

**2003 DRAFTING REQUEST**

**Senate Substitute Amendment (SSA-SB11)**

Received: **04/17/2003**

Received By: **jkuesel**

Wanted: **Soon**

Identical to LRB:

For: **Michael Ellis (608) 266-0718**

By/Representing: **Mike Boerger**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - campaign finance  
Elections - miscellaneous  
Ethics  
Lobbying**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Ellis@legis.state.wi.us** ✓

Carbon copy (CC:) to: **gshea@chorus.net** ✓  
**Don.Millis@tac.state.wi.us** → PDF sent

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**Pre Topic:**

No specific pre topic given

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**Topic:**

SSA to SB-11

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**Instructions:**

Per attached instructions.

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 04/19/2003	csicilia 04/20/2003		_____			
/1			jfrantze	_____	sbasford	sbasford	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			04/21/2003	_____	04/21/2003	04/21/2003	
/2	jkuesel 05/01/2003	kgilfoy 05/01/2003	jfrantze 05/02/2003	_____ _____ _____	sbasford 05/02/2003	sbasford 05/02/2003 mbarman 05/02/2003	

FE Sent For:

<END>

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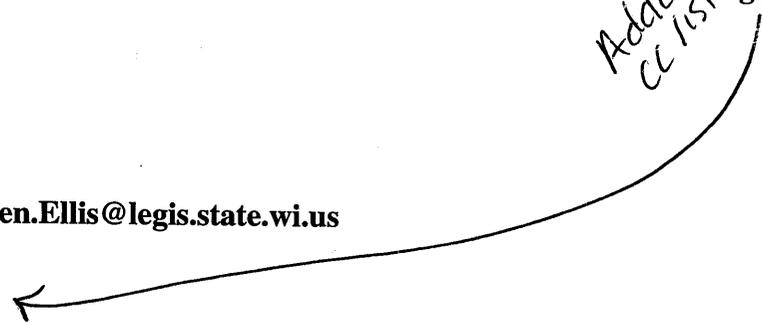
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*Added to  
cc list*

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/?	jkuesel 04/19/2003	csicilia 04/20/2003					
/1		<i>1/2 - 5/1 kmg</i>	jfrantze 04/21/2003		sbasford 04/21/2003	sbasford 04/21/2003	
			<i>to 5/2</i>	<i>5/2</i>			

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12/1	jkuesel 4/19	195 4/18/03	204/21	7/19 de/epd 4/21 G3/kmg			

FE Sent For:

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This paper highlights those differences between SB 11 as currently introduced and a substitute amendment that we would propose. While much of this may seem to be very detailed, we believe that the effectiveness of this proposal will depend on how well we address the details.

Gail Shea and Don Millis

### **Name of Agency**

*SB 11:* Wisconsin Ethics and Elections Accountability and Control Board

✓ *Proposal:* Wisconsin Government Accountability Board

### **Composition of Board**

*SB 11:* 9 members appointed to staggered 4-year terms commencing on May 1 of odd-number years

✓ *Proposal:* 4 public members appointed to staggered 4-year terms beginning on May 1 of odd-number years  
1 member for each political party that has ballot status based on a statewide election for a state office commencing on the May 1 follow the election at which the party qualified for a 4-year term.

### **Appointing Authority**

*SB 11:* Supreme Court appoints 8 members; 9<sup>th</sup> member appointed by the Board.

✓ *Proposal:* Party members designated by ballot status parties.  
Public members appointed by Governor from a list provided by the Government Accountability Candidate Committee. Whenever vacancy occurs the GACC would provide a list of qualified candidates from which the Governor may select. GACC consists of the following ex officio members: (1) Chief Justice of the Supreme Court, (2) Dean of the Marquette Law School, (3) Dean of the University of Wisconsin Law School and the chief officer of the following organizations:

- (4) Wisconsin Counties Association,
- (5) Wisconsin Towns Association,
- (6) League of Wisconsin Municipalities,
- (7) League of Women Voters of Wisconsin,
- (8) Wisconsin Newspaper Association,
- (9) State Bar of Wisconsin.

No candidate may be approved unless he/she receives 6 votes from the GACC. GACC shall provide the follow number of candidates for the number of vacancies indicated:

<u>Vacancies</u>	<u>Candidates</u>
1	2
2	3
3	5
4	6

Executive Director of the Board shall facilitate operations of GACC but shall have no vote on the GACC

### **Qualifications of Members**

*SB 11:* No member of Board may while serving or for one year prior to date of appointment be a member of a political party, officer or member of a committee in any partisan club or organization or a candidate for any partisan elective public office. The members appointed by the Supreme Court shall be a resident of each of the 8 congressional districts. No member may be an employee or officer of state or any political subdivision of the state.

✓ *Proposal:* Public member qualifications same as SB 11 except: (1) no requirement that each congressional district be represented, (2) may be an employee or officer of a political subdivision of the state, (3) no member may be a lobbyist or an employee of a principal that employs or contracts with a lobbyist. Qualifications do not apply to appointees of political parties, except the prohibition on being a lobbyist or employee of a principal.

### **Organization of Board**

*SB 11:* Specifies three divisions, Elections, Ethics and Enforcement.

*Proposal:* Specifies one division— Enforcement— and leaves remaining organization questions to be resolved by the Board.

### **Specified Employees**

*SB 11:* Board may employ an executive director outside of the classified service in executive salary group 4 (who shall be chief election officer for the state) and a legal counsel. The Board shall employ a full-time special prosecutor in the enforcement division.

- ✓ *Proposal:* Board shall employ an executive director outside of the classified service in executive salary group 6 and an administrator of the enforcement division in executive salary group 5. The Board may designate one of its employees as chief election officer of the state. The board shall employ at least 1 attorney and 1 investigator in its enforcement division and a legal counsel outside of its enforcement division.

### **Appointment of Enforcement Administrator**

SB 11: All administrators, including enforcement administrator, would be appointed in the unclassified service, chief prosecutor would be in classified service

✓ *Proposal:* Enforcement Administrator appointed by the executive director, confirmed by the Board to a term not less than 4 years nor more than 6 years in duration and expiring on September 1 of an odd-numbered year.

### **Administrative Enforcement**

SB 11: No provision.

✓ *Proposal:* Enforcement division following investigation may issue a decision (consisting of findings of fact, conclusions of law, and order). The decision could impose a forfeiture or enjoin conduct. If decision is not appealed, it carries the force of law and can be enforced in court. The person sanctioned can appeal to the Board. If person investigated does not disagree with a finding of fact, the finding is binding all further proceedings. The Board can affirm, reverse, or modify the decision (except for a finding that is not appealed). Either the person investigated or the enforcement division may appeal the Board's decision in court.

### **Criminal Sanctions**

SB 11: Chief prosecutor may bring criminal actions.

✓ *mod Proposal:* Enforcement division can refer matters for criminal prosecution and can assist in any criminal prosecution, but may not bring a criminal prosecution in the name of the Board.

### **Independence of Enforcement**

SB 11: Chief prosecutor may initiate actions in circuit court with or without Board approval.

- ✓ *Proposal:* Enforcement division may initiate actions in circuit court with or without Board approval. The enforcement division is bound by applicable laws, rules, formal opinions and actions of the Board, except that the enforcement division may nonacquiesce in any action or formal opinion and thereafter not be bound by the action or formal opinion.

### **Effective Date**

*SB 11:* Unspecified. Initial terms of Board members to begin no later than 1<sup>st</sup> day of 3<sup>rd</sup> month following the effective date of the bill and the terms of Election and Ethics Board would terminate upon appointment of new Board.

- ✓ *Proposal:* The new Board would be appointed effective November 1, 2003. However, the termination of the existing agencies and the creation of the new agency will occur on May 1, 2004. The terms of existing Election and Ethics Board members would also terminate on May 1, 2004.

### **Transition: Board Members**

*SB 11:* Of the initial appointees appointed by the Supreme Court, 4 members will have terms ending on May 1, 2005, and 4 members will have terms ending on May 1, 2007.

- ✓ *Proposal:* Of the initial public members, 2 members will have terms ending on May 1, 2005, and 2 members will have terms ending on May 1, 2007.

### **Transition Activities of Board**

*SB 11:* No provision.

- ✓ *M Proposal:* The current executive director of the Elections Board shall be the interim executive director of the Board. Upon appointment, the Board shall hire a permanent executive director and approve an organization plan to take effect when the agencies are combined. ~~The plan shall specify position classifications and pay ranges. The plan shall be submitted to Joint Finance for passive review.~~ During the transition period, the executive director may appoint, with board confirmation, the enforcement administrator. The executive director may also make other hiring decisions that take effect upon consolidation.

### **Appropriations and Resources**

*SB 11:* Sum sufficient appropriation for the Board.

✓ *Proposal:* Sum certain appropriation, although special counsel can be appointed from a sum-sufficient appropriation. Enforcement division budget sent directly to Department of Administration. Enforcement Administrator may directly request supplements from Joint Finance Committee, appointment of special counsel and request from the Department of Justice.

DNOTE

2003 - 2004 LEGISLATURE

MON 4/21 - 2PM

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SENATE SUBSTITUTE AMDT  
To 2003 ~~2003~~ BILL SENATE Bill 11

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AN ACT ~~to repeal~~ 5.05 (5), 15.07 (5) (n), 15.62 (intro.), 15.62 (3), 19.47 (2), 19.47 (4), 20.521 (intro.), 20.521 (1) (title), 20.521 (1) (a), 20.521 (1) (g), 20.521 (1) (i), 20.923 (4) (d) 3. and 230.08 (2) (wm); **to renumber and amend** 15.03, 15.61, 15.62 (1) and (2) and 20.521 (1) (h); **to amend** 5.02 (1s), 5.05 (title), 5.05 (1) (intro.), 5.05 (1) (b), 5.40 (7), 5.62 (4) (b), 7.08 (title), 7.60 (4) (a), 7.60 (5), 7.70 (1), 7.70 (5) (b), 8.05 (1) (j), 8.10 (5), 8.15 (4) (b), 8.18 (2), 8.20 (6), 8.50 (3) (a), 8.50 (3) (e), 9.01 (1) (a), 9.01 (1) (ar) 2., 9.01 (10), 11.21 (title), 11.21 (7) (intro.), 13.123 (3) (b) 2., 13.23, 13.62 (4), 13.685 (title), 13.94 (1) (k), 14.58 (20), 15.07 (1) (a) 2., 15.07 (1) (cm), 15.07 (4), 15.07 (5) (k), 15.61 (title), 16.79 (2), 16.96 (3) (b), 17.17 (1), 17.17 (4), 19.42 (3), 19.42 (10) (a), 19.43 (4), 19.43 (5), 19.45 (6), 19.46 (2), 19.47 (5), 19.50 (2), 19.54 (2), 19.55 (1), 19.55 (2) (a) to (c), 19.59 (1) (g) 8., 19.85 (1) (h), 20.510 (intro.), 20.510 (1) (title), 20.510 (1) (a), 20.510 (1) (h), 20.510 (1) (i), 20.923 (4) (d) 4., 22.07 (6), 59.605 (3) (a) 3., 67.05 (3) (b), 67.05 (6), 71.10 (3) (b), 73.0301 (1) (d) 13., 73.0301 (1) (e), 117.20 (2), 117.27 (2) (b) (intro.), 121.91

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(3) (c), ~~125.05 (1) (b) 10., 165.25 (1), 198.08 (10), 200.09 (11) (am) 3., 227.03 (6)~~  
~~227.52 (6), 230.08 (2) (am), 230.08 (4) (a), 234.02 (3m) (c), 560.04 (2m), 778.135~~  
~~and 778.136; and to create 5.05 (2m), 5.066, 14.11 (2) (am), 15.03 (2), 15.61 (4),~~  
~~15.613, 19.42 (13) (p), 19.579, 20.510 (2), 227.03 (6m), 227.52 (8) and 230.08 (2)~~  
 (e) 4c. of the statutes; **relating to: creation of an Ethics and Elections**  
~~Accountability and Control~~ **a Government Accountability** Board, providing penalties, and making  
 appropriations.

**Analysis by the Legislative Reference Bureau**

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

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

This bill abolishes both boards and replaces them with ~~an Ethics and Elections~~ **a Government Accountability and Control** Board. Under the bill, the board is composed of at least six members serving for staggered four-year terms. Four members are nominated by the governor and appointed with the advice and consent of the senate. The governor also appoints one member to represent each political party ~~that qualifies for a separate ballot~~ **whose candidate for a statewide state office receives at least one percent of the vote at the general election**, who is designated by the chief officer of that party. ~~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.~~ **INS 2A** No member, other than a political party designee, 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

substitute amendment

whose candidate for a statewide state office receives at least one percent of the vote at the general election

a Government

INS 2A  
of the Government Accountability Board

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expiring on  
September 1 of an  
odd-numbered  
year  
a ~~Administrator~~

within the Government  
Accountability  
Board

or organization, or a candidate for any partisan office. No member may be a lobbyist or an employee of a principal (person who employs a lobbyist).

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amendment

The ~~bill~~ creates ~~five divisions~~ within the ~~Ethics and Elections~~ Accountability and Control Board: an Elections Administration Division, an Ethics Division, a Campaign Finance Division, a Lobbying Division, and an Enforcement Division.

The  
Enforcement

Each division is headed by an administrator who is appointed by the executive director of the board outside the classified service to serve at his or her pleasure, except that the administrator of the Enforcement Division is appointed to serve for a term of 6 years and may not be removed during his or her term except for cause.

Four  
not  
less than  
4 years  
nor more  
than

The ~~Elections Division and Lobbying Division~~ assume the administrative responsibilities of the Elections Board, the Ethics Division and Lobbying Division assume the administrative responsibilities of the Ethics Board, and the Enforcement

FWS  
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Board

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.

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~~The bill requires that the Enforcement Division include at least one full-time attorney position.~~ Under the ~~bill~~, the Enforcement Division has independent authority to investigate and prosecute violations of the elections, ethics, and lobbying regulation laws without the consent of the ~~Ethics and Elections~~ Accountability ~~Board~~ Board. The ~~bill~~ permits the Enforcement Division to request investigatory and prosecutorial assistance from the Department of Justice.

Substitute  
amendment

The ~~bill~~ also permits the division to request the ~~governor~~ to appoint special counsel, to be paid from a sum sufficient appropriation from general purpose revenue, to assist the division. ~~The bill directs the governor to appoint the counsel recommended by the division.~~ Under the ~~bill~~, the Enforcement Division is bound by applicable laws, rules, formal opinions, and actions of the board, except that the division may nonacquiesce in any formal opinion or action of the board by publishing a notice of nonacquiescence in the Wisconsin Administrative Register. Thereafter, the division is not bound by that opinion or action.

Government  
and  
directs  
the  
Department  
of  
Justice  
to provide  
such  
assistance  
upon  
request

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~~ creates a separate appropriation for the Enforcement Division funded from general purpose revenue. The ~~bill~~ requires the board to forward the division's budget requests to the Department of Administration without change, except as concurred in by the division. Under the ~~bill~~, the Enforcement Division may request supplementation of its appropriation by the Joint Committee on Finance without concurrence of the board.

Substitute  
amendment

Under the ~~bill~~, any person may file a sworn complaint with the division alleging a violation of the elections, ethics, or lobbying regulation laws. The division must investigate the complaint unless the division finds the complaint to be without merit. The ~~bill~~ also permits the division to investigate any violation of the elections, ethics, or lobbying regulation laws on its own initiative or upon direction of the board. The division may order an election official or private person to act in conformity with the

**BILL**

elections, ethics, or lobbying regulation laws or rules of the board, and may impose a forfeiture (civil monetary penalty) for a violation. The decision of the division may be appealed to the board. In deciding ~~the~~ appeal, the board is not bound by any findings of fact or conclusions of law made by the division with respect to the matter. If the decision of the division is not appealed or if the board does not modify or reverse a decision of the division after hearing an appeal, the decision of the division becomes the decision of the board. Any decision of the board is subject to judicial review in circuit court. If the board modifies or reverses an action of the division, the division may also seek judicial review of the board's decision. The procedure does not apply to any alleged violation of the election laws by the board or division, nor to any matter arising in connection with a recount.

or maybe appealed directly to circuit court

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also

elections, ethics, or lobbying regulation

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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:*

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

5.02 (1s) "Board" means the ~~elections and~~ <sup>government</sup> elections accountability and ~~control~~ board.

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

5.05 (title) ~~Elections board~~ <sup>Government Accountability</sup> Ethics and elections accountability and ~~control board~~; powers and duties.

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

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

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

5.05 (1) (b) In the discharge of its duties and <sup>after providing</sup> upon notice to the party or parties <sup>who is the subject of an investigation</sup> being investigated, subpoena and bring before it any person <sup>in the state</sup> and require the production of any papers, books, or other records relevant to an investigation.

SECTION # RP; 5.05 (1) (a)

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1 A circuit court may by order permit the inspection, and copying of the accounts and  
 2 the depositor's and loan records at any financial institution, as defined in s. 705.01  
 3 (3), doing business in the state to obtain evidence of any violation of ch. 11 upon  
 4 showing by the board of probable cause to believe there is a violation and that such  
 5 accounts and records may have a substantial relation to the violation. In the  
 6 discharge of its duties, the board may cause the deposition of witnesses to be taken  
 7 in the manner prescribed for taking depositions in civil actions in circuit court. The  
 8 board shall delegate to the enforcement division the power to issue subpoenas and  
 9 to obtain search warrants under this paragraph on behalf of the board. The  
 10 delegation is supplemental to the board's exercise of direct authority under this  
 11 paragraph.

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

13 5.05 (2m) **ENFORCEMENT DIVISION.** ~~Divisions.~~ ~~(a) The campaign finance division shall carry out the~~  
 14 ~~board's responsibilities with respect to administration of laws relating to campaign~~  
 15 ~~financing.~~

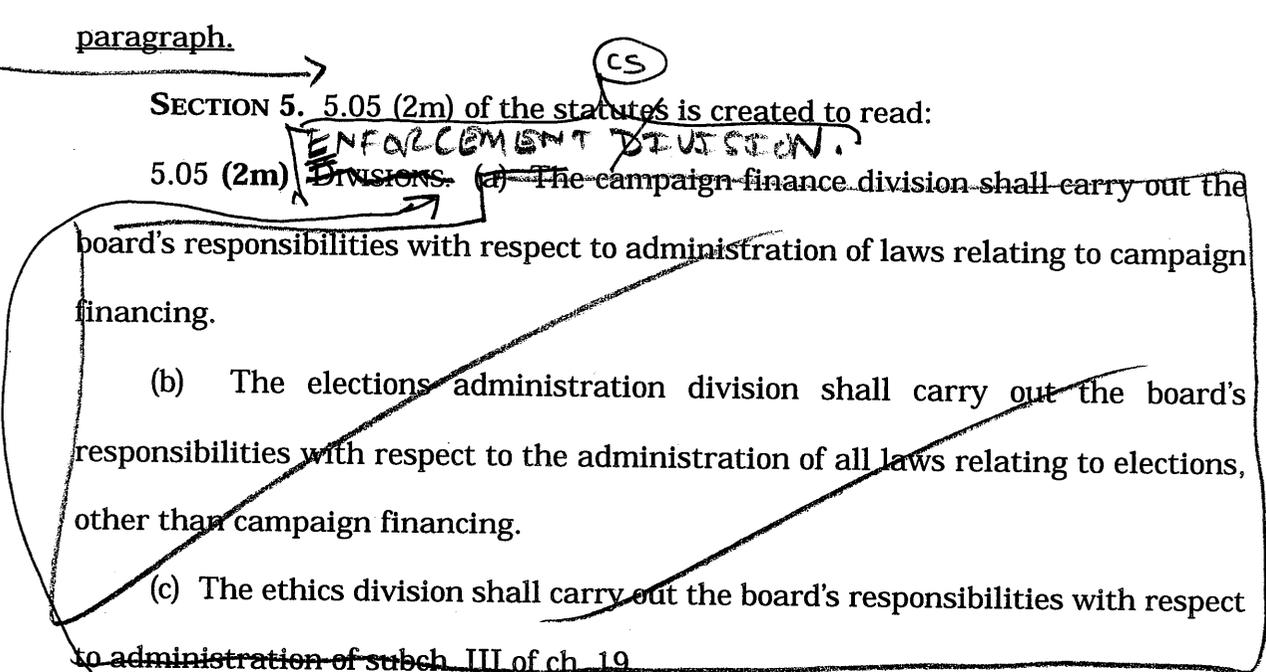
16 (b) The elections administration division shall carry out the board's  
 17 responsibilities with respect to the administration of all laws relating to elections,  
 18 other than campaign financing.

19 (c) The ethics division shall carry out the board's responsibilities with respect  
 20 to administration of subch. III of ch. 19.

21 (d) <sup>(a)</sup> 1. The enforcement division shall investigate and prosecute alleged  
 22 violations of laws administered by the board pursuant to all statutes granting or  
 23 assigning that authority or responsibility to the board. The enforcement division  
 24 shall prosecute civil and criminal actions brought by the board and shall assist the

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

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

6 (c) 1. ~~The board shall employ at least one full-time attorney~~ <sup>and at least one full-time investigator</sup> within the  
7 enforcement division. ~~The division may, with or without approval of the board,~~  
<sup>Except as provided in subd. 2, the enforcement</sup>

8 investigate or prosecute any civil or criminal violation of chs. 5 to 12, subch. III of ch.  
9 <sup>or</sup> 13, ~~subch. III of ch. 19, or s. 946.12~~ in the name of the board. The jurisdiction of the  
10 enforcement division is concurrent with the jurisdiction of the board, the district  
11 attorneys, and the attorney general to conduct investigations and enforce these laws.

12 The enforcement division may request assistance from the department of justice to  
13 conduct investigations and prosecute violations of these laws. ✓

14 (e) 4. The enforcement division is bound by applicable laws, rules, formal opinions,  
15 and actions of the board, except that the division may nonacquiesce in any formal  
16 opinion or action of the board by publishing a notice of nonacquiescence in the  
17 Wisconsin Administrative Register. Thereafter, the division is not bound by the  
18 formal opinion or action in which the division nonacquiesces.

19 (f) 4. The enforcement division may request that the joint committee on finance  
20 supplement the appropriation under s. ~~20.510~~ <sup>20.511</sup> (2) (a) without concurrence of the  
21 board.

22 ~~(g) The lobbying division shall carry out the responsibilities of the board with  
23 respect to administration of subch. III of ch. 13.~~

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

25 SECTION 7. 5.066 of the statutes is created to read:

JWS  
6-13 ✓

JWS  
6-23 ✓

JWS  
6-24 ✓

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

2           (a) "Division" means the enforcement division of the board.

3           (b) "Election official" includes any board of election commissioners under s. 7.20  
4 or governing body of a local governmental unit that has the responsibility to  
5 administer the election laws.

6           (c) "Local governmental unit" has the meaning given in s. 22.01 (7).

7           (d) "Working day" has the meaning given in s. 227.01 (14).

8           (2) Any person may file a verified complaint with the division alleging a  
9 violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19. The division shall  
10 investigate the complaint unless the division finds the complaint to be without merit.  
11 The division may, on its own motion or upon direction of the board, investigate any  
12 potential violation of <sup>chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19</sup> ~~the election laws~~ whenever the division has probable cause to  
13 believe that a violation has occurred.

14           (3) If the complaint concerns a question as to whether an election official or a  
15 private person is acting in conformity with the law or rules of the board, the person  
16 filing the complaint shall serve a copy of the complaint upon that official or private  
17 person and that official or private person shall be a party to the case. An election  
18 official or private person may move to dismiss a complaint if it is clearly without  
19 merit. If the division finds, in response to a motion, that a complaint is clearly  
20 without merit, the division shall dismiss the complaint.

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

24           (5) The division may order an election official or a private person to act in  
25 conformity with chs. 5 to 12, <sup>subd.</sup> subch. III of ch. 13, or subch. III of ch. 19 or rules of the

subch.

## BILL

1 board, or may, by order, impose a civil penalty under s. 11.60 or 12.60 (1) (c) or (d),  
2 13.69, or 19.579 for any violation of ch. 11 or 12, subch. III of ch. 13, or subch. III of  
3 ch. 19 for which a civil penalty is applicable.

4 (6) The division may, in the discharge of its functions under this section and  
5 ~~upon notice to any party being investigated,~~ *after providing notice to any party who is the subject of an investigation*  
6 ~~to the state~~ and require the production of any papers, books, or other records relevant  
7 to an investigation. A circuit court may by order permit the inspection and copying  
8 of the accounts and the depositor's and loan records at any financial institution, as  
9 defined in s. 705.01 (3), doing business in this state to obtain evidence of any violation  
10 of ch. 11 or 12, subch. III of ch. 13, or subch. III of ch. 19 upon a showing by the  
11 division of probable cause to believe there is a violation and that such accounts and  
12 records may have a substantial relation to the violation. In the discharge of its  
13 functions under this section, the division may cause the deposition of witnesses to  
14 be taken in the manner prescribed for taking depositions in civil actions in circuit  
15 court.

16 (7) If the division issues a decision under sub. (4) that contains an order under  
17 sub. (5), the order is effective upon service of the order notwithstanding any appeal  
18 to the board under sub. (8), *or to circuit court under sub. (11) ✓*  
19 an appeal ~~to the board~~ *is*

20 (8) Any party aggrieved by a proposed decision under sub. (4) may appeal the  
21 proposed decision to the board within 20 days after service of a copy of the decision  
22 upon the party. If no appeal is filed within 20 days of service of a copy of a proposed  
23 decision upon each party to the case in which the decision is made, the decision is  
24 final and becomes the decision of the board. In appealing a decision of the division,  
25 the appellant shall indicate in its appeal whether the appellant contests any finding

## BILL

1 of fact made by the division. If an appellant does not contest a finding of fact, the  
 2 validity of which is reasonably ascertainable to the appellant at the time of the  
 3 appeal, that finding is conclusive against the appellant, <sup>in all subsequent</sup> ~~unless the finding of fact is~~  
 4 ~~modified by the board~~ <sup>proceedings</sup> ✓

5 (9) If a proposed decision of the division is appealed to the board, the board shall  
 6 hear the appeal at its next meeting occurring at least 3 working days after the appeal  
 7 is received by the board. In reviewing the decision of the division, the board is not  
 8 bound by any finding of fact <sup>that is contested</sup> or conclusion of law made by the division. After hearing ✓  
 9 the appeal, the board may issue a decision, which shall include findings of fact and  
 10 conclusions of law. In its decision, the board may affirm, modify, or reverse an order  
 11 issued by the division under sub. (5), and may order an election official or a private  
 12 person to act in conformity with chs. 5 to 12, subch. III of ch. 13, or subch. III of ch.  
 13 19 or rules of the board, or may, by order, impose a civil penalty under s. 11.60, 12.60  
 14 (1) (c) or (d), 13.69, or 19.579 for any violation of ch. 11 or 12, subch. III of ch. 13, or  
 15 subch. III of ch. 19 for which a civil penalty is applicable. If the board does not modify  
 16 or reverse a decision of the division at the meeting at which an appeal of a decision  
 17 is heard, the decision is affirmed. ✓

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

22 (11) <sup>defendant may appeal any</sup> The decision of the board in ~~any~~ <sup>any</sup> contested case arising under this section  
 23 ~~is subject to review~~ <sup>division or the</sup> as provided in s. 227.57. If the board modifies or reverses an order  
 24 issued by the division under sub. (5), the division may seek judicial review of the  
 25 decision. In seeking judicial review of a decision of the <sup>division or the</sup> board, the appellant shall

BILL

1 indicate in its petition for review whether the appellant contests any finding of fact  
 2 made by the division or the board that is not conclusive against the appellant. If the  
 3 appellant does not contest any finding of fact made by the <sup>division or the</sup> board, that finding is  
 4 conclusive against the appellant.

5 <sup>the enforcement division issues an order imposing a forfeiture</sup>  
 (12) When the board issues an order imposing a forfeiture under s. 11.60, 12.60 <sup>under</sup>

6 (1) (c) or (d), 13.69, or 19.579 and the period allowed under s. 227.57 for judicial <sup>under</sup>  
 7 review of the order expires, the <sup>division or</sup> board may file a copy of its order with the clerk of <sup>(1)(c)</sup>  
 8 circuit court for Dane County. The clerk shall thereupon enter the order in the <sup>or (d),</sup>  
 9 judgment and lien docket in the same manner as provided for entry of civil judgments <sup>13.69,</sup>  
 10 under s. 806.10. The <sup>division or</sup> board may also enter the order on the judgment and lien docket <sup>or</sup>  
 11 of any other county under s. 806.13. The order may be enforced and satisfied in the <sup>19.579</sup>  
 12 same manner as provided for enforcement and satisfaction of civil judgments. <sup>that</sup>  
 13 <sup>is</sup>

14 (14) <sup>(12)</sup> (a) This section does not apply to any complaint brought by an election <sup>not</sup>  
 15 official or private person in which the board or the division is alleged to have violated <sup>appealed</sup>  
 16 the law. <sup>in a</sup>

17 (b) This section does not apply to any matter arising in connection with a <sup>timely</sup>  
 18 recount under s. 9.01. <sup>manner</sup>  
 19 <sup>under</sup>  
 20 <sup>sub. (8)</sup>  
 21 <sup>or (11)</sup>  
 22 <sup>or</sup>  
 23 <sup>when</sup>

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

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

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*Handwritten notes:*  
 under s. 11.60,  
 12.60  
 (1)(c)  
 or (d),  
 13.69,  
 or  
 19.579  
 that  
 is  
 not  
 appealed  
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 timely  
 manner  
 under  
 sub. (8)  
 or (11),  
 or  
 when

*Handwritten annotations:*  
 government  
 accountability  
 ↑ ↑

**BILL**

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

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

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

8           7.08 (title) ~~Elections~~ <sup>Government</sup> ~~ethics and elections~~ <sup>B</sup> accountability and control  
9 board.

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10          **SECTION 11.** 7.60 (4) (a) of the statutes is amended to read:

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

## BILL

1 person; and the number of votes cast for and against any question submitted at a  
2 referendum. The board of canvassers shall use one copy of each duplicate statement  
3 to report to the ~~ethics and elections~~ <sup>Government</sup> ~~accountability and control~~ board, technical  
4 college district board, or board of canvassers of any other county and shall file the  
5 other statement in the office of the county clerk or board of election commissioners.

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

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

## BILL

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

13 SECTION 13. 7.70 (1) of the statutes is amended to read:

14 7.70 (1) RECORDING AND PRESERVING RETURNS. (a) Upon receipt of the certified  
 15 statements from the county clerks, the ~~elections~~ board shall record the election  
 16 results by counties and file and carefully preserve the statements.

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

23 SECTION 14. 7.70 (5) (b) of the statutes is amended to read:

24 7.70 (5) (b) For presidential electors, the ~~elections~~ board shall prepare a  
 25 certificate showing the determination of the results of the canvass and the names of

**BILL**

1 the persons elected, and the governor shall sign, affix the great seal of the state, and  
2 transmit the certificate by registered mail to the U.S. administrator of general  
3 services. The governor shall also prepare 6 duplicate originals of such certificate and  
4 deliver them to one of the presidential electors on or before the first Monday after the  
5 2nd Wednesday in December.

6 **SECTION 15.** 8.05 (1) (j) of the statutes is amended to read:

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

**BILL**

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

9 **SECTION 16.** 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 board under s. 19.43 (4) no later than  
15 4:30 p.m. on the 3rd day following the last day for filing nomination papers under  
16 sub. (2) (a), or no later than 4:30 p.m. on the next business day after the last day  
17 whenever that candidate is granted an extension of time for filing nomination papers  
18 under sub. (2) (a).

19 **SECTION 17.** 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 board under s. 19.43  
25 (4) no later than 4:30 p.m. on the 3rd day following the last day for filing nomination

**BILL**

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

4 **SECTION 18.** 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 ~~elections~~ board.

9 **SECTION 19.** 8.20 (6) of the statutes is amended to read:

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

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

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

**BILL**

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

10 SECTION 21. 8.50 (3) (e) of the statutes is amended to read:

11 8.50 (3) (e) In a special election for a state or national office, the county clerk  
12 or board of election commissioners shall transmit the statement of the county board  
13 of canvassers to the ~~ethics and elections~~ <sup>GOVERNMENT</sup> ~~accountability and control~~ board no later  
14 than 7 days after the special primary and 13 days after the special election.

15 SECTION 22. 9.01 (1) (a) of the statutes is amended to read:

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

**BILL**

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

20 **SECTION 23.** 9.01 (1) (ar) 2. of the statutes is amended to read:

21 9.01 (1) (ar) 2. In the event of a recount for a referendum, the petition shall be  
 22 filed with the clerk of the jurisdiction in which the referendum is called, and, in the  
 23 case of the state, with the ~~elections~~ board.

24 **SECTION 24.** 9.01 (10) of the statutes is amended to read:

FWS 19  
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**BILL**

1           9.01 (10) STANDARD FORMS AND METHODS. The elections board shall prescribe  
2 standard forms and procedures for the making of recounts under this section.

3           SECTION 25. 11.21 (title) of the statutes is amended to read:

4           11.21 (title) **Duties of the elections board.**

5           SECTION 26. 11.21 (7) (intro.) of the statutes is amended to read:

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

8           SECTION 27. 13.123 (3) (b) 2. of the statutes is amended to read:

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

13           SECTION 28. 13.23 of the statutes is amended to read:

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

24           SECTION 29. 13.62 (4) of the statutes is amended to read:

BILL

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13.62 (4) "Board" means the ~~ethics and elections~~ <sup>government</sup> accountability and control

2 board.

3 SECTION 30. 13.685 (title) of the statutes is amended to read:

4

13.685 (title) ~~Duties of the ethics and elections~~ <sup>government</sup> accountability and

5 ~~control~~ board.

6 SECTION 31. 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~~ <sup>government</sup> accountability and control board under s. 5.05 (2).

9 SECTION 32. ~~14.11 (2) (am)~~ of the statutes is created to read:

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14.11 (2) (am) Upon request of the enforcement division of the ~~ethics and~~

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~~elections~~ <sup>government</sup> accountability and control board, the governor shall employ special counsel

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recommended by the division for the purpose of assisting the division in

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investigating or prosecuting an alleged violation of subch. III of ch. 13, subch. III of

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ch. 19, or chs. 5 to 12.

15 SECTION 33. 14.58 (20) of the statutes is amended to read:

16 14.58 (20) ELECTION CAMPAIGN FUND. Make disbursements to each candidate

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certified under s. 7.08 (2) (c) or (cm) by the ~~ethics and elections~~ <sup>government</sup> accountability and

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~~control~~ board as eligible to receive moneys from the Wisconsin election campaign

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fund.

20 SECTION 34. 15.03 of the statutes is renumbered 15.03 (intro.) and amended

21 to read:

22 15.03 Attachment for limited purposes. (intro.) Any division, office,  
23 commission, council or board attached under this section to a department or  
24 independent agency or a specified division thereof shall be a distinct unit of that  
25 department, independent agency or specified division. Any division, office,

BILL

1 commission, council or board so attached shall exercise its powers, duties and  
2 functions prescribed by law, including rule making, licensing and regulation, and  
3 operational planning within the area of program responsibility of the division, office,  
4 commission, council or board, independently of the head of the department or  
5 independent agency, but budgeting, program coordination and related management  
6 functions shall be performed under the direction and supervision of the head of the  
7 department or independent agency, except that with:

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

14 SECTION 35. 15.03 (2) of the statutes is created to read:

15 15.03 (2) ENFORCEMENT DIVISION OF ~~ETHICS AND ELECTIONS~~ ACCOUNTABILITY AND  
16 ~~CONTROL~~ BOARD. With respect to the enforcement division of the ~~ethics and elections~~  
17 ~~accountability and control~~ board, all budget requests by the division shall be  
18 submitted by the board to the department of administration without change except  
19 as concurred in by the division.

20 SECTION 36. 15.07 (1) (a) ~~A.~~ of the statutes is ~~amended~~ <sup>created</sup> to read:

21 15.07 (1) (a) ~~Members of the ethics and elections accountability and control~~  
22 board shall be appointed as provided in s. ~~15.60~~ <sup>15.60</sup> ✓

23 SECTION 37. 15.07 (1) (cm) of the statutes is amended to read:

24 15.07 (1) (cm) ~~The term of one member of the ethics board shall expire on each~~  
25 May 1. The terms of 3 members of the development finance board appointed under

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GOVERNMENT

government

fix component

government  
accountability

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1 s. 15.155 (1) (a) 6. shall expire on May 1 of every even-numbered year and the terms  
 2 of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of  
 3 every odd-numbered year. The terms of the 3 members of the land and water  
 4 conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1.  
 5 The term of the member of the land and water conservation board appointed under  
 6 s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of  
 7 members of the real estate board shall expire on July 1. The terms of the appraiser  
 8 members of the real estate appraisers board and the terms of the auctioneer and  
 9 auction company representative members of the auctioneer board shall expire on  
 10 May 1 in an even-numbered year. ~~The term of any member of the ethics and elections~~

11 ~~accountability and control board who is appointed to represent a political party~~  
 12 ~~following initial qualification of that party to designate a member of the board shall~~  
 13 ~~be appointed to serve for a term expiring on May 1 of the 3rd year beginning after~~  
 14 ~~qualification of that party.~~

15 SECTION 38. 15.07 (4) of the statutes is amended to read:

16 15.07 (4) QUORUM. A majority of the membership of a board constitutes a  
 17 quorum to do business and, unless a more restrictive provision is adopted by the  
 18 board, a majority of a quorum may act in any matter within the jurisdiction of the  
 19 board. This subsection does not apply to actions of the ethics board or the school  
 20 district boundary appeal board as provided in ss. 19.47 (4) and s. 117.05 (2) (a).

21 → SECTION 39. 15.07 (5) ~~(e)~~ of the statutes is <sup>created</sup> amended to read:

22 15.07 (5) <sup>(m)</sup> ~~(e)~~ Members of the ~~ethics and elections~~ <sup>government</sup> ~~accountability and control~~  
 23 board, \$25 per day.

24 SECTION 40. 15.07 (5) (n) of the statutes is repealed.

25 → SECTION 41. <sup>15.60</sup> ~~15.61~~ (title) of the statutes is <sup>created</sup> amended to read:

government  
accountability board

fix component

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BILL

§ 15.60 Government accountability  
SECTION 41  
ntability

1

~~15.61 (title) Elections, Ethics and elections accountability and control~~

2

board; creation. <sup>no §</sup>

3

~~Section 15.61 of the statutes is renumbered 15.61 (1) and amended to read:~~  
a GOVERNMENT accountability

4

(1) There is created <sup>(4)</sup> ~~an ethics and elections accountability and control~~ PLAIN  
board consisting of ~~four~~ persons who shall be ~~appointed~~ nominated by the governor for

5

2-year terms as follows: one member selected by the governor, one member each  
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 ~~and~~ appointed with the advice and consent of the senate, and one

10

person appointed by the governor to represent each political party ~~attorney general,~~  
~~secretary of state, or state treasurer,~~

11

~~whose candidate for governor received at~~  
~~least one percent~~

12

least ~~one percent~~ of the vote in the most recent ~~general~~ election who shall be

13

designated by the chief officer of that party. Members shall serve for 4-year terms.

14

~~As provided in s. 15.61 (1) and~~

15

~~Section 15.61 (1) of the statutes is created to read:~~

16

<sup>(15) (3)</sup>  
~~Section 15.61 (1)~~ No member may be a lobbyist, as defined in s. 13.62 (11), or an  
employee of a principal, as defined in s. 13.62 (12).

18

SECTION 44. <sup>15.603</sup> ~~15.613~~ of the statutes is created to read:

19

<sup>15.603</sup>  
~~15.613~~ Same; specified divisions. (1) CAMPAIGN FINANCE DIVISION. There is

20

created in the ethics and elections accountability and control board a campaign  
finance division.

22

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

24

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

25

All plain text

PLAIN TEXT ALL

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23-16

BILL

1 ~~ENFORCEMENT DIVISION.~~ <sup>no 11</sup> There is created in the ~~ethics and elections~~  
 2 ~~Government~~ accountability ~~and control~~ board an enforcement division, which is attached to the

3 board under s. 15.03. The enforcement division shall be under the direction and  
 4 supervision of an administrator, who shall be appointed by the executive director of  
 5 the board, with the advice and consent of the board, to serve for a ~~year~~ <sup>of not less than 4 years nor more than 6 years</sup> term  
 6 expiring on September 1, <sup>of an odd-numbered year</sup>

→ 9 SEC #. RP; 15.61

7 ~~(3) LOBBYING DIVISION.~~ There is created in the ~~ethics and elections~~  
 8 ~~accountability and control board a lobbying division~~

9 → SECTION 45. 15.62 ~~(1)~~ of the statutes is repealed.

10 SECTION 46. 15.62 (1) and (2) of the statutes are renumbered 15.61 <sup>(3) and (4)</sup> (2) and (3)

11 and amended to read:

12 15.61 <sup>(3)</sup> (2) No member, other than a member who is appointed to represent a  
 13 political party, may hold any other office or employment in the government of this  
 14 state or any political subdivision thereof or in any department.

15 (4) (3) No member, when appointed other than a member appointed to represent  
 16 a political party, for one year immediately prior to the date of appointment or while  
 17 serving on the board, may have been, or while serving on the board may become, a  
 18 member of a political party, an officer or member of a committee in any partisan  
 19 political club or organization, or a candidate for any partisan elective public office.  
 20 No member may become a candidate for or hold any such office while serving on the  
 21 board.

22 SECTION 47. 15.62 (3) of the statutes is repealed.

23 SECTION 48. 16.79 (2) of the statutes is amended to read:

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

## BILL

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

8 SECTION 49. 16.96 (3) (b) of the statutes is amended to read:

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

13 SECTION 50. 17.17 (1) of the statutes is amended to read:

14 17.17 (1) SENATORS AND MEMBERS OF CONGRESS. In the office of United States  
 15 senator or member of congress from this state, by the county clerk of the county  
 16 wherein such officer resided at the time of election, to the ~~ethics and elections~~ <sup>government</sup>  
 17 ~~accountability and control~~ board.

18 SECTION 51. 17.17 (4) of the statutes is amended to read:

19 17.17 (4) JUSTICES AND JUDGES. In the office of justice of the supreme court, court  
 20 of appeals judge, or judge of a circuit court, by the director of state courts to the  
 21 governor and the ~~ethics and elections~~ <sup>government</sup> ~~accountability and control~~ board.

22 SECTION 52. 19.42 (3) of the statutes is amended to read:

23 19.42 (3) "Board" means the ~~ethics and elections~~ <sup>government</sup> ~~accountability and control~~  
 24 board.

25 SECTION 53. 19.42 (10) (a) of the statutes is amended to read:

**BILL**

1

19.42 (10) (a) A member of the ~~ethics and elections accountability and control~~ <sup>government</sup> board who is appointed to represent a political party.

3

SECTION 54. 19.42 (13) (p) of the statutes is created to read:

4  
5

19.42 (13) (p) The members of the ~~ethics and elections~~ <sup>government</sup> accountability ~~and control~~ board who is appointed to represent a political parties.

6

SECTION 55. 19.43 (4) of the statutes is amended to read:

7

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

19

The information contained on the statement shall be current as of December 31 of the year preceding the filing deadline. Before certifying the name of any candidate

21

for state public office under s. 7.08 (2) (a), the ~~ethics and elections~~ <sup>government</sup> accountability and

22

~~control~~ board, municipal clerk, or board of election commissioners shall ascertain whether that candidate has complied with this subsection. If not, the ~~ethics and~~

24

~~elections~~ <sup>government</sup> accountability ~~and control~~ board, municipal clerk, or board of election

25

commissioners may not certify the candidate's name for ballot placement.

## BILL

1 SECTION 56. 19.43 (5) of the statutes is amended to read:

2 19.43 (5) Each member of the investment board and each employee of the  
3 investment board who is a state public official shall complete and file with the ~~ethics~~  
4 ~~and elections~~ <sup>government</sup> accountability and ~~control~~ board a quarterly report of economic  
5 transactions no later than the last day of the month following the end of each  
6 calendar quarter during any portion of which he or she was a member or employee  
7 of the investment board. Such reports of economic transactions shall be in the form  
8 prescribed by the ~~ethics and elections~~ <sup>government</sup> accountability ~~and control~~ board and shall  
9 identify the date and nature of any purchase, sale, put, call, option, lease, or creation,  
10 dissolution, or modification of any economic interest made during the quarter for  
11 which the report is filed and disclosure of which would be required by s. 19.44 if a  
12 statement of economic interests were being filed.

13 SECTION 57. 19.45 (6) of the statutes is amended to read:

14 19.45 (6) No state public official, member of a state public official's immediate  
15 family, nor any organization with which the state public official or a member of the  
16 official's immediate family owns or controls at least 10% of the outstanding equity,  
17 voting rights, or outstanding indebtedness may enter into any contract or lease  
18 involving a payment or payments of more than \$3,000 within a 12-month period, in  
19 whole or in part derived from state funds unless the state public official has first  
20 made written disclosure of the nature and extent of such relationship or interest to  
21 the board and to the department acting for the state in regard to such contract or  
22 lease. Any contract or lease entered into in violation of this subsection may be voided  
23 by the state in an action commenced within 3 years of the date on which the ~~ethics~~  
24 board, or the department or officer acting for the state in regard to the allocation of  
25 state funds from which such payment is derived, knew or should have known that

**BILL**

1 a violation of this subsection had occurred. This subsection does not affect the  
2 application of s. 946.13.

3 **SECTION 58.** 19.46 (2) of the statutes is amended to read:

4 19.46 (2) Any individual, either personally or on behalf of an organization or  
5 governmental body, may request of the board an advisory opinion regarding the  
6 propriety of any matter to which the person is or may become a party; and any  
7 appointing officer, with the consent of a prospective appointee, may request of the  
8 board an advisory opinion regarding the propriety of any matter to which the  
9 prospective appointee is or may become a party. The board shall review a request for  
10 an advisory opinion and may advise the person making the request. Advisory  
11 opinions issued under this subsection and requests therefor shall be in writing. The  
12 board's deliberations and actions upon such requests shall be in meetings not open  
13 to the public. It is prima facie evidence of intent to comply with this subchapter or  
14 subch. III of ch. 13 when a person refers a matter to the board and abides by the  
15 board's advisory opinion, if the material facts are as stated in the opinion request.  
16 The board may authorize the executive director to act in its stead in instances where  
17 delay is of substantial inconvenience or detriment to the requesting party. No  
18 member or employee of the board may make public the identity of the individual  
19 requesting an advisory opinion under this subsection or of individuals or  
20 organizations mentioned in the opinion.

21 **SECTION 59.** 19.47 (2) of the statutes is repealed.

22 **SECTION 60.** 19.47 (4) of the statutes is repealed.

23 **SECTION 61.** 19.47 (5) of the statutes is amended to read:

24 19.47 (5) ~~No later than September 1 of each year, the board shall submit a~~  
25 ~~report concerning its actions in the preceding fiscal year to the governor and the chief~~

**BILL**

1 ~~clerk of each house of the legislature, for distribution to the legislature under s.~~  
2 ~~13.172 (2).~~ Such The board shall include in its biennial report shall contain under  
3 s. 15.04 (1) (d) the names and duties of all individuals employed by the board and a  
4 summary of its determinations and advisory opinions issued under s. 19.46 (2). The  
5 board shall make sufficient alterations in the summaries to prevent disclosing the  
6 identities of individuals or organizations involved in the decisions or opinions. The  
7 board may also include in its biennial report any information compiled under s. 11.21  
8 (7). The board shall make such further reports on the matters within its jurisdiction  
9 and such recommendations for further legislation as it deems desirable.

10 **SECTION 62.** 19.50 (2) of the statutes is amended to read:

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

16 **SECTION 63.** 19.54 (2) of the statutes is amended to read:

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

24 **SECTION 64.** 19.55 (1) of the statutes is amended to read:

**BILL**

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

11           **SECTION 65.** 19.55 (2) (a) to (c) of the statutes are amended to read:

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

22           (b) Records obtained or prepared by the board in connection with an  
23 investigation under this subchapter or subch. III of ch. 13, except that the board shall  
24 permit inspection of records that are made public in the course of a hearing by the  
25 board to determine if a violation of this subchapter or subch. III of ch. 13 has

**BILL**

1 occurred. Whenever the board refers such investigation and hearing records to a  
2 district attorney or to the attorney general, they may be made public in the course  
3 of a prosecution initiated under this subchapter. The board shall also provide  
4 information from investigation and hearing records that pertains to the location of  
5 individuals and assets of individuals as requested under s. 49.22 (2m) by the  
6 department of workforce development or by a county child support agency under s.  
7 59.53 (5).

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

15 **SECTION 66.** 19.579 of the statutes is created to read:

16 **19.579 Civil penalty.** Any person who violates s. 19.43, 19.44, or 19.56 (2) may  
17 be required to forfeit not more than \$500. Any person who violates any other  
18 provision of this subchapter may be required to forfeit not more than \$5,000.

19 **SECTION 67.** 19.59 (1) (g) 8. of the statutes is amended to read:

20 19.59 (1) (g) 8. No district board member, member of a district board member's  
21 immediate family, nor any organization with which the district board member or a  
22 member of the district board member's immediate family owns or controls at least  
23 10% of the outstanding equity, voting rights, or outstanding indebtedness may enter  
24 into any contract or lease involving a payment or payments of more than \$3,000  
25 within a 12-month period, in whole or in part derived from district funds unless the

BILL

1 district board member has first made written disclosure of the nature and extent of  
 2 such relationship or interest to the ~~ethics and elections~~ <sup>government</sup> accountability ~~and control~~  
 3 board and to the district. Any contract or lease entered into in violation of this  
 4 subdivision may be voided by the district in an action commenced within 3 years of  
 5 the date on which the ~~ethics and elections~~ <sup>government</sup> accountability ~~and control~~ board, or the  
 6 district, knew or should have known that a violation of this subdivision had occurred.  
 7 This subdivision does not affect the application of s. 946.13.

8 SECTION 68. 19.85 (1) (h) of the statutes is amended to read:

9 19.85 (1) (h) Consideration of requests for confidential written advice from the  
 10 ~~ethics and elections~~ <sup>government</sup> accountability ~~and control~~ board under s. 19.46 (2), or from any  
 11 county or municipal ethics board under s. 19.59 (5).

12 SECTION 69. 20.005 (3) (schedule) of the statutes: at the appropriate place,  
 13 insert the following amounts for the purposes indicated:

FNS  
32-11  
see attached

INS  
32-16

FNS  
32-17

fix Component

	2003-04	2004-05
(B) 20.511 Government accountability board		
<del>20.510 Elections board</del>		
(1) ADMINT STRAT PLAN OF ELECTIONS, ETHICS, AND LOBBYING LAWS		
(2) ENFORCEMENT DIVISION		
(6) General program operations; general purpose revenue	GPR B	-0 -0-

(a) General program operations

GPR

B

-0-

-0-

20.511 (intro.) and (1) (title) and (a)

18 SECTION 70. ~~20.510~~ <sup>are created</sup> of the statutes <sup>are</sup> amended to read.

19 ~~20.510 Elections Ethics and elections~~ <sup>Government accountability</sup> ~~and control~~ board. <sup>(intro.)</sup>

20 There is appropriated from the general fund, except where otherwise  
 21 indicated, to the ~~ethics and elections~~ <sup>government</sup> accountability ~~and control~~ board for the  
 22 following programs:  
 23 plain

SECTION 71. ~~20.510~~ (1) (title) of the statutes is amended to read.