 12 months prior to beginning that service, may have made a contribution, as defined
21 in s. 11.01 (6), to a candidate for a partisan state or local office, as defined in s. 5.02.

22 (8) No member may be a lobbyist, as defined in s. 13.62 (11), or an employee
23 of a principal, as defined in s. 13.62 (12), except that a member may serve as a circuit
24 judge or court of appeals judge under s. 753.075.

25 **SECTION 78.** 15.603 of the statutes is created to read:

1 **15.603 Same; specified divisions. (1) ETHICS AND ACCOUNTABILITY DIVISION.**

2 There is created in the government accountability board an ethics and accountability
3 division. The ethics and accountability division shall be under the direction and
4 supervision of an administrator, who shall be appointed by the board.

5 **(2) ELECTIONS DIVISION.** There is created in the government accountability
6 board an elections division. The elections division shall be under the direction and
7 supervision of an administrator, who shall be appointed by the board.

8 **SECTION 79.** 15.61 of the statutes is repealed.

9 **SECTION 80.** 15.617 of the statutes is renumbered 15.607, and 15.607 (1) of the
10 statutes, as renumbered, is amended to read:

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

20 **SECTION 81.** 15.62 of the statutes is repealed.

21 **SECTION 82.** 16.753 (2) of the statutes is amended to read:

22 16.753 **(2)** Except as otherwise expressly provided, each agency shall provide
23 to the ~~ethics~~ government accountability board for posting on the Internet a list
24 identifying each solicitation for bids or competitive sealed proposals and each
25 proposed order or contract of the agency for which bids or competitive sealed

1 proposals will not be solicited that involves a major expenditure, together with all
2 information required under sub. (4).

3 **SECTION 83.** 16.79 (2) of the statutes is amended to read:

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

12 **SECTION 84.** 16.96 (3) (b) of the statutes is amended to read:

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

17 **SECTION 85.** 16.973 (6) of the statutes is amended to read:

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

22 **SECTION 86.** 17.17 (1) of the statutes is amended to read:

23 17.17 (1) SENATORS AND MEMBERS OF CONGRESS. In the office of United States
24 senator or member of congress from this state, by the county clerk of the county

1 wherein such officer resided at the time of election, to the elections government
2 accountability board.

3 **SECTION 87.** 17.17 (4) of the statutes is amended to read:

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

7 **SECTION 88.** 19.42 (3) of the statutes is amended to read:

8 19.42 (3) "Board" means the ethics government accountability board.

9 **SECTION 89.** 19.42 (10) (a) of the statutes is repealed.

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

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

1 board, municipal clerk, or board of election commissioners shall ascertain whether
2 that candidate has complied with this subsection. If not, the elections government
3 accountability board, municipal clerk, or board of election commissioners may not
4 certify the candidate's name for ballot placement.

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

6 19.43 (5) Each member of the investment board and each employee of the
7 investment board who is a state public official shall complete and file with the ~~ethics~~
8 government accountability board a quarterly report of economic transactions no
9 later than the last day of the month following the end of each calendar quarter during
10 any portion of which he or she was a member or employee of the investment board.
11 Such reports of economic transactions shall be in the form prescribed by the ~~ethics~~
12 government accountability board and shall identify the date and nature of any
13 purchase, sale, put, call, option, lease, or creation, dissolution, or modification of any
14 economic interest made during the quarter for which the report is filed and
15 disclosure of which would be required by s. 19.44 if a statement of economic interests
16 were being filed.

17 **SECTION 92.** 19.45 (6) of the statutes is amended to read:

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

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

7 **SECTION 93.** 19.46 (1) (intro.) of the statutes is amended to read:

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

10 **SECTION 94.** 19.46 (2) of the statutes is renumbered 5.05 (6a) and amended to
11 read:

12 5.05 (6a) ADVISORY OPINIONS. Any individual, either personally or on behalf of
13 an organization or governmental body, may make a written or electronic request of
14 the board for an advisory opinion regarding the propriety under chs. 5 to 12, subch.
15 III of ch. 13, or subch. III of ch. 19 of any matter to which the person is or may become
16 a party; and any appointing officer, with the consent of a prospective appointee, may
17 request of the board an advisory opinion regarding the propriety under chs. 5 to 12,
18 subch. III of ch. 13, or subch. III of ch. 19 of any matter to which the prospective
19 appointee is or may become a party. The board shall review a request for an advisory
20 opinion and may advise issue a formal written or electronic advisory opinion to the
21 person making the request. Advisory opinions and requests therefor shall be in
22 writing. The board's deliberations and actions upon such requests shall be in
23 meetings not open to the public. ~~It is prima facie evidence of intent to comply with~~
24 ~~this subchapter or subch. III of ch. 13 when a person refers a matter to the board and~~
25 ~~abides by the board's advisory opinion~~ No person acting in good faith upon an

1 advisory opinion issued by the board is subject to criminal or civil prosecution for so
2 acting, if the material facts are as stated in the opinion request. To have legal force
3 and effect, each advisory opinion issued by the board must be supported by specific
4 legal authority under a statute or other law, or by specific case or common law
5 authority. Each advisory opinion shall include a citation to each statute or other law
6 and each case or common law authority upon which the opinion is based, and shall
7 specifically articulate or explain which parts of the cited authority are relevant to the
8 board's conclusion and why they are relevant. The board may authorize the
9 executive director its legal counsel to act in its stead in instances where delay is of
10 substantial inconvenience or detriment to the requesting party issue an informal
11 written advisory opinion or to transmit an informal advisory opinion electronically
12 on behalf of the board, subject to such limitations as the board deems appropriate.
13 Every informal advisory opinion shall be consistent with applicable formal advisory
14 opinions issued by the board. If the board disagrees with an informal advisory
15 opinion that has been issued on behalf of the board, the board may withdraw the
16 opinion or issue a revised advisory opinion and no person acting after the date of the
17 withdrawal or issuance of the revised advisory opinion is exempted from prosecution
18 under this subsection if the opinion upon which the person's action is based has been
19 withdrawn or revised in relevant degree. No member or employee of the board may
20 make public the identity of the individual requesting an a formal or informal
21 advisory opinion or of individuals or organizations mentioned in the opinion. Any
22 person receiving a formal or informal advisory opinion under this subsection who
23 disagrees with the opinion may request a public or private hearing before the board
24 to discuss the opinion. The board shall grant a request for a public or private hearing

1 under this subsection. After hearing the matter, the board may reconsider its opinion
2 and may issue a revised opinion to the person.

3 **SECTION 95.** 19.47 (2) of the statutes is repealed.

4 **SECTION 96.** 19.47 (4) of the statutes is repealed.

5 **SECTION 97.** 19.47 (5) of the statutes is amended to read:

6 19.47 (5) ~~No later than September 1 of each year, the board shall submit a~~
7 ~~report concerning its actions in the preceding fiscal year to the governor and the chief~~
8 ~~clerk of each house of the legislature, for distribution to the legislature under s.~~
9 ~~13.172 (2). Such~~ The board shall include in its biennial report shall contain under
10 s. 15.04 (1) (d) the names and duties of all individuals employed by the board and a
11 summary of its determinations and advisory opinions issued under s. 5.05 (6a). The
12 board shall make sufficient alterations in the summaries to prevent disclosing the
13 identities of individuals or organizations involved in the decisions or opinions. The
14 board may also include in its biennial report any information compiled under s. 11.21
15 (7). The board shall make such further reports on the matters within its jurisdiction
16 and such recommendations for further legislation as it deems desirable.

17 **SECTION 98.** 19.49 (title) of the statutes is repealed.

18 **SECTION 99.** 19.49 (1) of the statutes is repealed.

19 **SECTION 100.** 19.49 (1m) of the statutes is renumbered 5.05 (2m) (c) 2. b.

20 **SECTION 101.** 19.49 (2) of the statutes is renumbered 5.05 (2m) (c) 3. and
21 amended to read:

22 5.05 (2m) (c) 3. Any person to whom ~~this subchapter or subch. III of ch. 13 or~~
23 subch. III of ch. 19 may have application may request the board to make an
24 investigation of his or her own conduct or of allegations made by other persons as to

1 his or her conduct. Such a request shall be made in writing and shall set forth in
2 detail the reasons therefor.

3 **SECTION 102.** 19.49 (3) of the statutes is repealed.

4 **SECTION 103.** 19.49 (4) of the statutes is repealed.

5 **SECTION 104.** 19.49 (5) of the statutes is renumbered 5.05 (2m) (g) and amended
6 to read:

7 5.05 (2m) (g) 1. Except as provided in ~~par. (b) subd. 2.~~, no action may be taken
8 on any complaint that is filed later than 3 years after a violation of ~~this subchapter~~
9 ~~or subch. III of ch. 13 or subch. III of ch. 19~~ is alleged to have occurred.

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

13 **SECTION 105.** 19.50 (title) of the statutes is repealed.

14 **SECTION 106.** 19.50 (intro.) and (1) of the statutes are renumbered 5.05 (2m)
15 (f) (intro.) and 1. and amended to read:

16 5.05 (2m) (f) (intro.) Pursuant to any investigation authorized under ~~s. 19.49~~
17 ~~(3) or any hearing conducted under this subchapter or subch. III of ch. 13 par. (c),~~ the
18 board has the power:

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

23 **SECTION 107.** 19.50 (2) of the statutes is repealed.

24 **SECTION 108.** 19.50 (3) of the statutes is renumbered 5.05 (2m) (f) 2. and
25 amended to read:

1 5.05 (2m) (f) 2. To order testimony to be taken by deposition before any
2 individual who is designated by the board and has the power to administer oaths,
3 and, in such instances, to compel testimony and the production of evidence in the
4 same manner as authorized by sub. (2) (1) (b).

5 **SECTION 109.** 19.50 (4) and (5) of the statutes are renumbered 5.05 (2m) (f) 4.
6 and 5.

7 **SECTION 110.** 19.51 (title) of the statutes is repealed.

8 **SECTION 111.** 19.51 (1) (intro.) of the statutes is renumbered 5.05 (2m) (c) 9. and
9 amended to read:

10 5.05 (2m) (c) 9. At the conclusion of its investigation, the board shall, in
11 preliminary written findings of fact and conclusions based thereon, make a
12 determination of whether or not probable cause exists to believe that a violation of
13 ~~this subchapter or subch. III of ch. 13~~ under subd. 2. has occurred or is occurring.
14 If the board determines that no probable cause exists, it shall dismiss the complaint.
15 Whenever the board dismisses a complaint or a complaint is deemed to be dismissed
16 under subd. 5., the board shall immediately send written notice of such
17 determination the dismissal to the accused and to the party who made the complaint.
18 If the board determines that there is probable cause for believing that a violation of
19 ~~this subchapter or subch. III of ch. 13~~ has been committed, its preliminary findings
20 of fact and conclusions may contain:

21 **SECTION 112.** 19.51 (1) (a) and (b) of the statutes are repealed.

22 **SECTION 113.** 19.51 (2) of the statutes is renumbered 5.05 (2m) (c) 10.

23 **SECTION 114.** 19.51 (3) of the statutes is repealed.

24 **SECTION 115.** 19.52 of the statutes is repealed.

25 **SECTION 116.** 19.53 (intro.) of the statutes is repealed.

1 **SECTION 117.** 19.53 (1) to (5) of the statutes are repealed.

2 **SECTION 118.** 19.53 (6) of the statutes is renumbered 19.579 (1) and amended
3 to read:

4 19.579 (1) ~~An order requiring the accused~~ Except as provided in sub. (2) any
5 person who violates this subchapter may be required to forfeit not more than \$500
6 for each violation of s. 19.43, 19.44, or 19.56 (2) or not more than \$5,000 for each
7 violation of any other provision of this subchapter, ~~or not more than the applicable~~
8 ~~amount specified in s. 13.69 for each violation of subch. III of ch. 13.~~ If the ~~board~~ court
9 determines that the accused has realized economic gain as a result of the violation,
10 the ~~board~~ court may, in addition, order the accused to forfeit the amount gained as
11 a result of the violation. In addition, if the ~~board~~ court determines that a state public
12 official has violated s. 19.45 (13), the ~~board~~ court may order the official to forfeit an
13 amount equal to the amount or value of any political contribution, service, or other
14 thing of value that was wrongfully obtained. If the ~~board~~ court determines that a
15 state public official has violated s. 19.45 (13) and no political contribution, service or
16 other thing of value was obtained, the ~~board~~ court may order the official to forfeit an
17 amount equal to the maximum contribution authorized under s. 11.26 (1) for the
18 office held or sought by the official, whichever amount is greater. The attorney
19 general, when so requested by the board, shall institute proceedings to recover any
20 forfeiture incurred under this section ~~or s. 19.545~~ which is not paid by the person
21 against whom it is assessed.

22 **SECTION 119.** 19.53 (7) and (8) of the statutes are repealed.

23 **SECTION 120.** 19.535 of the statutes is repealed.

24 **SECTION 121.** 19.54 of the statutes is repealed.

25 **SECTION 122.** 19.545 of the statutes is repealed.

1 **SECTION 123.** 19.55 (1) of the statutes is amended to read:

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

13 **SECTION 124.** 19.55 (2) (a) of the statutes is renumbered 5.05 (5s) (f) and
14 amended to read:

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

1 **SECTION 125.** 19.55 (2) (b) of the statutes is renumbered 5.05 (5s) (intro.) and
2 amended to read:

3 5.05 **(5s)** (intro.) Records obtained or prepared by the board in connection with
4 an investigation, including the full text of any complaint received by the board, are
5 not subject to the right of inspection and copying under s. 19.35 (1), except as
6 provided in pars. (d) and (e) and except that the:

7 (a) The board shall permit inspection of records that are made public
8 distributed or discussed in the course of a meeting or hearing by the board to
9 ~~determine if a violation of this subchapter or subch. III of ch. 13 has occurred.~~
10 ~~Whenever the board refers such investigation and hearing records to a district~~
11 ~~attorney or to the attorney general, they in open session.~~

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

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

19 **SECTION 126.** 19.55 (2) (c) of the statutes is amended to read:

20 19.55 **(2)** (c) Statements of economic interests and reports of economic
21 transactions which are filed with the ethics government accountability board by
22 members or employees of the investment board, except that the ethics government
23 accountability board shall refer statements and reports filed by such individuals to
24 the legislative audit bureau for its review, and except that a statement of economic

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

3 **SECTION 127.** 19.579 (title) of the statutes is amended to read:

4 **19.579 (title) Civil penalty penalties.**

5 **SECTION 128.** 19.579 of the statutes is renumbered 19.579 (2).

6 **SECTION 129.** 19.59 (1) (g) 8. of the statutes is amended to read:

7 19.59 (1) (g) 8. No district board member, member of a district board member's
8 immediate family, nor any organization with which the district board member or a
9 member of the district board member's immediate family owns or controls at least
10 10% of the outstanding equity, voting rights, or outstanding indebtedness may enter
11 into any contract or lease involving a payment or payments of more than \$3,000
12 within a 12-month period, in whole or in part derived from district funds unless the
13 district board member has first made written disclosure of the nature and extent of
14 such relationship or interest to the ~~ethics~~ government accountability board and to
15 the district. Any contract or lease entered into in violation of this subdivision may
16 be voided by the district in an action commenced within 3 years of the date on which
17 the ~~ethics~~ government accountability board, or the district, knew or should have
18 known that a violation of this subdivision had occurred. This subdivision does not
19 affect the application of s. 946.13.

20 **SECTION 130.** 19.85 (1) (h) of the statutes is amended to read:

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

24 **SECTION 131.** 19.851 of the statutes is created to read:

1 **19.851 Closed sessions by government accountability board.** The
2 government accountability board shall hold each meeting of the board for the
3 purpose of deliberating concerning an investigation under the board's jurisdiction in
4 closed session under this section. Prior to convening under this section, the
5 government accountability board shall vote to convene in closed session in the
6 manner provided in s. 19.85 (1). No business may be conducted by the government
7 accountability board at any closed session under this section except that which
8 relates to the purposes of the session as authorized in this section or as authorized
9 in s. 19.85 (1).

10 **SECTION 132.** 20.005 (3) (schedule) of the statutes: at the appropriate place,
11 insert the following amounts for the purposes indicated:

				2007-08	2008-09
12					
13	20.511 Government accountability board				
14	(1) ADMINISTRATION OF ELECTIONS, ETHICS, AND				
15	LOBBYING LAWS				
16	(h) Materials and services	PR	A	35,200	35,200
17	(i) General program operations;				
18	program revenue	PR	A	448,700	448,700

1 **SECTION 147.** 20.510 (1) (q) of the statutes is renumbered 20.511 (1) (q).

2 **SECTION 148.** 20.510 (1) (t) of the statutes is renumbered 20.511 (1) (t).

3 **SECTION 149.** 20.510 (1) (x) of the statutes is renumbered 20.511 (1) (x).

4 **SECTION 150.** 20.511 (intro.) and (1) (title) and (a) of the statutes are created
5 to read.

6 **20.511 Government accountability board.** (intro.) There is appropriated
7 from the general fund, except where otherwise indicated, to the government
8 accountability board for the following programs:

9 **(1)** (title) ADMINISTRATION OF ELECTION, ETHICS, AND LOBBYING LAWS.

10 (a) *General program operations; general purpose revenue.* Biennially, the
11 amounts in the schedule for general program operations of the board, including the
12 printing of forms, materials, manuals, and election laws under ss. 7.08 (1) (b), (3), and
13 (4) and 11.21 (3) and (14), and the training of election officials under s. 5.05 (7).

14 **SECTION 151.** 20.511 (1) (c) of the statutes, as affected by 2007 Wisconsin Act
15 (this act), is repealed.

16 **SECTION 152.** 20.511 (1) (h) and (i) of the statutes are created to read:

17 20.511 **(1)** (h) *Materials and services.* The amounts in the schedule for the costs
18 of publishing documents, locating and copying records, and conducting programs
19 under s. 19.48 (9) and administrative meetings and conferences, for compiling,
20 disseminating, and making available information prepared by and filed with the
21 board under s. 19.48 (10), and for supplies, postage, and shipping. All moneys
22 received by the board from collections for sales of publications, copies of records, and
23 supplies, for postage, for shipping and records location fees, from fees assessed under
24 s. 19.48 (9) and (10), and for charges assessed to participants in administrative
25 meetings and conferences shall be credited to this appropriation account.

1 (i) *General program operations; program revenue.* The amounts in the schedule
2 for general program operations of the board. All moneys received from fees imposed
3 under ss. 11.055 (1) and 13.75 shall be credited to this appropriation account.

4 **SECTION 153.** 20.521 (intro.) of the statutes is repealed.

5 **SECTION 154.** 20.521 (1) (title) of the statutes is repealed.

6 **SECTION 155.** 20.521 (1) (a) of the statutes is repealed.

7 **SECTION 156.** 20.521 (1) (b) of the statutes is renumbered 20.511 (1) (be) and
8 amended to read:

9 20.511 (1) (be) ~~*Code of ethics investigations*~~ *Investigations*. Biennially, the
10 ~~amounts in the schedule~~ A sum sufficient for the purpose of financing the costs of
11 investigations authorized by the board of potential violations of ~~the code of ethics for~~
12 ~~state public officials and employees under chs. 5 to 12, subch. III of ch. 13, and~~ subch.
13 III of ch. 19.

14 **SECTION 157.** 20.521 (1) (g) of the statutes is repealed.

15 **SECTION 158.** 20.521 (1) (h) of the statutes is renumbered 20.511 (1) (jm) and
16 amended to read:

17 20.511 (1) (jm) *Gifts and grants.* All moneys received by the board from gifts,
18 grants, and bequests ~~and devises~~ to carry out the purposes, not inconsistent with
19 ~~subch. III of ch. 13 or subch. III of ch. 19~~ the law, for which made or received.

20 **SECTION 159.** 20.521 (1) (i) of the statutes is repealed.

21 **SECTION 160.** 20.923 (4) (d) 3. of the statutes is repealed.

22 **SECTION 161.** 20.923 (4) (d) 4. of the statutes is repealed.

23 **SECTION 162.** 20.923 (4) (f) 3j. of the statutes is created to read:

24 20.923 (4) (f) 3j. Government accountability board: legal counsel.

25 **SECTION 163.** 20.930 of the statutes is amended to read:

1 **20.930 Attorney fees.** Except as provided in ss. 5.05 (2m) (c) 7., 46.27 (7g) (h),
2 49.496 (3) (f) and 49.682 (6), no state agency in the executive branch may employ any
3 attorney until such employment has been approved by the governor.

4 **SECTION 164.** 46.95 (4) of the statutes is amended to read:

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

9 **SECTION 165.** 59.605 (3) (a) 3. of the statutes is amended to read:

10 59.605 (3) (a) 3. The referendum shall be held in accordance with chs. 5 to 12.
11 The governing body shall provide the election officials with all necessary election
12 supplies. The form of the ballot shall correspond substantially with the standard
13 form for referendum ballots prescribed by the elections government accountability
14 board under ss. 5.64 (2) and 7.08 (1) (a). If the resolution under subd. 1. specifies the
15 operating levy rate, the question shall be submitted as follows: “Under state law, the
16 operating levy rate for the (name of county), for the tax to be imposed for the year
17 (year), is limited to \$.... per \$1,000 of equalized value. Shall the (name of
18 county) be allowed to exceed this rate limit for (a specified number of years) (an
19 indefinite period) by \$.... per \$1,000 of equalized value that results in an operating
20 levy rate of \$.... per \$1,000 of equalized value?” If the resolution under subd. 1.
21 specifies the operating levy, the question shall be submitted as follows: “Under state
22 law, the operating levy rate for the (name of county), for the tax to be imposed for
23 the year (year), is limited to \$.... per \$1,000 of equalized value. Notwithstanding
24 the operating levy rate limit, shall the (name of county) be allowed to levy an
25 amount not to exceed \$.... (operating levy) for operating purposes for the year

1 (year), which may increase the operating levy rate for (a specified number of
2 years) (an indefinite period)? This would allow a% increase above the levy of \$....
3 (preceding year operating levy) for the year (preceding year).”

4 **SECTION 166.** 67.05 (3) (b) of the statutes is amended to read:

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

13 **SECTION 167.** 67.05 (6) of the statutes is amended to read:

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

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 168.** 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 169.** 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 170.** 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 171.** 85.61 (1) of the statutes is amended to read:

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

11 **SECTION 172.** 117.20 (2) of the statutes is amended to read:

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

23 **SECTION 173.** 117.27 (2) (b) (intro.) of the statutes is amended to read:

24 117.27 (2) (b) (intro.) The school district clerk shall include in the notice of the
25 spring election a statement that the election ballot will include a question on the

1 change requested by the petition. The form of the ballot shall correspond to the form
2 prescribed by the elections government accountability board under ss. 5.64 (2) and
3 7.08 (1) (a) and the question on the ballot shall be:

4 **SECTION 174.** 121.91 (3) (c) of the statutes is amended to read:

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

16 **SECTION 175.** 125.05 (1) (b) 10. of the statutes is amended to read:

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

20 **SECTION 176.** 165.25 (1) of the statutes is amended to read:

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

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

9 **SECTION 177.** 165.93 (4) of the statutes is amended to read:

10 165.93 (4) LIST OF ELIGIBLE ORGANIZATIONS. The department shall certify to the
11 ~~elections~~ government accountability board, on a continuous basis, a list containing
12 the name and address of each organization that is eligible to receive grants under
13 sub. (2).

14 **SECTION 178.** 198.08 (10) of the statutes is amended to read:

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

1 **SECTION 179.** 200.09 (11) (am) 2. and 3. of the statutes are amended to read:

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

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

11 **SECTION 180.** 227.03 (6) of the statutes is amended to read:

12 227.03 (6) Orders of the elections government accountability board under s.
13 5.06 (6) are not subject to this chapter.

14 **SECTION 181.** 227.45 (1) of the statutes is amended to read:

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

24 **SECTION 182.** 227.46 (1) (intro.) of the statutes is amended to read:

1 227.46 (1) (intro.) Except as provided under s. 227.43 (1), an agency may
2 designate an official of the agency or an employee on its staff or borrowed from
3 another agency under s. 20.901 or 230.047 as a hearing examiner to preside over any
4 contested case. ~~In hearings under s. 19.52, a reserve judge shall be appointed.~~
5 Subject to rules of the agency, examiners presiding at hearings may:

6 **SECTION 183.** 227.52 (6) of the statutes is amended to read:

7 227.52 (6) Decisions of the chairperson of the elections government
8 accountability board or the chairperson's designee.

9 **SECTION 184.** 230.08 (2) (e) 4h. of the statutes is created to read:

10 230.08 (2) (e) 4h. Government accountability board — 2.

11 **SECTION 185.** 230.08 (2) (om) of the statutes is repealed.

12 **SECTION 186.** 230.08 (2) (on) of the statutes is created to read:

13 230.08 (2) (on) The legal counsel to the government accountability board.

14 **SECTION 187.** 230.08 (2) (wm) of the statutes is repealed.

15 **SECTION 188.** 230.08 (4) (a) of the statutes is amended to read:

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

25 **SECTION 189.** 234.02 (3m) (c) of the statutes is amended to read:

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

5 **SECTION 190.** 301.03 (20m) of the statutes is amended to read:

6 301.03 **(20m)** Transmit to the ~~elections~~ government accountability board, on
7 a continuous basis, a list containing the name of each living person who has been
8 convicted of a felony under the laws of this state and whose civil rights have not been
9 restored, together with his or her residential address and the date on which the
10 department expects his or her civil rights to be restored.

11 **SECTION 191.** 343.11 (2m) of the statutes is amended to read:

12 343.11 **(2m)** Within 30 days following surrender of a license under sub. (1), the
13 department shall provide notice to the ~~elections~~ government accountability board of
14 the person's name and address, the name of the jurisdiction issuing the surrendered
15 license, and the date on which the license was surrendered.

16 **SECTION 192.** 560.04 (2m) of the statutes is amended to read:

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

1 **SECTION 193.** 758.19 (9) of the statutes is created to read:

2 758.19 (9) If a court of appeals judge is appointed to serve as a member of the
3 governmental accountability candidate committee and the judge has good cause for
4 declining to serve, the director of state courts shall accept from the judge a written
5 communication setting forth the reasons why the judge cannot or should not serve
6 and the judge shall then be excused from service. Upon receipt of the communication,
7 the director shall notify the chief justice and the vacancy shall then be filled as
8 provided in ss. 15.60 (2) and 17.20 (1).

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

10 **778.135 Campaign finance, lobbying, and ethics forfeitures; how**
11 **recovered.** Notwithstanding s. 778.13, whenever any action or proposed action by
12 the elections government accountability board under s. 5.05 (1) (c) is settled as a
13 result of agreement between the parties without approval of the court, the moneys
14 accruing to the state on account of such settlement shall be paid to the board and
15 deposited with the secretary of administration. ~~Whenever any proposed action by~~
16 ~~a county board of election commissioners under s. 7.21 (2m) (a) is settled as a result~~
17 ~~of agreement between the parties, the moneys accruing to the county on account of~~
18 ~~such settlement shall be paid to the board of election commissioners and deposited~~
19 ~~with the county treasurer in the same manner as provided for forfeitures under s.~~
20 ~~778.13.~~

21 **SECTION 195.** 778.136 of the statutes is repealed.

22 **SECTION 196.** 801.50 (5t) of the statutes is created to read:

23 801.50 (5t) Except as otherwise provided in s. 801.52, venue in a civil action
24 to impose a forfeiture upon a resident of this state for a violation of chs. 5 to 12, subch.
25 III of ch. 13, or subch. III of ch. 19, or for a violation of any other law arising from or

1 in relation to the official functions of the subject of the investigation or any matter
2 that involves elections, ethics, or lobbying regulation under chs. 5 to 12, subch. III
3 of ch. 13, or subch. III of ch. 19, shall be in circuit court for the county where the
4 defendant resides. For purposes of this subsection, a person other than a natural
5 person resides within a county if the person's principal place of operation is located
6 within that county.

7 **SECTION 197.** 801.52 of the statutes is amended to read:

8 **801.52 Discretionary change of venue.** The court may at any time, upon
9 its own motion, the motion of a party or the stipulation of the parties, change the
10 venue to any county in the interest of justice or for the convenience of the parties or
11 witnesses, except that venue in a civil action to impose forfeiture for a violation of chs.
12 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 or for a violation of any other law
13 arising from or in relation to the official functions of the subject of the investigation
14 or any matter that involves elections, ethics, or lobbying regulation under chs. 5 to
15 12, subch. III of ch. 13, or subch. III of ch. 19, may be changed only in the same
16 manner that is authorized for a change in the venue of a criminal trial under s.
17 971.22. This section does not apply to proceedings under ch. 980.

18 **SECTION 198.** 971.19 (12) of the statutes is created to read:

19 971.19 (12) In an action for a violation of chs. 5 to 12, subch. III of ch. 13, or
20 subch. III of ch. 19, or for a violation of any other law arising from or in relation to
21 the official functions of the subject of the investigation or any matter that involves
22 elections, ethics, or lobbying regulation under subch. 5 to 12, subch. III of ch. 13, or
23 subch. III of ch. 19 a defendant who is a resident of this state shall be tried in circuit
24 court for the county where the defendant resides. For purposes of this subsection,

1 a person other than a natural person resides within a county if the person's principal
2 place of operation is located within that county.

3 **SECTION 199.** 978.05 (1) and (2) of the statutes are amended to read:

4 978.05 (1) CRIMINAL ACTIONS. Except as otherwise provided by law, prosecute
5 all criminal actions before any court within his or her prosecutorial unit and have
6 sole responsibility for prosecution of all criminal actions arising from violations of
7 chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 and from violations of other
8 laws arising from or in relation to the official functions of the subject of the
9 investigation or any matter that involves election, ethics, or lobbying regulation
10 under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, that are alleged to be
11 committed by a resident of his or her prosecutorial unit, or if alleged to be committed
12 by a nonresident of this state, that are alleged to occur in his or her prosecutorial unit
13 unless another prosecutor is substituted under s. 5.05 (2m) (i) or this chapter or by
14 referral of the government accountability board under s. 5.05 (2m) (c) 15. or 16. For
15 purposes of this subsection, a person other than a natural person is a resident of a
16 prosecutorial unit if the person's principal place of operation is located in that
17 prosecutorial unit.

18 (2) FORFEITURES. Except as otherwise provided by law, prosecute all state
19 forfeiture actions, county traffic actions and actions concerning violations of county
20 ordinances which are in conformity with state criminal laws in the courts within his
21 or her prosecutorial unit and have joint responsibility, together with the government
22 accountability board, for prosecution of all forfeiture actions arising from violations
23 of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 and from violations of other
24 laws arising from or in relation to the official functions of the subject of the
25 investigation or any matter that involves elections, ethics, or lobbying regulation

1 under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 that are alleged to be
2 committed by a resident of his or her prosecutorial unit, or if alleged to be committed
3 by a nonresident of this state, that are alleged to occur within his or her prosecutorial
4 unit unless another prosecutor is substituted under s. 5.05 (2m) (h) or this chapter
5 or by referral of the government accountability board under s. 5.05 (2m) (c) 15. or 16.
6 For purposes of this subsection, a person other than a natural person is a resident
7 of a prosecutorial unit if the person's principal place of operation is located in that
8 prosecutorial unit.

9 **SECTION 200. Nonstatutory provisions.**

10 (1) TRANSFER OF ELECTIONS BOARD.

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

14 (b) *Positions and employees.*

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

17 2. All incumbent employees holding positions in the elections board on the
18 effective date of this subdivision, except the incumbent employee holding the
19 position of executive director, are transferred on the effective date of this subdivision
20 to the government accountability board.

21 3. Employees transferred under subdivision 2. have all the rights and the same
22 status under subchapter V of chapter 111 and chapter 230 of the statutes in the
23 government accountability board that they enjoyed in the elections board
24 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,

1 no employee so transferred who has attained permanent status in class is required
2 to serve a probationary period.

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

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

12 (e) *Rules and orders.* Within one year after the date of the initial meeting of
13 the government accountability board, the board shall hold one or more public
14 hearings on the question of reaffirmation of each rule that has been promulgated and
15 each order that has been issued by the elections board and that is in effect on that
16 date. Except as authorized in this paragraph, every rule promulgated by the
17 elections board that is in effect on the effective date of this paragraph remains in
18 effect until its specified expiration date or until the end of the 365-day period
19 beginning on the date of the initial meeting of the government accountability board,
20 whichever is earlier, unless that board repeals or amends the rule, effective on an
21 earlier date, or unless that board specifically votes to reaffirm the rule. Except as
22 authorized in this paragraph, every order issued by the elections board that is in
23 effect on the effective date of this paragraph remains in effect until its specified
24 expiration date or until the end of the 365-day period beginning on the date of the
25 first meeting of the government accountability board, whichever is earlier, unless

1 that board modifies or rescinds the order, effective on an earlier date, or unless that
2 board specifically votes to reaffirm the order. Any action by the board to amend or
3 repeal a rule shall be in accordance with subchapter II of chapter 227 of the statutes.
4 The board may extend the expiration date of any rule or order under this paragraph
5 for not more than 3 months in order to afford time for additional review, but no such
6 extension or renewal of an extension may extend the expiration date of any rule or
7 order by more than 6 months in all.

8 (f) *Formal opinions.* Within one year after the date of the initial meeting of the
9 government accountability board, the board shall hold one or more public hearings
10 on the question of reaffirmation of each formal opinion that has been issued by the
11 elections board and that has not been withdrawn or modified. Except as authorized
12 in this paragraph, every formal opinion issued by the elections board that has not
13 been withdrawn or modified on the date of the initial meeting of the Government
14 Accountability Board remains in effect until the end of the 365-day period beginning
15 on the date of that meeting unless that board withdraws or modifies the opinion on
16 an earlier date, or unless that board specifically votes to reaffirm the opinion on an
17 earlier date. The board may extend the period of effectiveness of any formal opinion
18 under this paragraph for not more than 3 months in order to afford time for
19 additional review, but no such extension or renewal of an extension may extend the
20 period of effectiveness of any opinion by more than 6 months in all.

21 (g) *Review of internal operating procedures.* During the 365-day period
22 beginning on the date of the initial meeting of the government accountability board,
23 the board shall review all internal operating procedures of the elections board in
24 effect on the date of the board's initial meeting that affect the manner in which the
25 board interrelates with persons who are not employees of the board. The review shall

1 specifically address the degree to which employees are authorized to perform their
2 functions without direct supervision of or approval of the board. During the
3 pendency of the review, no employee of the government accountability board may
4 make any change in an internal operating procedure described in this paragraph
5 unless that board first holds a public hearing concerning the proposed change and
6 that board specifically approves the change.

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

12 (2) TRANSFER OF ETHICS BOARD.

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

16 (b) *Positions and employees.*

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

19 2. All incumbent employees holding positions in the ethics board on the
20 effective date of this subdivision, except the incumbent employee holding the
21 position of executive director, are transferred on the effective date of this subdivision
22 to the government accountability board.

23 3. Employees transferred under subdivision 2. have all the rights and the same
24 status under subchapter V of chapter 111 and chapter 230 of the statutes in the
25 government accountability board that they enjoyed in the ethics board immediately

1 before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee
2 so transferred who has attained permanent status in class is required to serve a
3 probationary period.

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

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

12 (e) *Rules and orders.* Within one year after the date of the initial meeting of
13 the government accountability board, the board shall hold one or more public
14 hearings on the question of reaffirmation of each rule that has been promulgated and
15 each order that has been issued by the ethics board and that is in effect on that date.
16 Except as authorized in this paragraph, every rule promulgated by the ethics board
17 that is in effect on the effective date of this paragraph remains in effect until its
18 specified expiration date or until the end of the 365-day period beginning on the date
19 of the initial meeting of the government accountability board, whichever is earlier,
20 unless that board amends or repeals the rule, effective on an earlier date, or unless
21 that board specifically votes to reaffirm the rule. Except as authorized in this
22 paragraph, every order issued by the ethics board that is in effect on the effective date
23 of this paragraph remains in effect until its specified expiration date or until the end
24 of the 365-day period beginning on the date of the initial meeting of the government
25 accountability board, whichever is earlier, unless that board modifies or rescinds the

1 order, effective on an earlier date, or unless that board specifically votes to reaffirm
2 the order. Any action by the board to amend or repeal a rule shall be in accordance
3 with subchapter II of chapter 227 of the statutes. The board may extend the
4 expiration date of any rule or order under this paragraph for not more than 3 months
5 in order to afford time for additional review, but no such extension or renewal of an
6 extension may extend the expiration date of any rule or order by more than 6 months
7 in all.

8 (f) *Formal opinions.* Within one year after the date of the initial meeting of the
9 government accountability board, the board shall hold one or more public hearings
10 on the question of reaffirmation of each formal opinion that has been issued by the
11 ethics board and that has not been withdrawn or modified. If the formal opinion is
12 confidential, the board shall hold the hearing on the question of reaffirmation of the
13 summary of the opinion that has been published. Except as authorized in this
14 paragraph, every formal opinion issued by the ethics board or by the executive
15 director of the ethics board acting in its stead that has not been withdrawn or
16 modified on the date of the initial meeting of the government accountability board
17 remains in effect until the end of the 365-day period beginning on the date of that
18 meeting unless that board withdraws or modifies the opinion on an earlier date, or
19 unless that board specifically votes to reaffirm the opinion on an earlier date. The
20 board may extend the period of effectiveness of any formal opinion under this
21 paragraph for not more than 3 months in order to afford time for additional review,
22 but no such extension or renewal of an extension may extend the period of
23 effectiveness of an opinion by more than 6 months in all.

24 (g) *Review of guidelines.* Within one year after the date of the initial meeting
25 of the government accountability board, the board shall hold one or more public

1 hearings for the purpose of reviewing the question of reaffirmation of each current
2 guideline that has been issued by the ethics board. The review shall address the
3 extent to which the guidelines are consistent with relevant law. Except as authorized
4 in this paragraph, the government accountability board shall withdraw each
5 guideline identified in this paragraph at the end of the 365-day period beginning on
6 the date of the initial meeting of the board, unless the board chooses to withdraw or
7 revise the guideline at an earlier date or unless the board specifically votes to
8 reaffirm the current text of the guideline as issued prior to the end of that period.
9 The board may extend the circulation period of any guideline identified in this
10 paragraph for not more than 3 months in order to afford time for additional review,
11 but no such extension or renewal of an extension may extend the circulation period
12 of a guideline by more than 6 months in all.

13 (h) *Review of internal operating procedures.* During the 365-day period
14 beginning on the date of the initial meeting of the government accountability board,
15 the board shall review all internal operating procedures of the ethics board in effect
16 on the date of the board's initial meeting that affect the manner in which the board
17 interrelates with persons who are not employees of the board. The review shall
18 specifically address the degree to which employees are authorized to perform their
19 functions without direct supervision of or approval of the board. During the
20 pendency of the review, no employee of the government accountability board may
21 make any change in an internal operating procedure described in this paragraph
22 unless that board first holds a public hearing concerning the proposed change and
23 that board specifically approves the change.

24 (i) *Pending matters.* Any matter pending with the ethics board on the effective
25 date of this paragraph is transferred to the government accountability board, and all

1 materials submitted to or actions taken by the ethics board with respect to the
2 pending matter are considered as having been submitted to or taken by the
3 government accountability board.

4 (3) CONFIRMATION OF PERSONS NOMINATED TO INITIALLY FILL POSITIONS ON THE
5 BOARD. Notwithstanding section 15.07 (1) (a) 2. of the statutes, as affected by this act,
6 the governor shall submit the names of the nominees to initially fill 3 of the positions
7 as members of the government accountability board to the assembly and shall
8 submit the names of the nominees to initially fill 3 of the positions as members of the
9 government accountability board to the senate, and the nominees to initially fill
10 those positions are subject to confirmation solely by a majority of the members
11 present and voting on a nomination in the house to which their names are submitted.
12 Notwithstanding section 5.052 (4) of the statutes, as created by this act, if a nominee
13 of the governor to initially fill a position as a member of the government
14 accountability board dies or withdraws, or if such a nomination is withdrawn by the
15 governor or rejected by the house to which submitted under this subsection, the
16 government accountability candidate committee shall submit an additional nominee
17 to the governor for appointment to the board, subject to confirmation by the same
18 house in accordance with this subsection.

19 (4) BOARD TRANSITIONS; INITIAL TERMS.

20 (a) Notwithstanding section 15.61, 2005 stats., section 15.62, 2005 stats., and
21 section 15.07 (1) (c) of the statutes, the terms of office of all members of the elections
22 board and all members of the ethics board holding office shall expire on the first day
23 of the 7th month beginning after the effective date of this paragraph.

24 (b) Each member of the government accountability board who is appointed as
25 provided in paragraph (c) and qualified to take office shall take office on the effective

1 date of this paragraph, or upon qualification to take office, whichever is later.
2 Notwithstanding section 15.07 (4) of the statutes, as affected by this act, the board
3 does not have a quorum for transaction of business at its initial meeting until 6
4 members have initially been appointed and qualify to serve.

5 (c) The government accountability candidate committee shall submit to the
6 governor the names of at least 8 qualified individuals to fill the initial positions as
7 members of the government accountability board. Notwithstanding section 15.60 (1)
8 of the statutes, as created by this act, and section 15.07 (1) (cm) of the statutes, of the
9 members of the government accountability board who are initially nominated by the
10 governor, and with the advice and consent of the assembly or the senate appointed,
11 2 shall be appointed to serve for terms expiring on May 1, 2009, 2 shall be appointed
12 to serve for terms expiring on May 1, 2010, and 2 shall be appointed to serve for terms
13 expiring on May 1, 2011.

14 (d) Notwithstanding section 15.60 (2) of the statutes, as created by this act, the
15 initial members of the governmental accountability candidate committee shall serve
16 for terms expiring on March 1, 2009.

17 (5) IMPLEMENTATION.

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

1 administrators of the divisions prior to appointment and qualification of the initial
2 legal counsel, including the retention and termination of all staff not transferred to
3 the board that the board is authorized to employ under this act.

4 (b) Notwithstanding section 15.07 (2) (b) of the statutes, as created by this act,
5 the member of the government accountability board who is first nominated shall
6 choose the initial chairperson of the board at the first meeting of the board in
7 accordance with section 15.07 (2) (b) of the statutes, as created by this act.

8 (c) Prior to the first day of the 7th month beginning after publication of this act,
9 the government accountability board may expend moneys from the appropriation
10 under section 20.511 (1) (a) of the statutes, as created by this act, for the purpose of
11 meeting, employing staff, and preparing to assume its full authority and
12 responsibilities on that date.

13 (6) JOINT COMMITTEE ON FINANCE. Of the moneys appropriated to the joint
14 committee on finance under section 20.865 (4) (a) of the statutes for the 2005-07
15 fiscal biennium, \$155,400 is reserved to supplement the appropriation of the
16 government accountability board under section 20.511 (1) (a) of the statutes, as
17 created by this act, in fiscal year 2006-07 for the purposes described in SECTION 201
18 (5) of this act.

19 (7) NONSEVERABILITY. Notwithstanding section 990.01 (11) of the statutes, if a
20 court finds that any portion of this act is unconstitutional, then this act is void in its
21 entirety, except that any invalidation does not revive any law that is repealed by this
22 act nor revive any administrative body that was in existence prior to enactment of
23 this act.

24 **SECTION 201. Fiscal changes.**

1 (1) The unencumbered balance in the appropriation account under section
2 20.510 (1) (h) of the statutes is transferred to the appropriation account under section
3 20.511 (1) (h) of the statutes, as created by this act.

4 (2) The unencumbered balance in the appropriation account under section
5 20.510 (1) (i) of the statutes is transferred to the appropriation account under section
6 20.511 (1) (i) of the statutes, as created by this act.

7 (3) The unencumbered balance in the appropriation account under section
8 20.521 (1) (g) of the statutes is transferred to the appropriation account under section
9 20.511 (1) (i) of the statutes, as created by this act.

10 (4) The unencumbered balance in the appropriation account under section
11 20.521 (1) (i) of the statutes is transferred to the appropriation account under section
12 20.511 (1) (h) of the statutes, as created by this act.

13 (5) In the schedule under section 20.005 (3) of the statutes for the appropriation
14 to the joint committee on finance under section 20.865 (4) (a) of the statutes, as
15 affected by the acts of 2005 and 2007, the dollar amount is increased by \$155,400 for
16 fiscal year 2006-07 to provide funding for the government accountability board to
17 hold meetings, employ staff, and prepare to assume its full authority and
18 responsibilities under this act.

19 **SECTION 202. Effective dates.** This act takes effect on the first day of the 7th
20 month beginning after publication, except as follows:

21 (1) The treatment of sections 5.052, 5.054, 15.07 (1) (a) 2., (2) (b), and (5) (m),
22 15.60, 15.603, 20.511 (intro.) and (1) (title) and (a), 20.923 (4) (f) 3j., and 230.08 (2)
23 (e) 4h. and (on) and (4) (a) of the statutes, SECTIONS 200 (4) to (7) and 201 (5) of this
24 act take effect on the day after publication.

