



2003 BILL

Due Thurs.
[Signature]

(regenerate)

1 AN ACT ~~to repeal~~ 5.05 (5), 15.07 (1) (a) 2., 15.07 (5) (n), 15.62 (intro.) and (1), 15.62
2 (3), 19.47 (2), 19.47 (4), 20.510 (intro.) and (1) (title), 20.510 (1) (bm), 20.521
3 (intro.), 20.521 (1) (title), 20.521 (1) (a), 20.521 (1) (g), 20.521 (1) (i), 20.680 (5)
4 (c), 20.923 (4) (d) 3. and 230.08 (2) (wm); **to renumber** 20.510 (1) (q); **to**
5 **renumber and amend** 15.61 (title), 15.61, 15.62 (2), 20.510 (1) (a), 20.510 (1)
6 (c), 20.510 (1) (g), 20.510 (1) (h), 20.510 (1) (i), 20.510 (1) (j) and 20.521 (1) (h);
7 **to amend** 5.02 (1s), 5.05 (title), 5.05 (1) (intro.), 5.05 (1) (b), 5.40 (7), 5.62 (4) (b),
8 7.08 (title), 7.08 (7), 7.31 (5), 7.60 (4) (a), 7.60 (5), 7.70 (1), 7.70 (5) (b), 8.05 (1)
9 (j), 8.10 (5), 8.15 (4) (b), 8.18 (2), 8.20 (6), 8.50 (3) (a), 8.50 (3) (e), 9.01 (1) (a), 9.01
10 (1) (ag) 4., 9.01 (1) (ar) 2., 9.01 (10), 11.21 (title), 11.21 (7) (intro.), 13.123 (3) (b)
11 2., 13.23, 13.62 (4), 13.685 (title), 13.685 (7), 13.94 (1) (k), 14.58 (20), 15.07 (4),
12 15.07 (5) (k), 16.79 (2), 16.96 (3) (b), 17.17 (1), 17.17 (4), 19.42 (3), 19.42 (10) (a),
13 19.43 (4), 19.43 (5), 19.45 (6), 19.46 (2), 19.47 (5), 19.50 (2), 19.54 (2), 19.55 (1),
14 19.55 (2) (a) to (c), 19.59 (1) (g) 8., 19.85 (1) (h), 20.680 (intro.), 20.680 (5) (q),

BILL

1 ~~20.923 (4) (d) 4., 22.07 (6), 59.605 (3) (a) 3., 67.05 (3) (b), 67.05 (6), 71.10 (3) (b),~~
 2 ~~73.0301 (1) (d) 13., 73.0301 (1) (e), 117.20 (2), 117.27 (2) (b) (intro.), 121.91 (3)~~
 3 ~~(c), 125.05 (1) (b) 10., 165.25 (1), 198.08 (10), 200.09 (11) (am) 3., 227.03 (6),~~
 4 ~~227.52 (6), 230.08 (2) (om), 234.02 (3m) (c), 560.04 (2m), 778.135 and 778.136;~~
 5 ~~*to create* 5.05 (2m), 14.11 (2) (am), 15.07 (1) (a) 2m., 20.680 (5) (title) and 758.21~~
 6 ~~(1m), (3) and (4) to (7) of the statutes; and *to affect* 2001 Wisconsin Act 16,~~
 7 ~~section 9415 (2y), 2001 Wisconsin Act 109, section 9115 (2y) (b) and 2001~~
 8 ~~Wisconsin Act 109, section 9415 (1xx), relating to: creation of an Ethics and~~
 9 ~~Elections Accountability and Control Board and making appropriations.~~

Analysis by the Legislative Reference Bureau

~~This bill creates an Ethics and Elections Accountability Control Board.~~

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. ~~Except with respect to procedural matters, any action of the board requires the affirmative vote of at least four members.~~

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

BILL

member. Under the bill, none of the appointments is subject to senate confirmation. ~~The bill applies to the board the same restriction on partisan memberships and candidacy that currently applies to members of the Ethics Board.~~ 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: Elections Division, ^{an} Ethics Division, and ^{an} Enforcement Division.

AA am 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 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. ~~Under the bill, the proposed budget of the board is subject to annual review and approval by the Supreme Court.~~

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.

BILL

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

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

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

7 5.05 (1) (b) In the discharge of its duties and upon notice to the party or parties
8 being investigated, subpoena and bring before it any person in the state and require
9 the production of any papers, books, or other records relevant to an investigation.
10 A circuit court may by order permit the inspection, and copying of the accounts and
11 the depositor's and loan records at any financial institution, as defined in s. 705.01
12 (3), doing business in the state to obtain evidence of any violation of ch. 11 upon
13 showing by the board of probable cause to believe there is a violation and that such
14 accounts and records may have a substantial relation to the violation. In the
15 discharge of its duties, the board may cause the deposition of witnesses to be taken
16 in the manner prescribed for taking depositions in civil actions in circuit court. The
17 board shall delegate to the special prosecutor under ^{sub. (2m) (e) ✓} ~~s. 58.21 (9)~~ the power to issue
18 subpoenas and to obtain search warrants under this paragraph on behalf of the
19 board. The delegation is supplemental to the board's exercise of direct authority
under this paragraph.

INS 20 ✓
4-20
21

SECTION 5. 5.05 (2m) of the statutes is created to read:

22 (S) DIVISIONS. (NGF)
23 5.05 (2m) ENFORCEMENT DIVISION. The enforcement division shall prosecute
24 civil and criminal actions brought by the board and shall assist the district attorneys
25 and the attorney general in prosecuting criminal actions referred to them by the
board.

INS ✓
4-22
23

INS ✓
4-25
24

BILL

1 **SECTION 6.** 5.05 (5) of the statutes is repealed.

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

3 5.40 (7) Whenever a municipality adopts and purchases voting machines or an
4 electronic voting system, or adopts and purchases a different type of voting machine
5 or electronic voting system from the type it was previously using, the municipal clerk
6 or executive director of the municipal board of election commissioners shall promptly
7 notify the county clerk or executive director of the county board of election
8 commissioners and the executive director of the ethics and elections accountability
9 and control board in writing.

10 **SECTION 8.** 5.62 (4) (b) of the statutes is amended to read:

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

16 **SECTION 9.** 7.08 (title) of the statutes is amended to read:

17 **7.08 (title) Elections Ethics and elections accountability and control**
18 **board.**

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

20 **7.08 (7) VOTING SYSTEM TRANSITIONAL ASSISTANCE.** From the appropriation under
21 s. ~~20.510 (1) 20.680 (5)~~ (c), provide assistance to municipalities that used punch card
22 electronic voting systems at the 2001 spring election to enable the municipalities to
23 employ another type of electronic voting system, and provide training for election
24 officials in the use of replacement systems.

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

BILL

1 7.31 (5) The board shall conduct regular training and administer examinations
2 to ensure that individuals who are certified by the board under this section are
3 knowledgeable concerning their authority and responsibilities. The board shall pay
4 all costs required to conduct the training and to administer the examinations from
5 the appropriation under s. ~~20.510 (1) (am)~~ ^{restore} ~~20.680 (4) (a)~~ (a).

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

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

BILL

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

3 SECTION 13. 7.60 (5) of the statutes ~~as affected by 2001 Wisconsin Act 1074~~ is
4 amended to read:

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

22 (b) If the board of canvassers becomes aware of a material mistake in the
23 canvass of an election for state or national office or a statewide or technical college
24 district referendum prior to the close of business on the day the ethics and elections
25 accountability and control board receives returns from the last county board of

BILL

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

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

10 7.70 (1) RECORDING AND PRESERVING RETURNS. (a) Upon receipt of the certified
11 statements from the county clerks, the ~~ethics and elections accountability and~~
12 ~~control~~ board shall record the election results by counties and file and carefully
13 preserve the statements.

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

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

23 7.70 (5) (b) For presidential electors, the ~~ethics and elections accountability~~
24 ~~and control~~ board shall prepare a certificate showing the determination of the results
25 of the canvass and the names of the persons elected, and the governor shall sign, affix

BILL

1 the great seal of the state, and transmit the certificate by registered mail to the U.S.
2 administrator of general services. The governor shall also prepare 6 duplicate
3 originals of such certificate and deliver them to one of the presidential electors on or
4 before the first Monday after the 2nd Wednesday in December.

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

6 8.05 (1) (j) The municipal clerk shall notify in writing each candidate whose
7 name is certified as a nominee under par. (h) of his or her nomination. If a municipal
8 judge is elected under s. 755.01 (4), the county clerk of the county having the largest
9 portion of the population in the jurisdiction served by the judge shall make the
10 notification. Upon receipt of the notice, each candidate shall file a declaration of
11 candidacy in the manner prescribed by s. 8.21 with the municipal clerk making the
12 notification no later than 5 p.m. on the 5th day after the notification is mailed or
13 personally delivered to the candidate by the municipal clerk, except as authorized
14 in this paragraph. If an incumbent whose name is certified as a nominee fails to file
15 a declaration of candidacy within the time prescribed by this paragraph, each
16 certified candidate for the office held by the incumbent, other than the incumbent,
17 may file a declaration of candidacy no later than 72 hours after the latest time
18 prescribed in this paragraph. If the candidate has not filed a registration statement
19 under s. 11.05 at the time of the notification, the candidate shall file the statement
20 with the declaration. A candidate for municipal judge shall also file a statement of
21 economic interests with the ~~ethics and elections accountability and control~~ board
22 under s. 19.43 (4) no later than 4:30 p.m. on the 5th day after notification of
23 nomination is mailed or personally delivered to the candidate, or no later than
24 4:30 p.m. on the next business day after the last day for filing a declaration of
25 candidacy whenever that candidate is granted an extension of time for filing a

BILL

1 declaration of candidacy under this paragraph. Upon receipt of the declaration of
2 candidacy and registration statement of each qualified candidate, and upon filing of
3 a statement of economic interests by each candidate for municipal judge, the
4 municipal clerk, or the county clerk if the judge is elected under s. 755.01 (4), shall
5 place the name of the candidate on the ballot. No later than the end of the 3rd day
6 following qualification by all candidates, the municipal clerk, or the county clerk if
7 the judge is elected under s. 755.01 (4), shall draw lots to determine the arrangement
8 of candidates' names on the spring election ballot.

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

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

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

20 8.15 (4) (b) Nomination papers shall be accompanied by a declaration of
21 candidacy under s. 8.21. If a candidate for state or local office has not filed a
22 registration statement under s. 11.05 at the time he or she files nomination papers,
23 the candidate shall file the statement with the papers. A candidate for state office
24 shall also file a statement of economic interests with the ~~ethics and elections~~
25 ~~accountability and control~~ board under s. 19.43 (4) no later than 4:30 p.m. on the 3rd

BILL

1 day following the last day for filing nomination papers under sub. (1), or no later than
2 4:30 p.m. on the next business day after the last day whenever that candidate is
3 granted an extension of time for filing nomination papers under sub. (1).

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

5 8.18 (2) The purpose of the convention is to nominate one presidential elector
6 from each congressional district and 2 electors from the state at large. The names
7 of the nominees shall be certified immediately by the chairperson of the state
8 committee of each party to the chairperson of the ~~ethics and elections accountability~~
9 ~~and control~~ board.

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

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

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

21 8.50 (3) (a) Nomination papers may be circulated no sooner than the day the
22 order for the special election is filed and shall be filed not later than 5 p.m. 28 days
23 before the day that the special primary will or would be held, if required, except when
24 a special election is held concurrently with the spring election or general election, the
25 deadline for filing nomination papers shall be specified in the order and the date shall

BILL

1 be no earlier than the date provided in s. 8.10 (2) (a) or 8.15 (1), respectively, and no
2 later than 35 days prior to the date of the spring or September primary. Nomination
3 papers may be filed in the manner specified in s. 8.10, 8.15, or 8.20. Each candidate
4 shall file a declaration of candidacy in the manner provided in s. 8.21 no later than
5 the latest time provided in the order for filing nomination papers. If a candidate for
6 state or local office has not filed a registration statement under s. 11.05 at the time
7 he or she files nomination papers, the candidate shall file the statement with the
8 papers. A candidate for state office shall also file a statement of economic interests
9 with the ~~ethics and elections accountability and control~~ board no later than the end
10 of the 3rd day following the last day for filing nomination papers specified in the
11 order.

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

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

17 **SECTION 23.** 9.01 (1) (a) of the statutes, ~~as affected by 2001 Wisconsin Act 16,~~
18 is amended to read:

19 9.01 (1) (a) Any candidate voted for at any election or any elector who voted
20 upon any referendum question at any election may request a recount. The petitioner
21 shall file a verified petition or petitions with the proper clerk or body under par. (ar)
22 not earlier than the time of completion of the canvass and not later than 5 p.m. on
23 the 3rd business day following the last meeting day of the municipal or county board
24 of canvassers determining the election for that office or on that referendum question
25 or, if more than one board of canvassers makes the determination not later than 5

BILL

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

23 ~~SECTION 24. 9.01 (1) (ag) 4. of the statutes is amended to read:~~

24 9.01 (1) (ag) 4. The board shall deposit all moneys received by it into the account
25 under s. ~~20.519 (1)~~ 20.680 (5) (g), and shall pay the fees required for each recount to

BILL

1 the county clerks of the counties in which the recount is to be held. The county clerk
2 shall deposit fees received by him or her with the county treasurer. The municipal
3 clerk shall deposit fees received by him or her with the municipal treasurer.

4 SECTION 25. 9.01 (1) (ar) 2. of the statutes is amended to read:

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

8 SECTION 26. 9.01 (10) of the statutes is amended to read:

9 9.01 (10) STANDARD FORMS AND METHODS. The ~~ethics and elections~~
10 ~~accountability and control~~ board shall prescribe standard forms and procedures for
11 the making of recounts under this section.

12 SECTION 27. 11.21 (title) of the statutes is amended to read:

13 11.21 (title) **Duties of the ethics and elections accountability and**
14 **control board.**

15 SECTION 28. 11.21 (7) (intro.) of the statutes is amended to read:

16 11.21 (7) (intro.) Include in its biennial report under s. 5.05 (5) ~~758.19 (2)~~
17 ^{15.04(1)(d)}
compilations of any of the following in its discretion:

18 SECTION 29. 13.123 (3) (b) 2. of the statutes is amended to read:

19 13.123 (3) (b) 2. In making the determination under subd. 1., the chief clerk is
20 bound by the determination of the chairperson of the ~~ethics and elections~~
21 ~~accountability and control~~ board or the chairperson's designee if such determination
22 has been issued.

23 SECTION 30. 13.23 of the statutes is amended to read:

24 13.23 **Election contests; notice.** Any person wishing to contest the election
25 of any senator or member of the assembly shall, within 30 days after the decision of

BILL

1 the board of canvassers, serve a notice in writing on the person whose election the
2 contestant intends to contest, stating briefly that the election will be contested and
3 the cause of such contest, and shall file a copy thereof in the office of the ethics and
4 elections accountability and control board at least 10 days before the day fixed by law
5 for the meeting of the legislature. The ethics and elections accountability and control
6 board shall then send a copy of s. 13.24 to both contestants. If any contestant fails
7 to so file a copy of such notice, the contestant shall not be entitled to any mileage or
8 salary in case payment has been made therefor to the sitting member.

9 **SECTION 31.** 13.62 (4) [✓] of the statutes is amended to read:

10 13.62 (4) "Board" means the ethics and elections accountability and control
11 board.

12 **SECTION 32.** 13.685 (title) of the statutes is amended to read:

13 13.685 (title) **Duties of the ethics and elections accountability and**
14 **control board.**

15 **SECTION 33.** 13.685 (7) ~~of the statutes is amended to read:~~

16 13.685 (7) Beginning with the 3rd Tuesday following the beginning of any
17 regular or special session of the legislature and on every Tuesday thereafter for the
18 duration of such session, the board shall, from its records, submit to the chief clerk
19 of each house of the legislature, for ~~distribution to the legislature under s. 13.172 (2),~~
20 a report of the names of lobbyists licensed under s. 13.63 and the names of officers
21 and employees of agencies filed under s. 13.695 who were not previously reported,
22 the names of the principals or agencies whom they represent and the general areas
23 of legislative and administrative action which are the object of their lobbying activity.
24 Such reports shall be incorporated into the journal of the senate and a copy filed in
25 the office of the chief clerk of the assembly. The board shall also notify the chief clerk

BILL

1 of each house that a copy of each statement which is required to be filed under ss.
2 13.68 and 13.695 is available upon request. Such copy shall be open to public
3 inspection but shall not be incorporated in the journal unless the chief clerk so
4 orders. The board shall include in its biennial report under s. 15.04 (1) (d), ~~758.21~~
5 ~~(3) a summary of the statements it has received under ss. 13.68 and 13.695.~~

6 SECTION 34. 13.94 (1) (k) of the statutes is amended to read:

7 13.94 (1) (k) Provide auditing services at the direction of the ethics and
8 elections accountability and control board under s. 5.05 (2).

9 SECTION 35. 14.11 (2) (am) of the statutes is created to read:

10 14.11 (2) (am) Upon request of the ethics and elections accountability and
11 control board, the governor shall employ special counsel recommended by the board
12 for the purpose of assisting the board in investigating or prosecuting an alleged
13 violation of subch. III of ch. 13, subch. III of ch. 19, or chs. 5 to 12.

14 SECTION 36. 14.58 (20) of the statutes is amended to read:

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

19 SECTION 37. 15.07 (1) (a) 2. of the statutes is ~~repealed~~ *amended*

20 ~~SECTION 38. 15.07 (1) (a) 2m. of the statutes is created to read:~~

21 15.07 (1) (a) ~~2m.~~ ^{2.} Members of the ethics and elections accountability and control
22 board shall be appointed as provided in s. 15.61.

23 SECTION 39. 15.07 (4) of the statutes is amended to read:

24 15.07 (4) QUORUM. A majority of the membership of a board constitutes a
25 quorum to do business and, unless a more restrictive provision is adopted by the

BILL

1 board, a majority of a quorum may act in any matter within the jurisdiction of the
2 board. This subsection does not apply to actions of the ethics board or the school
3 district boundary appeal board as provided in ss. 19.47 (4) and s. 117.05 (2) (a).

4 SECTION 40. 15.07 (5) (k) of the statutes is amended to read:

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

7 SECTION 41. 15.07 (5) (n) of the statutes is repealed.

8 SECTION 42. 15.61 (title) of the statutes is renumbered ~~758.21~~ (title) and
9 amended to read:

10 ^{B → 15.61}
11 ~~758.21~~ (title) Elections Ethics and elections accountability and control
12 board; creation ^{restive}

13 SECTION 43. 15.61 of the statutes is renumbered ^{15.61(1)} ~~758.21~~ and amended to read:

14 ^{15.61}
15 ~~758.21~~ (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.

✓
JWS
24
17-23

SECTION 44. 15.62 (intro.) and (1) of the statutes are repealed.

BILL

15.61(2)
758.21(2)

1
2
3

SECTION 45. 15.62 (2) of the statutes is renumbered ~~758.21(2)~~ and amended to read:

15.62
~~758.21~~

(2) No member, when appointed, for one year immediately prior to the date of appointment ~~or while serving on the board~~, may have been, or 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 elective public office. ~~No member may become a candidate for or hold any such office while serving on the board.~~

SECTION 46. 15.62 (3) of the statutes is repealed.

SECTION 47. 16.79 (2) of the statutes is amended to read:

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

SECTION 48. 16.96 (3) (b) of the statutes is amended to read:

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

SECTION 49. 17.17 (1) of the statutes is amended to read:

24

BILL

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

5 SECTION 50. 17.17 (4) of the statutes is amended to read:

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

9 SECTION 51. 19.42 (3) of the statutes is amended to read:

10 19.42 (3) "Board" means the ethics and elections accountability and control
11 board.

12 SECTION 52. 19.42 (10) (a) of the statutes is amended to read:

13 19.42 (10) (a) A member of the ethics and elections accountability and control
14 board.

15 SECTION 53. 19.43 (4) of the statutes is amended to read:

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

✓
FWS
19-1415

BILL

1 the candidate by the appropriate official or agency in the case of a write-in candidate
2 or candidate who is appointed to fill a vacancy in nomination under s. 8.35 (2) (a).
3 The information contained on the statement shall be current as of December 31 of
4 the year preceding the filing deadline. Before certifying the name of any candidate
5 for state public office under s. 7.08 (2) (a), the ethics and elections accountability and
6 control board, municipal clerk, or board of election commissioners shall ascertain
7 whether that candidate has complied with this subsection. If not, the ethics and
8 elections accountability and control board, municipal clerk, or board of election
9 commissioners may not certify the candidate's name for ballot placement.

10 **SECTION 54.** 19.43 (5) of the statutes is amended to read:

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

22 **SECTION 55.** 19.45 (6) of the statutes is amended to read:

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

BILL

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

12 **SECTION 56.** 19.46 (2) of the statutes is amended to read:

13 19.46 (2) Any individual, either personally or on behalf of an organization or
14 governmental body, may request of the board an advisory opinion regarding the
15 propriety of any matter to which the person is or may become a party; and any
16 appointing officer, with the consent of a prospective appointee, may request of the
17 board an advisory opinion regarding the propriety of any matter to which the
18 prospective appointee is or may become a party. The board shall review a request for
19 an advisory opinion and may advise the person making the request. Advisory
20 opinions issued under this subsection and requests therefor shall be in writing. The
21 board's deliberations and actions upon such requests shall be in meetings not open
22 to the public. It is prima facie evidence of intent to comply with this subchapter or
23 subch. III of ch. 13 when a person refers a matter to the board and abides by the
24 board's advisory opinion, if the material facts are as stated in the opinion request.
25 The board may authorize the executive director to act in its stead in instances where

BILL

1 delay is of substantial inconvenience or detriment to the requesting party. No
2 member or employee of the board may make public the identity of the individual
3 requesting an advisory opinion under this subsection or of individuals or
4 organizations mentioned in the opinion.

5 SECTION 57. 19.47 (2) of the statutes is repealed.

6 SECTION 58. 19.47 (4) of the statutes is repealed.

7 SECTION 59. 19.47 (5) of the statutes is amended to read:

8 19.47 (5) ~~No later than September 1 of each year, the board shall submit a~~
9 ~~report concerning its actions in the preceding fiscal year to the governor and the chief~~
10 ~~clerk of each house of the legislature, for distribution to the legislature under s.~~

11 ~~13.172 (2). Such~~ *The board shall submit a copy of its biennial report*
~~on or before October 15 of each odd-numbered year, the ethics and~~

12 ~~elections accountability and control board shall submit~~ *under s. 15.04 (1)(d)*
~~to the clerk of the supreme~~

13 ~~court, the governor, and the chief clerk of each house of the legislature, for~~

14 ~~distribution to the legislature under s. 13.172 (2), a report on the performance and~~

15 ~~operations of the board during the preceding fiscal biennium, and projecting the~~

16 ~~goals and objectives of the board as developed for the program budget report. The~~

17 ~~supreme court may prescribe the format of the report and may require such other~~

18 ~~information as is considered appropriate. The board shall provide a copy of its~~

19 ~~biennial report to legislators upon request. The board may issue such additional~~

20 ~~reports on its findings and recommendations as its operations require.~~ *The board*

21 ~~shall include in its biennial report shall contain the names and duties of all~~

22 ~~individuals employed by the board and a summary of its determinations and~~

23 ~~advisory opinions.~~ *issued under s. 19.46(2)* ~~The board shall make sufficient alterations in the summaries to~~

24 ~~prevent disclosing the identities of individuals or organizations involved in the~~

25 ~~decisions or opinions.~~ *The board shall make such further reports on the matters*

report any information compiled under s. 11.21 (7).

BILL

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

3 **SECTION 60.** 19.50 (2) of the statutes is amended to read:

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

9 **SECTION 61.** 19.54 (2) of the statutes is amended to read:

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

17 **SECTION 62.** 19.55 (1) of the statutes is amended to read:

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

BILL

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

3 **SECTION 63.** 19.55 (2) (a) to (c) of the statutes are amended to read:

4 19.55 (2) (a) Records obtained in connection with a request for an advisory
5 opinion issued under s. 19.46 (2) other than summaries of advisory opinions that do
6 not disclose the identity of individuals requesting such opinions or organizations on
7 whose behalf they are requested. The board may, however, make such records public
8 with the consent of the individual requesting the advisory opinion or the
9 organization or governmental body on whose behalf it is requested. A person who
10 makes or purports to make public the substance of or any portion of an advisory
11 opinion requested by or on behalf of the person is deemed to have waived the
12 confidentiality of the request for an advisory opinion and of any records obtained or
13 prepared by the board in connection with the request for an advisory opinion.

14 (b) Records obtained or prepared by the board in connection with an
15 investigation under this subchapter or subch. III of ch. 13, except that the board shall
16 permit inspection of records that are made public in the course of a hearing by the
17 board to determine if a violation of this subchapter or subch. III of ch. 13 has
18 occurred. Whenever the board refers such investigation and hearing records to a
19 district attorney or to the attorney general, they may be made public in the course
20 of a prosecution initiated under this subchapter. The board shall also provide
21 information from investigation and hearing records that pertains to the location of
22 individuals and assets of individuals as requested under s. 49.22 (2m) by the
23 department of workforce development or by a county child support agency under s.
24 59.53 (5).

BILL

*and elections accountability
and control*

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

8 SECTION 64. 19.59 (1) (g) 8. of the statutes is amended to read:

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

22 SECTION 65. 19.85 (1) (h) of the statutes is amended to read:

23 19.85 (1) (h) Consideration of requests for confidential written advice from the
24 ethics and elections accountability and control board under s. 19.46 (2), or from any
25 county or municipal ethics board under s. 19.59 (5).

BILL

INS
26
1
2
3
4
5
6

SECTION 66. 20.510 (intro.) and (A) (title) of the statutes ~~are repealed~~ *is amended to read:*

SECTION 67. 20.510 (1) (a) of the statutes is ~~renumbered 20.680 (5) (a) and~~

amended to read:

~~20.510 (1) (a)~~ ^(b) ~~20.680 (5) (a)~~ (a) *General program operations; general purpose revenue.*

Biennially, the amounts in the schedule A sum sufficient for ~~the~~ general program operations of ~~the ethics and elections accountability and control board~~, including the printing of forms, materials, manuals, and election laws under ss. 7.08 (1) (b), (3), and (4) and 11.21 (3) and (14), and including the training of election officials under s. ss. 5.05 (7) and 7.31.

SECTION 68. 20.510 (1) (bm) of the statutes is repealed.

SECTION 69. 20.510 (1) (c) of the statutes is renumbered ~~20.680 (5) (c) and~~ amended to read:

20.680 (5) (c) *Voting system transitional assistance.* Biennially, the amounts in the schedule for the ethics and elections accountability and control board to provide assistance to counties and municipalities in eliminating punch card voting systems under s. 7.08 (7).

SECTION 70. 20.510 (1) (g) of the statutes is renumbered 20.680 (5) (g) and amended to read:

20.680 (5) (g) *Recount fees.* All moneys received by the ethics and elections accountability and control board on account of recount petitions filed with it, to be apportioned to the county clerks or county board of election commissioners as prescribed in s. 9.01 (1) (ag).

SECTION 71. 20.510 (1) (h) of the statutes is renumbered ~~20.680 (5) (h) and~~ amended to read:

23
24

BILL

20.510 (1) ^β
~~20.680 (5)~~

1
2
3
4
5
6
7
8
9
10

(h) *Materials and services.* The amounts in the schedule for the cost costs of ~~the ethics and elections accountability and control board~~ publishing documents, locating and copying records, and conducting programs under s. 19.48 (9) and administrative meetings and conferences, for compiling, disseminating, and making available information prepared by and filed with the board under s. 19.48 (10), and for supplies, postage, and shipping. All moneys received by the board from collections for sales of publications, copies of records, and supplies, for postage, for shipping and records location fees, from fees assessed under s. 19.48 (9) and (10), and for charges assessed to participants in administrative meetings and conferences shall be credited to this appropriation account.

11
12

SECTION 72. 20.510 (1) (i) of the statutes is ~~renumbered 20.680 (5) (i)~~ and amended to read:

20.510 (1) - β
~~20.680 (5)~~

13
14
15
16

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

17
18

SECTION 73. ~~20.510 (1) (j)~~ of the statutes is ~~renumbered 20.680 (5) (j)~~ and amended to read:

19
20
21
22

20.680 (5) (j) *Electronic filing software.* All moneys received by the ethics and elections accountability and control board from registrants who purchase software to be utilized for electronic filing of campaign finance reports under s. 11.21 (16), for ~~the purpose of providing that software.~~

23

SECTION 74. ~~20.510 (1) (q)~~ of the statutes is ~~renumbered 20.680 (5) (q)~~.

24

SECTION 75. 20.521 (intro.) of the statutes is repealed.

25

SECTION 76. 20.521 (1) (title) of the statutes is repealed.

BILL

1 SECTION 77. 20.521 (1) (a) of the statutes is repealed.

2 SECTION 78. 20.521 (1) (g) of the statutes is repealed.

3 SECTION 79. 20.521 (1) (h) of the statutes is renumbered ^{20.510 (1)} ~~20.680 (5)~~ (jm) ~~and~~ ^{plain}

4 amended to read:

5 ^{20.510 (1) (B)} ~~20.680 (5)~~ (jm) *Gifts and grants.* All moneys received by the ethics and

6 elections accountability and control board from gifts, grants, and bequests and

7 devises to carry out the purposes, not inconsistent with subch. III of ch. 13 or subch.

8 III of ch. 19 the law, for which made or received.

9 SECTION 80. 20.521 (1) (i) of the statutes is repealed.

10 SECTION 81. ~~20.680 (intro.)~~ of the statutes is amended to read:

11 **20.680 Supreme court.** (intro.) There is appropriated to the supreme court
12 from the general fund, except where otherwise indicated, for the following programs:

13 SECTION 82. 20.680 (5) (title) of the statutes is created to read:

14 20.680 (5) (title) ETHICS AND ELECTIONS ACCOUNTABILITY AND CONTROL BOARD.

15 SECTION 83. 20.680 (5) (c) of the statutes, as affected by 2003 Wisconsin Act
16 (this act), is repealed.

17 SECTION 84. 20.680 (5) (q) of the statutes, as affected by 2003 Wisconsin Act
18 (this act), is amended to read:

19 20.680 (5) (q) *Wisconsin election campaign fund.* As a continuing
20 appropriation, from the Wisconsin election campaign fund, the moneys determined
21 under s. 11.50 to provide for payments to eligible candidates whose names are
22 certified under s. 7.08 (2) (c) and (cm) and to provide for public information as
23 authorized under s. 11.20 (2m).

24 SECTION 85. 20.923 (4) (d) 3. of the statutes is repealed.

25 SECTION 86. 20.923 (4) (d) 4. of the statutes is amended to read:

BILL

1 20.923 (4) (d) 4. Ethics and elections accountability and control board:
2 executive director.

3 **SECTION 87.** 22.07 (6) of the statutes, ~~as affected by 2001 Wisconsin Act 16,~~ is
4 amended to read:

5 **22.07 (6)** With the advice of the ethics and elections accountability and control
6 board, adopt and enforce standards of ethical conduct applicable to its paid
7 consultants which are similar to the standards prescribed in subch. III of ch. 19,
8 except that the department shall not require its paid consultants to file statements
9 of economic interests.

10 **SECTION 88.** 59.605 (3) (a) 3. of the statutes is amended to read:

11 **59.605 (3) (a) 3.** The referendum shall be held in accordance with chs. 5 to 12.
12 The governing body shall provide the election officials with all necessary election
13 supplies. The form of the ballot shall correspond substantially with the standard
14 form for referendum ballots prescribed by the ethics and elections accountability and
15 control board under ss. 5.64 (2) and 7.08 (1) (a). If the resolution under subd. 1.
16 specifies the operating levy rate, the question shall be submitted as follows: "Under
17 state law, the operating levy rate for the (name of county), for the tax to be imposed
18 for the year (year), is limited to \$.... per \$1,000 of equalized value. Shall the
19 (name of county) be allowed to exceed this rate limit for (a specified number of
20 years) (an indefinite period) by \$.... per \$1,000 of equalized value that results in an
21 operating levy rate of \$.... per \$1,000 of equalized value?" If the resolution under
22 subd. 1. specifies the operating levy, the question shall be submitted as follows:
23 "Under state law, the operating levy rate for the (name of county), for the tax to
24 be imposed for the year (year), is limited to \$.... per \$1,000 of equalized value.
25 Notwithstanding the operating levy rate limit, shall the (name of county) be

BILL

1 allowed to levy an amount not to exceed \$.... (operating levy) for operating purposes
2 for the year (year), which may increase the operating levy rate for (a specified
3 number of years) (an indefinite period)? This would allow a% increase above the
4 levy of \$.... (preceding year operating levy) for the year (preceding year).”

5 **SECTION 89.** 67.05 (3) (b) of the statutes is amended to read:

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

14 **SECTION 90.** 67.05 (6) of the statutes is amended to read:

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

BILL

1 of the ballot shall correspond with the form prescribed by the ethics and elections
2 accountability and control board under ss. 5.64 (2) and 7.08 (1) (a); and the question
3 submitted shall be whether the resolution shall be approved.

4 **SECTION 91.** 71.10 (3) (b) of the statutes, ~~as affected by 2001 Wisconsin Act 109,~~
5 is amended to read:

6 71.10 (3) (b) The secretary of revenue shall ensure that space for the
7 designations under par. (am) is provided on the face of the individual income tax
8 return in a manner that is convenient to the individual filing the return. The
9 secretary of revenue shall provide next to the place on the return where designation
10 under par. (am) is made a statement that a designation will increase tax liability, that
11 the amount of a designation may be claimed as a credit under s. 71.07 (6s), and that
12 by making a designation the individual is also claiming the credit. The department
13 of revenue shall ensure that an individual may make the designation under par. (am)
14 and claim the credit under s. 71.07 (6s) by marking only one box, which shall be on
15 the face of the individual income tax return. The secretary of revenue shall also
16 provide and highlight a place in the instructions that accompany the return for
17 information submitted to the secretary by the ethics and elections accountability and
18 control board under s. 11.50 (2m) without cost to the board. Annually on August 15,
19 the secretary of revenue shall certify to the ethics and elections accountability and
20 control board, the department of administration, and the state treasurer the total
21 amount of designations made on returns processed by the department of revenue
22 during the preceding fiscal year and the amount of designations made during that
23 fiscal year for the general account and for the account of each eligible political party.
24 If any individual designates an amount greater than the amount authorized under
25 par. (am) or attempts to place any condition or restriction upon a designation not

BILL

1 authorized under par. (am), that individual is deemed not to have made a designation
2 on his or her tax return.

3 **SECTION 92.** 73.0301 (1) (d) 13. of the statutes is amended to read:

4 73.0301 (1) (d) 13. A license issued by the ethics and elections accountability
5 and control board under s. 13.63 (1).

6 **SECTION 93.** 73.0301 (1) (e) of the statutes is amended to read:

7 73.0301 (1) (e) “Licensing department” means the department of
8 administration; the board of commissioners of public lands; the department of
9 commerce; the ethics and elections accountability and control board; the department
10 of financial institutions; the department of health and family services; the
11 department of natural resources; the department of public instruction; the
12 department of regulation and licensing; the department of workforce development;
13 the office of the commissioner of insurance; or the department of transportation.

14 **SECTION 94.** 117.20 (2) of the statutes is amended to read:

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

BILL

1 **SECTION 95.** 117.27 (2) (b) (intro.) of the statutes is amended to read:

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

7 **SECTION 96.** 121.91 (3) (c) of the statutes is amended to read:

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

19 **SECTION 97.** 125.05 (1) (b) 10. of the statutes is amended to read:

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

23 **SECTION 98.** 165.25 (1) of the statutes is amended to read:

24 165.25 (1) REPRESENT STATE. Except as provided in s. ~~ss. 175.20(1) and~~ ^{2m e} ~~175.20(1) and~~ ^{5.05 (2m) (e)} 978.05
25 (5), appear for the state and prosecute or defend all actions and proceedings, civil or

BILL

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

12 **SECTION 99.** 198.08 (10) of the statutes is amended to read:

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

25 **SECTION 100.** 200.09 (11) (am) 3. of the statutes is amended to read:

BILL

1 200.09 (11) (am) 3. If the governing bodies of each city, town, and village
2 comprising the district pass a resolution to discontinue election of commissioners,
3 each commissioner may hold office until a successor is appointed and qualified. The
4 commission shall immediately notify the ethics and elections accountability and
5 control board under s. 5.05 upon passage of a resolution under this subdivision.

6 **SECTION 101.** 227.03 (6) of the statutes is amended to read:

7 227.03 (6) Orders of the ethics and elections accountability and control board
8 under s. 5.06 (6) are not subject to this chapter.

9 **SECTION 102.** 227.52 (6) of the statutes is amended to read:

10 227.52 (6) Decisions of the chairperson of the ethics and elections
11 accountability and control board or the chairperson's designee.

12 **SECTION 103.** 230.08 (2) (om) of the statutes is amended to read:

13 230.08 (2) (om) The executive director of the ethics and elections and
14 accountability and control board.

15 **SECTION 104.** 230.08 (2) (wm) of the statutes is repealed.

16 **SECTION 105.** 234.02 (3m) (c) of the statutes is amended to read:

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

21 **SECTION 106.** 560.04 (2m) of the statutes, ~~as affected by 2001 Wisconsin Act~~

22 ~~105~~ is amended to read:

23 560.04 (2m) **DUTIES.** The department may assign one or more full-time
24 equivalent positions to the functions of coordinating the development and scheduling
25 of training programs for local government officials by the University of

BILL

1 Wisconsin—Extension, technical college system, department of revenue, ethics and
2 elections accountability and control board, and other state agencies in order to
3 assure the effective delivery of training programs and to prevent duplication of effort
4 and of coordinating requests for management or personnel consultative services
5 from government units other than the state and directing those requests to the
6 appropriate division of the department of administration.

7 ~~SECTION 107. 758.21 (1m), (3) and (4) to (7) of the statutes are created to read:~~

8 758.21 (1m) Prior to May 1 in each year in which the term of the member of
9 the ethics and elections accountability and control board who is appointed by the
10 other board members expires, the board shall appoint a qualified person to serve for
11 the ensuing term of office.

12 (3) Sections 15.04 (1) (a) to (c) and (e) to (m) and 15.07 apply to the ethics and
13 elections accountability and control board. For such purposes, “independent agency”
14 includes the board.

15 (4) No later than March 31 annually, the ethics and elections accountability
16 and control board shall transmit to the clerk of the supreme court a proposed budget
17 for all sum sufficient and sum certain appropriations to the board for the ensuing
18 fiscal year. The court may approve, disapprove, or modify the proposed budget. If
19 the court disapproves the budget, the board shall transmit to the court a revised
20 proposed budget for the court’s approval. Upon approval of the proposed budget by
21 the court, the clerk shall transmit written notification of the court’s approval to the
22 secretary of administration and the executive director of the board. The board shall
23 not expend any moneys from any appropriation that is included in the proposed
24 budget for any fiscal year unless the budget for that appropriation for that fiscal year
25 has been approved by the court.

BILL

1 ~~(5) There are created the following divisions within the board:~~

2 ~~(a) An elections division shall carry out the board's responsibilities with respect~~
3 ~~to the administration of chs. 5 to 12 and other laws relating to elections or election~~
4 ~~campaigns.~~

5 ~~(b) An ethics division shall carry out the board's responsibilities with respect~~
6 ~~to administration of subch. III of ch. 13 and subch. III of ch. 19.~~

7 ~~(c) An enforcement division shall investigate and prosecute alleged violations~~
8 ~~of laws administered by the board pursuant to all statutes granting or assigning that~~
9 ~~authority or responsibility to the board.~~

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

14 ~~(7) The board shall employ a full-time special prosecutor within the~~
15 ~~enforcement division. The prosecutor may, with or without approval of the board,~~
16 ~~investigate or prosecute any civil or criminal violation of chs. 5 to 12, subch. III of ch.~~
17 ~~13, subch. III of ch. 19, or s. 946.12 in the name of the board. The jurisdiction of the~~
18 ~~special prosecutor is concurrent with the jurisdiction of the board, the district~~
19 ~~attorneys, and the attorney general to conduct investigations and enforce these laws.~~

20 SECTION 108. 778.135 of the statutes is amended to read:

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

BILL

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

6 **SECTION 109.** 778.136 of the statutes is amended to read:

7 **778.136 Ethics and lobbying forfeitures; how recovered.**

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

13 ~~SECTION 110. 2001 Wisconsin Act 16, section 9415 (2y) is repealed.~~

14 ~~SECTION 111. 2001 Wisconsin Act 109, section 9115 (2y) (b) is amended to read:~~

15 [2001 Wisconsin Act 109] Section 9115 (2y) (b) Notwithstanding section
16 990.001 (11) of the statutes, if a court finds that any part of the repeal of sections
17 11.01 (12s), 11.05 (3) (o), 11.265, 11.50 (3), and 11.50 (10) of the statutes, the
18 renumbering of sections 11.05 (2r) (title), 11.24 (2), and 11.50 (1) (a) 1. of the statutes,
19 the renumbering and amendment of sections 11.05 (1), 11.05 (2), 11.05 (2r), 11.12 (6),
20 11.26 (9) (a), 11.31 (2m), 11.50 (1) (a) 2., 11.50 (5), 11.50 (9), 19.49 (5), 19.59 (7), and
21 71.10 (3) (a) of the statutes, the amendment of sections 5.02 (13), 5.05 (2), 7.08 (2) (c),
22 7.08 (2) (cm), 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 11.05 (3) (c), 11.05
23 (5), 11.05 (9) (b), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e), 11.06 (2),
24 11.06 (3) (b) (intro.), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b), 11.06 (7m)
25 (c), 11.07 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.14 (3),

BILL

1 11.16 (2), 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20 (2), 11.20 (3) (a) and (b),
2 11.20 (7), 11.20 (8) (intro.), 11.20 (8) (a), 11.20 (9), 11.20 (10) (a), 11.20 (12), 11.21 (2),
3 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.26 (1) (intro.), 11.26 (2) (intro.),
4 11.26 (2) (a), 11.26 (3), 11.26 (4), 11.26 (5), 11.26 (6), 11.26 (8), 11.26 (9) (b), 11.26 (10),
5 11.26 (15), 11.26 (17) (a), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1) (e) and (f), 11.31
6 (2), 11.31 (2m) (title), 11.31 (3), 11.38 (1) (a) 2., 11.38 (6), 11.38 (8) (b), 11.50 (2) (a),
7 11.50 (2) (b) 3. and 4., 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f), 11.50 (2) (g), 11.50 (2)
8 (h), 11.50 (2) (i), 11.50 (6), 11.50 (7) (intro.), 11.50 (8), 11.50 (10m), 11.50 (11) (e), 11.60
9 (4), 11.61 (1) (a) (by SECTION 2d), 19.53 (6), 19.59 (8) (c), 20.510 (1) (q), 25.42, 71.08
10 (1) (intro.), and 71.10 (3) (b) of the statutes, the repeal and recreation of sections 11.05
11 (9) (title) and 11.50 (4) of the statutes, the creation of sections 11.001 (2m), 11.01 (4m),
12 11.01 (12w), (13) and (14), 11.01 (16) (a) 3., 11.05 (1) (b), 11.05 (2) (b), 11.05 (3) (m),
13 11.05 (3) (r), 11.06 (1) (cm) and (dm), 11.06 (2m) (b) to (d), 11.06 (11) (bm), 11.12 (6)
14 (am), 11.12 (6) (c) and (d), 11.12 (8) and (9), 11.20 (2s), 11.20 (2t), 11.20 (8) (am), 11.24
15 (1w), 11.24 (4), 11.26 (1m), 11.26 (1t), 11.26 (2) (ae), (am), (as) and (av), 11.26 (2m),
16 11.26 (2t), 11.26 (8n), 11.26 (8r), 11.26 (9) (a) 1. to 4., 11.26 (9) (am), 11.26 (9m), 11.26
17 (10a), 11.31 (1) (de), 11.31 (2m) (a), 11.31 (3p), 11.31 (9), 11.385, 11.50 (1) (a) 1. (intro.),
18 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and (cm), 11.50 (2) (b) 6., 11.50 (2) (j),
19 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (9) (b), 11.50 (14), 11.60 (3r), 19.42 (3m), (4g)
20 and (4r), 19.45 (13), 19.49 (1m), 19.49 (5) (b), 19.535, 19.59 (1) (br), 19.59 (7) (b), 19.59
21 (8) (cm) and (cn), 71.07 (6s), 71.10 (3) (ac), 71.10 (3) (d), 71.10 (4) (gw), and 806.04
22 (11m) of the statutes or SECTIONS 9115 (2v), (2x), and (2y), 9132 (4v), 9215 (3v), 9244
23 (6v), 9315 (2v) and (2w), and 9344 (2v) of this act is unconstitutional, the treatment
24 of those provisions by this act is void.

25 ~~SECTION 112. 2001 Wisconsin Act 109, section 9415 (1z) is amended to read:~~

BILL

1 ~~[2001 Wisconsin Act 109] Section 9415 (1zx) CAMPAIGN FINANCE AND RELATED~~
2 ~~CHANGES. The repeal of sections 11.01 (12s), 11.05 (3) (o), 11.265, 11.50 (3), and 11.50~~
3 ~~(10) of the statutes, the renumbering of sections 11.05 (2r) (title), 11.24 (2), and 11.50~~
4 ~~(1) (a) 1. of the statutes, the renumbering and amendment of sections 11.05 (1), 11.05~~
5 ~~(2), 11.05 (2r), 11.12 (6), 11.26 (9) (a), 11.31 (2m), 11.50 (1) (a) 2., 11.50 (5), and 11.50~~
6 ~~(9), 19.49 (5), and 19.59 (7) of the statutes, the amendment of sections 5.02 (13), 5.05~~
7 ~~(2), 7.08 (2) (c), 7.08 (2) (cm), 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 11.05~~
8 ~~(3) (c), 11.05 (5), 11.05 (9) (b), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e),~~
9 ~~11.06 (2), 11.06 (3) (b) (intro.), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b),~~
10 ~~11.06 (7m) (c), 11.07 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5),~~
11 ~~11.14 (3), 11.16 (2), 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20 (2), 11.20 (3) (a)~~
12 ~~and (b), 11.20 (7), 11.20 (8) (intro.), 11.20 (8) (a), 11.20 (9), 11.20 (10) (a), 11.20 (12),~~
13 ~~11.21 (2), 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.26 (1) (intro.), 11.26~~
14 ~~(2) (intro.), 11.26 (2) (a), 11.26 (3), 11.26 (4), 11.26 (5), 11.26 (6), 11.26 (8), 11.26 (9)~~
15 ~~(b), 11.26 (10), 11.26 (15), 11.26 (17) (a), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1)~~
16 ~~(e) and (f), 11.31 (2), 11.31 (2m) (title), 11.31 (3), 11.38 (1) (a) 2., 11.38 (6), 11.38 (8)~~
17 ~~(b), 11.50 (2) (a), 11.50 (2) (b) 3. and 4., 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f), 11.50~~
18 ~~(2) (g), 11.50 (2) (h), 11.50 (2) (i), 11.50 (6), 11.50 (7) (intro.), 11.50 (8), 11.50 (10m),~~
19 ~~11.50 (11) (e), 11.60 (4), 11.61 (1) (a) (by SECTION 2d), 19.53 (6), 19.59 (8) (c), 20.510~~
20 ~~(1) (q), and 25.42 of the statutes, the repeal and recreation of sections 11.05 (9) (title)~~
21 ~~and 11.50 (4) of the statutes, the creation of sections 11.001 (2m), 11.01 (4m), 11.01~~
22 ~~(12w), (13) and (14), 11.01 (16) (a) 3., 11.01 (17g) and (17r), 11.05 (1) (b), 11.05 (2) (b),~~
23 ~~11.05 (3) (m), 11.05 (3) (r), 11.06 (1) (cm) and (dm), 11.06 (2m) (b) to (d), 11.06 (11) (bm),~~
24 ~~11.12 (6) (am), 11.12 (6) (c) and (d), 11.12 (8) and (9), 11.20 (2s), 11.20 (2t), 11.20 (8)~~
25 ~~(am), 11.21 (17), 11.24 (1w), 11.24 (4), 11.26 (1m), 11.26 (1t), 11.26 (2) (ae), (am), (as)~~

BILL

1 and (av), 11.26 (2m), 11.26 (2t), 11.26 (8n), 11.26 (8r), 11.26 (9) (a) 1. to 4., 11.26 (9)
2 (am), 11.26 (9m), 11.26 (10a), 11.31 (1) (de), 11.31 (2m) (a), 11.31 (3p), 11.31 (9),
3 11.385, 11.50 (1) (a) 1. (intro.), 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and (cm),
4 11.50 (2) (b) 6., 11.50 (2) (j), 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (9) (b), 11.50 (14),
5 11.60 (3r), 19.42 (3m), (4g) and (4r), 19.45 (13), 19.49 (1m), 19.49 (5) (b), 19.535, 19.59
6 (1) (br), 19.59 (7) (b), 19.59 (8) (cm) and (cn), and 806.04 (11m) of the statutes and
7 SECTIONS 9115 (2v) and (2w) and 9315 (2v) and (2w) of this act take effect on July 1,
8 2003.

SECTION 113. Nonstatutory provisions.**(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 ethics
13 and elections accountability and control board.

(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 ethics and elections accountability and
17 control board.

18 2. All incumbent employees holding positions in the elections board are
19 transferred on the effective date of this subdivision to the ethics and elections
20 accountability and control 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 ethics
23 and elections accountability and control board that they enjoyed in the elections
24 board immediately before the transfer. Notwithstanding section 230.28 (4) of the

BILL

1 statutes, no employee so transferred who has attained permanent status in class is
2 required 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 ethics and elections accountability and control 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 ethics and
8 elections accountability and control board. The ethics and elections accountability
9 and control board shall carry out any contractual obligations under such a contract
10 until the contract is modified or rescinded by the ethics and elections accountability
11 and control board to the extent allowed under the contract.

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

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

24 (2) **TRANSFER OF ETHICS BOARD.**

BILL

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

4 (b) *Positions and employees.*

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

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

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

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

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

BILL

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

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

12 (3) TRANSITION; INITIAL TERMS.

13 (a) No later than the first day of the 3rd month beginning after the effective date
14 of this paragraph, the supreme court shall appoint 8 persons to membership on the
15 ethics and elections accountability and control board under section 15.61(1) of the
16 statutes, as ~~created~~^{referred} by this act. 15.61(1) ✓

17 (b) Notwithstanding section 15.61, 2001 stats., section 15.62, 2001 stats., and
18 section 15.07 (1) (c) of the statutes, ^{the terms of office of} all members of the elections board and all
19 members of the ethics board holding office at the time at which 8 members of the
20 elections and ethics accountability and control board are appointed as provided in
21 paragraph (a) and qualified to take office shall ^{expire} ~~continue to hold office~~ at that time.

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

BILL

#d

1 (c) At its first meeting, the ethics and elections accountability and control board
2 shall appoint a 9th member of the board.

3 *#7e* (d) Notwithstanding section ~~15.01(1)~~ *15.01(1)* of the statutes, as *affected* created by this act, and
4 section 15.07 (1) (c) of the statutes:

5 1. Of the members who are initially appointed by the supreme court, the court
6 shall designate 4 appointees to serve for terms of office expiring on May 1, 2007, and
7 4 appointees to serve for ~~a~~ *§* term of office expiring on May 1, 2005.

8 2. The member who is initially appointed by the other members shall serve for
9 a term of office expiring on May 1, 2007.

10 ~~(4) NONSEVERABILITY. Notwithstanding section 990.001 (11) of the statutes, if~~
11 ~~a court finds that section 20.680 (5) (q) of the statutes, as affected by this act, or any~~
12 ~~part of the laws specified in 2001 Wisconsin Act 109, section 9115 (2y) (b) is~~
13 ~~unconstitutional, the amendment of section 20.680 (5) (q) of the statutes by this act~~
14 ~~is void.~~

SECTION 114. Appropriation changes.

15 *FNS*
16 *45-14* (1) ~~The unencumbered balance of the appropriation to the elections board~~
17 ~~under section 20.510 (1) (h) of the statutes is transferred to the appropriation account~~
18 ~~under section 20.680 (5) (h) of the statutes, as affected by this act, and the amount~~
19 ~~in the schedule for section 20.680 (5) (h) of the statutes in fiscal year 2002-03 is~~
20 ~~increased by the amount transferred.~~

21 (2) ~~The unencumbered balance of the appropriation to the elections board~~
22 ~~under section 20.510 (1) (i) of the statutes is transferred to the appropriation account~~
23 ~~under section 20.680 (5) (i) of the statutes, as affected by this act, and the amount~~
24 ~~in the schedule for section 20.680 (5) (i) of the statutes in fiscal year 2002-03 is~~
25 ~~increased by the amount transferred.~~

BILL

1 [#]
 1 ~~(1)(8)~~ The unencumbered balance in the appropriation account under section
 2 20.521 (1) (g) of the statutes is transferred to the appropriation account under section
 3 ~~20.680 (5)~~ ^{20.510 (1)} (i) of the statutes, as affected by this act, and the amount in the schedule
 4 for section ~~20.680 (5)~~ ^{20.510 (1)} (i) of the statutes in fiscal year 2002-03 is increased by the
 5 amount transferred.

6 [#]
 6 ~~(7)(4)~~ The unencumbered balance in the appropriation account under section
 7 ~~20.680 (5)~~ ^{20.521 (1)} (i) of the statutes is transferred to the appropriation account under section
 8 ~~20.680 (5)~~ ^{20.510 (1)} (h) of the statutes, as affected by this act, and the amount in the schedule
 9 for section ~~20.680 (5)~~ ^{20.510 (1)} (h) of the statutes in fiscal year 2002-03 is increased by the
 10 amount transferred.

11 ~~SECTION 115. Effective dates.~~ This act takes effect on the day after
 12 publication, except as follows:

- 13 ~~(1) The repeal of section 20.680 (5) (e) of the statutes takes effect on July 1, 2008.~~
 14 ~~(2) The amendment of section 20.680 (5) (q) of the statutes takes effect on July~~
 15 ~~1, 2003, or on the day after publication; whichever is later.~~

(END)

BILL

7NS4-20

1 Wisconsin—Extension, technical college system, department of revenue, ethics and
 2 elections accountability and control board, and other state agencies in order to
 3 assure the effective delivery of training programs and to prevent duplication of effort
 4 and of coordinating requests for management or personnel consultative services
 5 from government units other than the state and directing those requests to the
 6 appropriate division of the department of administration.

7 SECTION 107. ^{5.05 (1m)} 758.21 (1m), (8) and (4) to (7) of the statutes are created to read:
 8 ^{5.05 (1m)} (5) APPOINTMENT OF NINTH BOARD MEMBER. ^{9TH} ¹⁵
 9 (758.21 (1m)) Prior to May 1 in each year in which the term of the member of

10 the ~~ethics and elections accountability and control~~ board who is appointed by the
 11 other board members expires, the board shall appoint a qualified person to serve for
 12 the ensuing term of office.

13 (3) Sections 15.04 (1) (a) to (c) and (e) to (m) and 15.07 apply to the ethics and
 14 elections accountability and control board. For such purposes, "independent agency"
 15 includes the board.

16 (4) No later than March 31 annually, the ethics and elections accountability
 17 and control board shall transmit to the clerk of the supreme court a proposed budget
 18 for all sum sufficient and sum certain appropriations to the board for the ensuing
 19 fiscal year. The court may approve, disapprove, or modify the proposed budget. If
 20 the court disapproves the budget, the board shall transmit to the court a revised
 21 proposed budget for the court's approval. Upon approval of the proposed budget by
 22 the court, the clerk shall transmit written notification of the court's approval to the
 23 secretary of administration and the executive director of the board. The board shall
 24 not expend any moneys from any appropriation that is included in the proposed
 25 budget for any fiscal year unless the budget for that appropriation for that fiscal year
 has been approved by the court.

Main table body with multiple rows and columns, containing various data points and text.

ANS 4-22 ✓

1 ~~(5) There are created the following divisions within the board:~~

2 ~~(a) An~~ *The* elections division shall carry out the board's responsibilities with respect
3 to the administration of chs. 5 to 12 and other laws relating to elections or election
4 campaigns.

5 ~~(b) An~~ *The* ethics division shall carry out the board's responsibilities with respect
6 to administration of subch. III of ch. 13 and subch. III of ch. 19.

7 ~~(c) An~~ *The* enforcement division shall investigate and prosecute alleged violations
8 of laws administered by the board pursuant to all statutes granting or assigning that
9 authority or responsibility to the board.

10 *ANS 4-25* ~~(d) (6) The administrator of the elections division or the elections division may~~
11 refer any matter to the enforcement division for investigation. Any person may file
12 a verified complaint with the enforcement division alleging a violation of chs. 5 to 12,
13 subch. III of ch. 13, or subch. III of ch. 19.

14 ~~(e) (b) The board shall employ a full-time special prosecutor within the~~
15 enforcement division. The prosecutor may, with or without approval of the board,
16 investigate or prosecute any civil or criminal violation of chs. 5 to 12, subch. III of ch.
17 13, subch. III of ch. 19, or s. 946.12 in the name of the board. The jurisdiction of the
18 special prosecutor is concurrent with the jurisdiction of the board, the district
19 attorneys, and the attorney general to conduct investigations and enforce these laws.

20 SECTION 108. 778.135 of the statutes is amended to read:

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

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0638/3ins
JTK.....

INS 17-23:

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

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

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

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

INS 19-14:

SECTION 2. 19.42 (13) (p) of the statutes is created to read:

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

INS 26-1:

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

History: 1973 c. 334 ss. 48, 50; 1975 c. 85; 1977 c. 29, 107; 1979 c. 260; 1983 a. 27, 484; 1985 a. 303; 1989 a. 31; 1995 a. 27; 1997 a. 27, 230; 1999 a. 9, 32; 2001 a. 16, 109.

INS 35-11:

SECTION 3. 230.08 (2) (e) ~~of~~ ^{4c.} of the statutes is created to read:

230.08 (2) (e) ^{4c.} ~~of~~ Ethics and elections accountability and control board ^A 3. ^{m dash}

INS 35-15: ✓

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

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

History: 1971 c. 40, 270; 1973 c. 333, 335; 1977 c. 29, 187; 1977 c. 196 ss. 34, 108, 130 (5); 1977 c. 272, 418, 449; Stats. 1977 s. 230.08; 1979 c. 34, 189, 221, 356, 361; 1981 c. 20, 347, 374; 1983 a. 27 ss. 1605o to 1609am, 2200 (15); 1983 a. 189 s. 329 (27); 1983 a. 371, 378; 1985 a. 29; 1987 a. 27, 119, 204, 354, 399, 403; 1989 a. 31, 107, 119, 122, 169, 208, 219, 336; 1991 a. 39, 250, 269; 1993 a. 16, 349, 399; 1995 a. 27 ss. 6245 to 6277m, 9126 (19), 9130 (4); 1995 a. 216; 1997 a. 3, 27, 179, 194, 237; 1999 a. 9, 42, 87, 186; 2001 a. 16, 19, 109.

INS 45-14: ✓

[#] (5) POSITION AUTHORIZATIONS. There is authorized for the ethics and elections accountability and control board ^x 2.0 FTE GPR division administrator positions and 3.0 FTE GPR enforcement positions ^v to be funded from the appropriation under section 20.510 (1) (a) of the statutes, as affected by this ^v act.

Barman, Mike

From: Barman, Mike
Sent: Tuesday, January 14, 2003 9:24 AM
To: Boerger, Michael (Legislature)
Subject: LRB-0638/3 (attached - from JTK)

Note ... a "PDF" was sent to the Sen.Ellis mailbox on 01/09/2003 (at submittal).



03-0638/3

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703