

2003 SENATE BILL 11

January 28, 2003 – Introduced by Senators ELLIS, COWLES, ERPENBACH, SCHULTZ, A. LASEE and HANSEN, cosponsored by Representatives MCCORMICK, KRAWCZYK, HAHN, SERATTI, UNDERHEIM, BIES, STASKUNAS and VAN ROY. Referred to Committee on Education, Ethics and Elections.

1 **AN ACT** *to repeal* 5.05 (5), 15.07 (5) (n), 15.62 (intro.) and (1), 15.62 (3), 19.47 (2),
2 19.47 (4), 20.510 (1) (bm), 20.521 (intro.), 20.521 (1) (title), 20.521 (1) (a), 20.521
3 (1) (g), 20.521 (1) (i), 20.923 (4) (d) 3. and 230.08 (2) (wm); *to renumber and*
4 **amend** 15.61, 15.62 (2) and 20.521 (1) (h); *to amend* 5.02 (1s), 5.05 (title), 5.05
5 (1) (intro.), 5.05 (1) (b), 5.40 (7), 5.62 (4) (b), 7.08 (title), 7.31 (5), 7.60 (4) (a), 7.60
6 (5), 7.70 (1), 7.70 (5) (b), 8.05 (1) (j), 8.10 (5), 8.15 (4) (b), 8.18 (2), 8.20 (6), 8.50
7 (3) (a), 8.50 (3) (e), 9.01 (1) (a), 9.01 (1) (ar) 2., 9.01 (10), 11.21 (title), 11.21 (7)
8 (intro.), 13.123 (3) (b) 2., 13.23, 13.62 (4), 13.685 (title), 13.94 (1) (k), 14.58 (20),
9 15.07 (1) (a) 2., 15.07 (4), 15.07 (5) (k), 15.61 (title), 16.79 (2), 16.96 (3) (b), 17.17
10 (1), 17.17 (4), 19.42 (3), 19.42 (10) (a), 19.43 (4), 19.43 (5), 19.45 (6), 19.46 (2),
11 19.47 (5), 19.50 (2), 19.54 (2), 19.55 (1), 19.55 (2) (a) to (c), 19.59 (1) (g) 8., 19.85
12 (1) (h), 20.510 (intro.), 20.510 (1) (a), 20.510 (1) (h), 20.510 (1) (i), 20.923 (4) (d)
13 4., 22.07 (6), 59.605 (3) (a) 3., 67.05 (3) (b), 67.05 (6), 71.10 (3) (b), 73.0301 (1)
14 (d) 13., 73.0301 (1) (e), 117.20 (2), 117.27 (2) (b) (intro.), 121.91 (3) (c), 125.05 (1)

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1 (b) 10., 165.25 (1), 198.08 (10), 200.09 (11) (am) 3., 227.03 (6), 227.52 (6), 230.08
2 (2) (om), 230.08 (4) (a), 234.02 (3m) (c), 560.04 (2m), 778.135 and 778.136; and
3 **to create** 5.05 (1m), 5.05 (2m), 14.11 (2) (am), 15.613, 19.42 (13) (p) and 230.08
4 (2) (e) 4c. of the statutes; **relating to:** creation of an Ethics and Elections
5 Accountability and Control Board and making appropriations.

Analysis by the Legislative Reference Bureau

Currently, the Elections Board consists of nine members. The governor appoints all of the members of the Elections Board, without confirmation by the senate, to serve for two-year terms as follows: one member is selected by the governor and one member each is designated by the chief justice of the Supreme Court, the speaker of the assembly, the senate majority leader, the minority leader in each house of the legislature, and the chief officer of each political party qualifying for a separate ballot at the September primary whose candidate for governor at the most recent gubernatorial election received at least 10% of the vote (currently, the Republican, Democratic, and Libertarian parties).

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

This bill abolishes both boards and replaces them with an Ethics and Elections Accountability and Control Board. Under the bill, the board is composed of nine members serving for staggered four-year terms. The bill provides for the Supreme Court to appoint eight of the members, which must include one member residing in each congressional district in this state. These members then appoint the ninth member. Under the bill, none of the appointments is subject to senate confirmation. No member, for one year immediately prior to the date of appointment, may have been, and no member while serving on the board may become, a member of a political party, an officer or member of a committee in any partisan political club or organization, or a candidate for any partisan office.

The bill creates three divisions within the Ethics and Elections Accountability Board: an Elections Division, an Ethics Division, and an Enforcement Division.

The Elections Division assumes the administrative responsibilities of the Elections Board, the Ethics Division assumes the administrative responsibilities of the Ethics Board, and the Enforcement Division is empowered to investigate

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violations and bring civil and criminal actions to enforce the elections, ethics, and lobbying regulation laws. Under current law, the Elections and Ethics boards share civil enforcement authority with district attorneys and in some cases with the attorney general; and the district attorneys, and in some cases the attorney general, exercise criminal enforcement authority.

The bill requires that the Enforcement Division include a full-time special prosecutor who has independent authority to investigate and prosecute violations of the elections, ethics, and lobbying regulation laws the without consent of the Ethics and Elections Accountability and Control Board.

Currently, the Elections and Ethics boards have sum certain appropriations derived from state general purpose revenue. In addition, both boards finance some of their operations with program revenue. This bill provides for the general purpose revenue portion of the budget of the Ethics and Elections Accountability and Control Board to be funded with a sum sufficient appropriation.

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

2 5.02 **(1s)** “Board” means the ethics and elections accountability and control
3 board.

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

5 **5.05** (title) **Elections board Ethics and elections accountability and**
6 **control board; powers and duties.**

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

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

12 **SECTION 4.** 5.05 (1) (b) of the statutes is amended to read:

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

15 **SECTION 5.** 5.05 (1m) of the statutes is created to read:

16 5.05 (1m) APPOINTMENT OF 9TH BOARD MEMBER. Prior to May 1 in each year in
17 which the term of the member of the board who is appointed by the other board
18 members expires, the board shall appoint a qualified person to serve for the ensuing
19 term of office.

20 **SECTION 6.** 5.05 (2m) of the statutes is created to read:

21 5.05 (2m) DIVISIONS. (a) The elections division shall carry out the board's
22 responsibilities with respect to the administration of chs. 5 to 12 and other laws
23 relating to elections or election campaigns.

24 (b) The ethics division shall carry out the board's responsibilities with respect
25 to administration of subch. III of ch. 13 and subch. III of ch. 19.

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1 (c) The enforcement division shall investigate and prosecute alleged violations
2 of laws administered by the board pursuant to all statutes granting or assigning that
3 authority or responsibility to the board. The enforcement division shall prosecute
4 civil and criminal actions brought by the board and shall assist the district attorneys
5 and the attorney general in prosecuting criminal actions referred to them by the
6 board.

7 (d) The administrator of the elections division or the ethics division may refer
8 any matter to the enforcement division for investigation. Any person may file a
9 verified complaint with the enforcement division alleging a violation of chs. 5 to 12,
10 subch. III of ch. 13, or subch. III of ch. 19.

11 (e) The board shall employ a full-time special prosecutor within the
12 enforcement division. The prosecutor may, with or without approval of the board,
13 investigate or prosecute any civil or criminal violation of chs. 5 to 12, subch. III of ch.
14 13, subch. III of ch. 19, or s. 946.12 in the name of the board. The jurisdiction of the
15 special prosecutor is concurrent with the jurisdiction of the board, the district
16 attorneys, and the attorney general to conduct investigations and enforce these laws.

17 **SECTION 7.** 5.05 (5) of the statutes is repealed.

18 **SECTION 8.** 5.40 (7) of the statutes is amended to read:

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

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1 **SECTION 9.** 5.62 (4) (b) of the statutes is amended to read:

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

7 **SECTION 10.** 7.08 (title) of the statutes is amended to read:

8 **7.08** (title) **Elections Ethics and elections accountability and control**
9 **board.**

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

11 7.31 **(5)** The board shall conduct regular training and administer examinations
12 to ensure that individuals who are certified by the board under this section are
13 knowledgeable concerning their authority and responsibilities. The board shall pay
14 all costs required to conduct the training and to administer the examinations from
15 the appropriation under s. 20.510 (1) ~~(bm)~~ (a).

16 **SECTION 12.** 7.60 (4) (a) of the statutes is amended to read:

17 7.60 **(4)** (a) The board of canvassers shall make separate duplicate statements
18 showing the numbers of votes cast for the offices of president and vice president; state
19 officials; U.S. senators and representatives in congress; state legislators; justice;
20 court of appeals judge; circuit judges; district attorneys; and metropolitan sewerage
21 commissioners, if the commissioners are elected under s. 200.09 (11) (am). If a
22 municipal judge elected under s. 755.01 (4) serves a municipality that is located
23 partially within the county and candidates for that judgeship file nomination papers
24 in another county, the board of canvassers shall prepare a duplicate statement
25 showing the numbers of votes cast for that judgeship in that county for transmittal

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

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

13 7.60 (5) REPORTING. (a) Immediately following the canvass, the county clerk
14 shall deliver or send to the ethics and elections accountability and control board, by
15 1st class mail, a certified copy of each statement of the county board of canvassers
16 for president and vice president, state officials, senators and representatives in
17 congress, state legislators, justice, court of appeals judge, circuit judge, district
18 attorney, and metropolitan sewerage commissioners, if the commissioners are
19 elected under s. 200.09 (11) (am). The statement shall record the returns for each
20 office or referendum by ward, unless combined returns are authorized under s. 5.15
21 (6) (b) in which case the statement shall record the returns for each group of
22 combined wards. Following primaries the county clerk shall enclose on forms
23 prescribed by the ethics and elections accountability and control board the names,
24 party or principle designation, if any, and number of votes received by each candidate
25 recorded in the same manner. The county clerk shall deliver or transmit the certified

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

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

18 **SECTION 14.** 7.70 (1) of the statutes is amended to read:

19 **7.70 (1) RECORDING AND PRESERVING RETURNS.** (a) Upon receipt of the certified
20 statements from the county clerks, the ~~elections~~ board shall record the election
21 results by counties and file and carefully preserve the statements.

22 (b) If any county clerk fails or neglects to forward any statements, the ~~elections~~
23 board may require the clerk to do so immediately and if not received by the 8th day
24 after a primary, or by the 11th day after any other election, the ~~elections~~ board may
25 dispatch a special messenger to obtain them. Whenever it appears upon the face of

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1 any statement that an error has been made in reporting or computing, the elections
2 board may return it to the county clerk for correction.

3 **SECTION 15.** 7.70 (5) (b) of the statutes is amended to read:

4 7.70 (5) (b) For presidential electors, the elections board shall prepare a
5 certificate showing the determination of the results of the canvass and the names of
6 the persons elected, and the governor shall sign, affix the great seal of the state, and
7 transmit the certificate by registered mail to the U.S. administrator of general
8 services. The governor shall also prepare 6 duplicate originals of such certificate and
9 deliver them to one of the presidential electors on or before the first Monday after the
10 2nd Wednesday in December.

11 **SECTION 16.** 8.05 (1) (j) of the statutes is amended to read:

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

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

14 **SECTION 17.** 8.10 (5) of the statutes is amended to read:

15 8.10 (5) Nomination papers shall be accompanied by a declaration of candidacy
16 under s. 8.21. If a candidate has not filed a registration statement under s. 11.05 at
17 the time he or she files nomination papers, the candidate shall file the statement
18 with the papers. A candidate for state office or municipal judge shall also file a
19 statement of economic interests with the ethics board under s. 19.43 (4) no later than
20 4:30 p.m. on the 3rd day following the last day for filing nomination papers under
21 sub. (2) (a), or no later than 4:30 p.m. on the next business day after the last day
22 whenever that candidate is granted an extension of time for filing nomination papers
23 under sub. (2) (a).

24 **SECTION 18.** 8.15 (4) (b) of the statutes is amended to read:

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

10 **SECTION 19.** 8.18 (2) of the statutes is amended to read:

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

15 **SECTION 20.** 8.20 (6) of the statutes is amended to read:

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

25 **SECTION 21.** 8.50 (3) (a) of the statutes is amended to read:

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

16 **SECTION 22.** 8.50 (3) (e) of the statutes is amended to read:

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

21 **SECTION 23.** 9.01 (1) (a) of the statutes is amended to read:

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

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

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1 **SECTION 24.** 9.01 (1) (ar) 2. of the statutes is amended to read:

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

5 **SECTION 25.** 9.01 (10) of the statutes is amended to read:

6 9.01 **(10)** STANDARD FORMS AND METHODS. The ~~elections~~ board shall prescribe
7 standard forms and procedures for the making of recounts under this section.

8 **SECTION 26.** 11.21 (title) of the statutes is amended to read:

9 **11.21 (title) Duties of the elections board.**

10 **SECTION 27.** 11.21 (7) (intro.) of the statutes is amended to read:

11 11.21 **(7)** (intro.) Include in its biennial report under s. ~~5.05 (5)~~ 15.04 (1) (d)
12 compilations of any of the following in its discretion:

13 **SECTION 28.** 13.123 (3) (b) 2. of the statutes is amended to read:

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

18 **SECTION 29.** 13.23 of the statutes is amended to read:

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

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1 board shall then send a copy of s. 13.24 to both contestants. If any contestant fails
2 to so file a copy of such notice, the contestant shall not be entitled to any mileage or
3 salary in case payment has been made therefor to the sitting member.

4 **SECTION 30.** 13.62 (4) of the statutes is amended to read:

5 13.62 (4) “Board” means the ethics and elections accountability and control
6 board.

7 **SECTION 31.** 13.685 (title) of the statutes is amended to read:

8 **13.685** (title) **Duties of the ethics and elections accountability and**
9 **control board.**

10 **SECTION 32.** 13.94 (1) (k) of the statutes is amended to read:

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

13 **SECTION 33.** 14.11 (2) (am) of the statutes is created to read:

14 14.11 (2) (am) Upon request of the ethics and elections accountability and
15 control board, the governor shall employ special counsel recommended by the board
16 for the purpose of assisting the board in investigating or prosecuting an alleged
17 violation of subch. III of ch. 13, subch. III of ch. 19, or chs. 5 to 12.

18 **SECTION 34.** 14.58 (20) of the statutes is amended to read:

19 14.58 (20) ELECTION CAMPAIGN FUND. Make disbursements to each candidate
20 certified under s. 7.08 (2) (c) or (cm) by the ethics and elections accountability and
21 control board as eligible to receive moneys from the Wisconsin election campaign
22 fund.

23 **SECTION 35.** 15.07 (1) (a) 2. of the statutes is amended to read:

24 15.07 (1) (a) 2. Members of the ethics and elections accountability and control
25 board shall be appointed as provided in s. 15.61.

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1 **SECTION 36.** 15.07 (4) of the statutes is amended to read:

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

7 **SECTION 37.** 15.07 (5) (k) of the statutes is amended to read:

8 15.07 **(5)** (k) Members of the ethics and elections accountability and control
9 board, \$25 per day.

10 **SECTION 38.** 15.07 (5) (n) of the statutes is repealed.

11 **SECTION 39.** 15.61 (title) of the statutes is amended to read:

12 **15.61** (title) **Elections Ethics and elections accountability and control**
13 **board; creation.**

14 **SECTION 40.** 15.61 of the statutes is renumbered 15.61 (1) and amended to read:

15 15.61 **(1)** There is created an ethics and elections accountability and control
16 board consisting of 9 persons ~~who,~~ 8 of whom shall be appointed by the governor for
17 2-year ~~supreme court and one of whom shall be appointed by the other members.~~
18 Of the members who are appointed by the supreme court, one shall be a resident of
19 each congressional district in the state. Members shall serve for 4-year terms as
20 follows: ~~one member selected by the governor; one member each designated by the~~
21 ~~chief justice of the supreme court, the speaker of the assembly, the senate majority~~
22 ~~leader, the minority leader in each house of the legislature, and the chief officer of~~
23 ~~each political party qualifying for a separate ballot under s. 5.62 (1) (b) or (2) whose~~
24 ~~candidate for governor received at least 10% of the vote in the most recent~~
25 gubernatorial election.

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1 **SECTION 41.** 15.613 of the statutes is created to read:

2 **15.613 Same; specified divisions. (1)** ELECTIONS DIVISION. There is created in
3 the ethics and elections accountability and control board an elections division.

4 **(2)** ETHICS DIVISION. There is created in the ethics and elections accountability
5 and control board an ethics division.

6 **(3)** ENFORCEMENT DIVISION. There is created in the ethics and elections
7 accountability and control board an enforcement division.

8 **SECTION 42.** 15.62 (intro.) and (1) of the statutes are repealed.

9 **SECTION 43.** 15.62 (2) of the statutes is renumbered 15.61 (2) and amended to
10 read:

11 15.61 **(2)** No member, ~~when appointed,~~ for one year immediately prior to the
12 date of appointment ~~or while serving on the board,~~ may have been, or while serving
13 on the board may become, a member of a political party, an officer or member of a
14 committee in any partisan political club or organization, or a candidate for any
15 partisan elective public office. ~~No member may become a candidate for or hold any~~
16 ~~such office while serving on the board.~~

17 **SECTION 44.** 15.62 (3) of the statutes is repealed.

18 **SECTION 45.** 16.79 (2) of the statutes is amended to read:

19 16.79 **(2)** The department shall distribute in pamphlet form copies of the
20 constitution and such laws as may be required to meet the public demand, including
21 the election laws. The department shall distribute election manuals, forms, and
22 supplies specified by the ethics and elections accountability and control board. The
23 laws, manuals, forms, and supplies shall be sold by the department at cost, including
24 distribution cost as determined under s. 35.80. The ethics and elections
25 accountability and control board shall inform the department in writing as to which

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1 election manuals, forms, and supplies shall be offered for distribution under this
2 subsection.

3 **SECTION 46.** 16.96 (3) (b) of the statutes is amended to read:

4 16.96 (3) (b) Maintain and keep current throughout the decade the maps of
5 congressional and legislative district boundaries received from the legislative
6 reference bureau under s. 13.92 (1) (a) 6. and provide copies thereof to the ethics and
7 elections accountability and control board.

8 **SECTION 47.** 17.17 (1) of the statutes is amended to read:

9 17.17 (1) SENATORS AND MEMBERS OF CONGRESS. In the office of United States
10 senator or member of congress from this state, by the county clerk of the county
11 wherein such officer resided at the time of election, to the ethics and elections
12 accountability and control board.

13 **SECTION 48.** 17.17 (4) of the statutes is amended to read:

14 17.17 (4) JUSTICES AND JUDGES. In the office of justice of the supreme court, court
15 of appeals judge, or judge of a circuit court, by the director of state courts to the
16 governor and the and ethics elections accountability and control board.

17 **SECTION 49.** 19.42 (3) of the statutes is amended to read:

18 19.42 (3) “Board” means the ethics and elections accountability and control
19 board.

20 **SECTION 50.** 19.42 (10) (a) of the statutes is amended to read:

21 19.42 (10) (a) A member of the ethics and elections accountability and control
22 board.

23 **SECTION 51.** 19.42 (13) (p) of the statutes is created to read:

24 19.42 (13) (p) The members of the ethics and elections accountability and
25 control board.

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1 **SECTION 52.** 19.43 (4) of the statutes is amended to read:

2 19.43 (4) A candidate for state public office shall file with the board a statement
3 of economic interests meeting each of the requirements of s. 19.44 (1) no later than
4 4:30 p.m. on the 3rd day following the last day for filing nomination papers for the
5 office which the candidate seeks, or no later than 4:30 p.m. on the next business day
6 after the last day whenever that candidate is granted an extension of time for filing
7 nomination papers or a declaration of candidacy under s. 8.05 (1) (j), 8.10 (2) (a), 8.15
8 (1), or 8.20 (8) (a), no later than 4:30 p.m. on the 5th day after notification of
9 nomination is mailed or personally delivered to the candidate by the municipal clerk
10 in the case of a candidate who is nominated at a caucus, or no later than 4:30 p.m.
11 on the 3rd day after notification of nomination is mailed or personally delivered to
12 the candidate by the appropriate official or agency in the case of a write-in candidate
13 or candidate who is appointed to fill a vacancy in nomination under s. 8.35 (2) (a).
14 The information contained on the statement shall be current as of December 31 of
15 the year preceding the filing deadline. Before certifying the name of any candidate
16 for state public office under s. 7.08 (2) (a), the ethics and elections accountability and
17 control board, municipal clerk, or board of election commissioners shall ascertain
18 whether that candidate has complied with this subsection. If not, the ethics and
19 elections accountability and control board, municipal clerk, or board of election
20 commissioners may not certify the candidate's name for ballot placement.

21 **SECTION 53.** 19.43 (5) of the statutes is amended to read:

22 19.43 (5) Each member of the investment board and each employee of the
23 investment board who is a state public official shall complete and file with the ethics
24 and elections accountability and control board a quarterly report of economic
25 transactions no later than the last day of the month following the end of each

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1 calendar quarter during any portion of which he or she was a member or employee
2 of the investment board. Such reports of economic transactions shall be in the form
3 prescribed by the ethics and elections accountability and control board and shall
4 identify the date and nature of any purchase, sale, put, call, option, lease, or creation,
5 dissolution, or modification of any economic interest made during the quarter for
6 which the report is filed and disclosure of which would be required by s. 19.44 if a
7 statement of economic interests were being filed.

8 **SECTION 54.** 19.45 (6) of the statutes is amended to read:

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

23 **SECTION 55.** 19.46 (2) of the statutes is amended to read:

24 19.46 **(2)** Any individual, either personally or on behalf of an organization or
25 governmental body, may request of the board an advisory opinion regarding the

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1 propriety of any matter to which the person is or may become a party; and any
2 appointing officer, with the consent of a prospective appointee, may request of the
3 board an advisory opinion regarding the propriety of any matter to which the
4 prospective appointee is or may become a party. The board shall review a request for
5 an advisory opinion and may advise the person making the request. Advisory
6 opinions issued under this subsection and requests therefor shall be in writing. The
7 board's deliberations and actions upon such requests shall be in meetings not open
8 to the public. It is prima facie evidence of intent to comply with this subchapter or
9 subch. III of ch. 13 when a person refers a matter to the board and abides by the
10 board's advisory opinion, if the material facts are as stated in the opinion request.
11 The board may authorize the executive director to act in its stead in instances where
12 delay is of substantial inconvenience or detriment to the requesting party. No
13 member or employee of the board may make public the identity of the individual
14 requesting an advisory opinion under this subsection or of individuals or
15 organizations mentioned in the opinion.

16 **SECTION 56.** 19.47 (2) of the statutes is repealed.

17 **SECTION 57.** 19.47 (4) of the statutes is repealed.

18 **SECTION 58.** 19.47 (5) of the statutes is amended to read:

19 19.47 (5) ~~No later than September 1 of each year, the board shall submit a~~
20 ~~report concerning its actions in the preceding fiscal year to the governor and the chief~~
21 ~~clerk of each house of the legislature, for distribution to the legislature under s.~~
22 ~~13.172 (2). Such~~ The board shall submit a copy of its biennial report under s. 15.04
23 (1) (d) to the clerk of the supreme court. The board shall include in its biennial report
24 ~~shall contain~~ the names and duties of all individuals employed by the board and a
25 summary of its determinations and advisory opinions issued under s. 19.46 (2). The

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

6 **SECTION 59.** 19.50 (2) of the statutes is amended to read:

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

12 **SECTION 60.** 19.54 (2) of the statutes is amended to read:

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

20 **SECTION 61.** 19.55 (1) of the statutes is amended to read:

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

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

6 **SECTION 62.** 19.55 (2) (a) to (c) of the statutes are amended to read:

7 19.55 (2) (a) Records obtained in connection with a request for an advisory
8 opinion issued under s. 19.46 (2) other than summaries of advisory opinions that do
9 not disclose the identity of individuals requesting such opinions or organizations on
10 whose behalf they are requested. The board may, however, make such records public
11 with the consent of the individual requesting the advisory opinion or the
12 organization or governmental body on whose behalf it is requested. A person who
13 makes or purports to make public the substance of or any portion of an advisory
14 opinion requested by or on behalf of the person is deemed to have waived the
15 confidentiality of the request for an advisory opinion and of any records obtained or
16 prepared by the board in connection with the request for an advisory opinion.

17 (b) Records obtained or prepared by the board in connection with an
18 investigation under this subchapter or subch. III of ch. 13, except that the board shall
19 permit inspection of records that are made public in the course of a hearing by the
20 board to determine if a violation of this subchapter or subch. III of ch. 13 has
21 occurred. Whenever the board refers such investigation and hearing records to a
22 district attorney or to the attorney general, they may be made public in the course
23 of a prosecution initiated under this subchapter. The board shall also provide
24 information from investigation and hearing records that pertains to the location of
25 individuals and assets of individuals as requested under s. 49.22 (2m) by the

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1 department of workforce development or by a county child support agency under s.
2 59.53 (5).

3 (c) Statements of economic interests and reports of economic transactions
4 which are filed with the ethics and elections accountability and control board by
5 members or employees of the investment board, except that the ethics and elections
6 accountability and control board shall refer statements and reports filed by such
7 individuals to the legislative audit bureau for its review, and except that a statement
8 of economic interests filed by a member or employee of the investment board who is
9 also an official required to file shall be open to public inspection.

10 **SECTION 63.** 19.59 (1) (g) 8. of the statutes is amended to read:

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

24 **SECTION 64.** 19.85 (1) (h) of the statutes is amended to read:

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1 19.85 (1) (h) Consideration of requests for confidential written advice from the
2 ethics and elections accountability and control board under s. 19.46 (2), or from any
3 county or municipal ethics board under s. 19.59 (5).

4 **SECTION 65.** 20.510 (intro.) of the statutes is amended to read.

5 **20.510 Elections Ethics and elections accountability and control**
6 **board.** (intro.) There is appropriated from the general fund, except where otherwise
7 indicated, to the ethics and elections accountability and control board for the
8 following programs:

9 **SECTION 66.** 20.510 (1) (a) of the statutes is amended to read:

10 20.510 (1) (a) *General program operations; general purpose revenue.*
11 ~~Biennially, the amounts in the schedule~~ A sum sufficient for general program
12 operations, including the printing of forms, materials, manuals, and election laws
13 under ss. 7.08 (1) (b), (3), and (4) and 11.21 (3) and (14), and ~~including~~ the training
14 of election officials under ~~s. ss.~~ ss. 5.05 (7) and 7.31.

15 **SECTION 67.** 20.510 (1) (bm) of the statutes is repealed.

16 **SECTION 68.** 20.510 (1) (h) of the statutes is amended to read:

17 20.510 (1) (h) *Materials and services.* The amounts in the schedule for the ~~cost~~
18 costs of publishing documents, locating and copying records, and conducting
19 programs under s. 19.48 (9) and administrative meetings and conferences, for
20 compiling, disseminating, and making available information prepared by and filed
21 with the board under s. 19.48 (10), and for supplies, postage, and shipping. All
22 moneys received by the board from collections for sales of publications, copies of
23 records, and supplies, for postage, for shipping and records location fees, from fees
24 assessed under s. 19.48 (9) and (10), and for charges assessed to participants in

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1 administrative meetings and conferences shall be credited to this appropriation
2 account.

3 **SECTION 69.** 20.510 (1) (i) of the statutes is amended to read:

4 20.510 (1) (i) *General program operations; program revenue.* The amounts in
5 the schedule for general program operations. All moneys received from fees imposed
6 under s. ss. 11.055 (1) and 13.75 shall be credited to this appropriation account.

7 **SECTION 70.** 20.521 (intro.) of the statutes is repealed.

8 **SECTION 71.** 20.521 (1) (title) of the statutes is repealed.

9 **SECTION 72.** 20.521 (1) (a) of the statutes is repealed.

10 **SECTION 73.** 20.521 (1) (g) of the statutes is repealed.

11 **SECTION 74.** 20.521 (1) (h) of the statutes is renumbered 20.510 (1) (jm) and
12 amended to read:

13 20.510 (1) (jm) *Gifts and grants.* All moneys received by the board from gifts,
14 grants, and bequests ~~and devises~~ to carry out the purposes, not inconsistent with
15 subch. III of ch. 13 or subch. III of ch. 19 the law, for which made or received.

16 **SECTION 75.** 20.521 (1) (i) of the statutes is repealed.

17 **SECTION 76.** 20.923 (4) (d) 3. of the statutes is repealed.

18 **SECTION 77.** 20.923 (4) (d) 4. of the statutes is amended to read:

19 20.923 (4) (d) 4. Ethics and elections accountability and control board:
20 executive director.

21 **SECTION 78.** 22.07 (6) of the statutes is amended to read:

22 22.07 (6) With the advice of the ethics and elections accountability and control
23 board, adopt and enforce standards of ethical conduct applicable to its paid
24 consultants which are similar to the standards prescribed in subch. III of ch. 19,

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1 except that the department shall not require its paid consultants to file statements
2 of economic interests.

3 **SECTION 79.** 59.605 (3) (a) 3. of the statutes is amended to read:

4 59.605 (3) (a) 3. The referendum shall be held in accordance with chs. 5 to 12.
5 The governing body shall provide the election officials with all necessary election
6 supplies. The form of the ballot shall correspond substantially with the standard
7 form for referendum ballots prescribed by the ethics and elections accountability and
8 control board under ss. 5.64 (2) and 7.08 (1) (a). If the resolution under subd. 1.
9 specifies the operating levy rate, the question shall be submitted as follows: “Under
10 state law, the operating levy rate for the (name of county), for the tax to be imposed
11 for the year (year), is limited to \$.... per \$1,000 of equalized value. Shall the
12 (name of county) be allowed to exceed this rate limit for (a specified number of
13 years) (an indefinite period) by \$.... per \$1,000 of equalized value that results in an
14 operating levy rate of \$.... per \$1,000 of equalized value?” If the resolution under
15 subd. 1. specifies the operating levy, the question shall be submitted as follows:
16 “Under state law, the operating levy rate for the (name of county), for the tax to
17 be imposed for the year (year), is limited to \$.... per \$1,000 of equalized value.
18 Notwithstanding the operating levy rate limit, shall the (name of county) be
19 allowed to levy an amount not to exceed \$.... (operating levy) for operating purposes
20 for the year (year), which may increase the operating levy rate for (a specified
21 number of years) (an indefinite period)? This would allow a% increase above the
22 levy of \$.... (preceding year operating levy) for the year (preceding year).”

23 **SECTION 80.** 67.05 (3) (b) of the statutes is amended to read:

24 67.05 (3) (b) The clerk of the jurisdiction in which the referendum is held shall
25 prepare or arrange for the preparation of the ballots. If the jurisdiction in which the

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1 referendum is held is not a city, village, or town, and the clerk of the jurisdiction in
2 which the referendum is held prepares the ballots, the clerk shall deliver the ballots
3 to the municipal clerk of each city, village, or town which is wholly or partly contained
4 within the jurisdiction in which the referendum is held. The form of the ballot shall
5 correspond with the form prescribed by the ethics and elections accountability and
6 control board under ss. 5.64 (2) and 7.08 (1) (a).

7 **SECTION 81.** 67.05 (6) of the statutes is amended to read:

8 67.05 (6) REFERENDUM IN OTHER CASES. Whenever an initial resolution has been
9 adopted by the governing body of any municipality other than a county, a town, a city,
10 a village, a technical college district, a metropolitan sewerage district created under
11 ss. 200.01 to 200.15 or 200.21 to 200.65, a town sanitary district, a public inland lake
12 protection and rehabilitation district, or a board of park commissioners, the clerk of
13 such municipality shall immediately record the resolution and call a special meeting
14 for the purpose of submitting it to the electors of the municipality for ratification or
15 rejection. The calling and conduct of the meeting shall be governed by those statutes,
16 so far as applicable, which govern the calling and conduct of special meetings in
17 general. The notice of the meeting, which shall be publicly read before the balloting
18 shall commence, and the ballot used, shall embody a copy of the resolution; the form
19 of the ballot shall correspond with the form prescribed by the ethics and elections
20 accountability and control board under ss. 5.64 (2) and 7.08 (1) (a); and the question
21 submitted shall be whether the resolution shall be approved.

22 **SECTION 82.** 71.10 (3) (b) of the statutes is amended to read:

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

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

20 **SECTION 83.** 73.0301 (1) (d) 13. of the statutes is amended to read:

21 73.0301 (1) (d) 13. A license issued by the ethics and elections accountability
22 and control board under s. 13.63 (1).

23 **SECTION 84.** 73.0301 (1) (e) of the statutes is amended to read:

24 73.0301 (1) (e) “Licensing department” means the department of
25 administration; the board of commissioners of public lands; the department of

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

6 **SECTION 85.** 117.20 (2) of the statutes is amended to read:

7 117.20 (2) The clerk of each affected school district shall publish notice, as
8 required under s. 8.55, in the territory of that school district. The procedures for
9 school board elections under s. 120.06 (5), (9), (11), (13), and (14) apply to a
10 referendum held under this section. The school board and school district clerk of each
11 affected school district shall each perform, for that school district, the functions
12 assigned to the school board and the school district clerk, respectively, under those
13 subsections. The form of the ballot shall correspond to the form prescribed by the
14 ethics and elections accountability and control board under ss. 5.64 (2) and 7.08 (1)
15 (a). The clerk of each affected school district shall file with the secretary of the board
16 a certified statement prepared by the school district board of canvassers of the results
17 of the referendum in that school district.

18 **SECTION 86.** 117.27 (2) (b) (intro.) of the statutes is amended to read:

19 117.27 (2) (b) (intro.) The school district clerk shall include in the notice of the
20 spring election a statement that the election ballot will include a question on the
21 change requested by the petition. The form of the ballot shall correspond to the form
22 prescribed by the ethics and elections accountability and control board under ss. 5.64
23 (2) and 7.08 (1) (a) and the question on the ballot shall be:

24 **SECTION 87.** 121.91 (3) (c) of the statutes is amended to read:

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

12 **SECTION 88.** 125.05 (1) (b) 10. of the statutes is amended to read:

13 125.05 (1) (b) 10. Each question submitted to the electors shall conform to the
14 form prescribed by the ethics and elections accountability and control board under
15 ss. 5.64 (2) and 7.08 (1) (a).

16 **SECTION 89.** 165.25 (1) of the statutes is amended to read:

17 165.25 (1) REPRESENT STATE. Except as provided in s. ss. 5.05 (2m) (e) and 978.05
18 (5), appear for the state and prosecute or defend all actions and proceedings, civil or
19 criminal, in the court of appeals and the supreme court, in which the state is
20 interested or a party, and attend to and prosecute or defend all civil cases sent or
21 remanded to any circuit court in which the state is a party; and, if requested by the
22 governor or either house of the legislature, appear for and represent the state, any
23 state department, agency, official, employee, or agent, whether required to appear
24 as a party or witness in any civil or criminal matter, and prosecute or defend in any
25 court or before any officer, any cause or matter, civil or criminal, in which the state

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1 or the people of this state may be interested. The public service commission may
2 request under s. 196.497 (7) that the attorney general intervene in federal
3 proceedings. All expenses of the proceedings shall be paid from the appropriation
4 under s. 20.455 (1) (d).

5 **SECTION 90.** 198.08 (10) of the statutes is amended to read:

6 **198.08 (10) ELECTION STATISTICS.** The clerk of the district shall seasonably
7 obtain, compile, and file in his or her office, for the information of the public, a
8 statement showing the total number of votes cast for the office of governor in the last
9 preceding general election in each subdistrict of the district. The clerk of every
10 municipality and the ethics and elections accountability and control board shall
11 furnish such information so far as obtainable from their records, duly certified, to the
12 clerk of the district upon request therefor by the clerk of the district. If the total
13 number of votes cast in any subdistrict for the office of governor in the last preceding
14 election cannot, because of an intervening change of boundaries of election wards or
15 for any reason, be ascertained from any official record the clerk of the district shall
16 fairly estimate such number for the purposes of such statement to be filed in his or
17 her office.

18 **SECTION 91.** 200.09 (11) (am) 3. of the statutes is amended to read:

19 **200.09 (11) (am) 3.** If the governing bodies of each city, town, and village
20 comprising the district pass a resolution to discontinue election of commissioners,
21 each commissioner may hold office until a successor is appointed and qualified. The
22 commission shall immediately notify the ethics and elections accountability and
23 control board under s. 5.05 upon passage of a resolution under this subdivision.

24 **SECTION 92.** 227.03 (6) of the statutes is amended to read:

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1 227.03 **(6)** Orders of the ethics and elections accountability and control board
2 under s. 5.06 (6) are not subject to this chapter.

3 **SECTION 93.** 227.52 (6) of the statutes is amended to read:

4 227.52 **(6)** Decisions of the chairperson of the ethics and elections
5 accountability and control board or the chairperson's designee.

6 **SECTION 94.** 230.08 (2) (e) 4c. of the statutes is created to read:

7 230.08 **(2)** (e) 4c. Ethics and elections accountability and control board — 3.

8 **SECTION 95.** 230.08 (2) (om) of the statutes is amended to read:

9 230.08 **(2)** (om) The executive director of the ethics and elections and
10 accountability and control board.

11 **SECTION 96.** 230.08 (2) (wm) of the statutes is repealed.

12 **SECTION 97.** 230.08 (4) (a) of the statutes is amended to read:

13 230.08 **(4)** (a) The number of administrator positions specified in sub. (2) (e)
14 includes all administrator positions specifically authorized by law to be employed
15 outside the classified service in each department, board or commission and the
16 historical society. In this paragraph, "department" has the meaning given under s.
17 15.01 (5), "board" means the educational communications board, ethics and elections
18 accountability and control board, investment board, public defender board and
19 technical college system board and "commission" means the public service
20 commission. Notwithstanding sub. (2) (z), no division administrator position
21 exceeding the number authorized in sub. (2) (e) may be created in the unclassified
22 service.

23 **SECTION 98.** 234.02 (3m) (c) of the statutes is amended to read:

24 234.02 **(3m)** (c) The authority shall, with the advice of the ethics and elections
25 accountability and control board, adopt and enforce ethics guidelines applicable to

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1 its paid consultants which are similar to subch. III of ch. 19, except that the authority
2 may not require its paid consultants to file financial disclosure statements.

3 **SECTION 99.** 560.04 (2m) of the statutes is amended to read:

4 560.04 **(2m) DUTIES.** The department may assign one or more full-time
5 equivalent positions to the functions of coordinating the development and scheduling
6 of training programs for local government officials by the University of
7 Wisconsin-Extension, technical college system, department of revenue, ethics and
8 elections accountability and control board, and other state agencies in order to
9 assure the effective delivery of training programs and to prevent duplication of effort
10 and of coordinating requests for management or personnel consultative services
11 from government units other than the state and directing those requests to the
12 appropriate division of the department of administration.

13 **SECTION 100.** 778.135 of the statutes is amended to read:

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

24 **SECTION 101.** 778.136 of the statutes is amended to read:

SENATE BILL 11**1 778.136 Ethics and lobbying forfeitures; how recovered.**

2 Notwithstanding s. 778.13, whenever any moneys are received by the ethics and
3 elections accountability and control board or attorney general in settlement of a civil
4 action or other civil matter for violation of the lobbying law or code of ethics for state
5 public officials and employees under s. 19.545, the moneys shall accrue to the state
6 and be deposited with the state treasurer.

7 SECTION 102. Nonstatutory provisions.

8 (1) TRANSFER OF ELECTIONS BOARD.

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

12 (b) *Positions and employees.*

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

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

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

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

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

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

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

22 (2) TRANSFER OF ETHICS BOARD.

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

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1 (b) *Positions and employees.*

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

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

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

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

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

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

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1 control board. All orders issued by the ethics board that are in effect on the effective
2 date of this paragraph remain in effect until their specified expiration dates or until
3 modified or rescinded by the ethics and elections accountability and control board.

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

9 (3) TRANSITION; INITIAL TERMS.

10 (a) No later than the first day of the 3rd month beginning after the effective date
11 of this paragraph, the supreme court shall appoint 8 persons to membership on the
12 ethics and elections accountability and control board under section 15.61 (1) of the
13 statutes, as affected by this act.

14 (b) Notwithstanding section 15.61, 2001 stats., section 15.62, 2001 stats., and
15 section 15.07 (1) (c) of the statutes, the terms of office of all members of the elections
16 board and all members of the ethics board holding office at the time at which 8
17 members of the elections and ethics accountability and control board are appointed
18 as provided in paragraph (a) and qualified to take office shall expire at that time.

19 (c) All members of the ethics and elections accountability and control board who
20 are appointed as provided in paragraph (a) and qualified to take office shall take
21 office immediately upon expiration of the terms of office under paragraph (b).

22 (d) At its first meeting, the ethics and elections accountability and control board
23 shall appoint a 9th member of the board.

24 (e) Notwithstanding section 15.61 (1) of the statutes, as affected by this act, and
25 section 15.07 (1) (c) of the statutes:

