



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBs0060/A 2  
JTK:kmg&cjs:jf

wanted Fri 5/2

stays

SENATE SUBSTITUTE AMENDMENT,  
TO 2003 SENATE BILL 11

35, 53, 54  
LPS: check all pages.

Gen. Cat.

1 AN ACT to repeal 5.05 (1) (a), 5.05 (5), 15.07 (1) (a) 2., 15.07 (1) (k), 15.07 (5) (n),  
2 15.61, 15.62, 19.47 (2), 19.47 (4), 20.510 (intro.), 20.510 (1) (title), 20.510 (1) (a),  
3 20.510 (1) (h), 20.510 (1) (i), 20.511 (1) (c), 20.521 (intro.), 20.521 (1) (title),  
4 20.521 (1) (a), 20.521 (1) (g), 20.521 (1) (i), 20.923 (4) (d) 3., 20.923 (4) (d) 4.,  
5 230.08 (2) (om) and 230.08 (2) (wm); to renumber 20.510 (1) (bm), 20.510 (1)  
6 (c), 20.510 (1) (g), 20.510 (1) (j) and 20.510 (1) (q); to renumber and amend  
7 15.03 and 20.521 (1) (h); to amend 5.02 (1s), 5.05 (title), 5.05 (1) (intro.), 5.05  
8 (1) (b), 5.40 (7), 5.62 (4) (b), 7.08 (title), 7.08 (7), 7.31 (5), 7.60 (4) (a), 7.60 (5),  
9 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)  
10 (a), 8.50 (3) (e), 9.01 (1) (a), 9.01 (1) (ag) 4., 9.01 (1) (ar) 2., 9.01 (10), 11.21 (title),  
11 11.21 (7) (intro.), 13.123 (3) (b) 2., 13.23, 13.62 (4), 13.685 (title), 13.94 (1) (k),  
12 14.58 (20), 15.07 (1) (cm), 15.07 (4), 16.79 (2), 16.96 (3) (b), 17.17 (1), 17.17 (4),  
13 19.42 (3), 19.42 (10) (a), 19.43 (4), 19.43 (5), 19.45 (6), 19.46 (2), 19.47 (5), 19.50

1 (2), 19.54 (2), 19.55 (1), 19.55 (2) (a) to (c), 19.59 (1) (g) 8., 19.85 (1) (h), 20.455  
 2 (1) (b), 20.923 (4) (intro.), 22.07 (6), 59.605 (3) (a) 3., 67.05 (3) (b), 67.05 (6), 71.10  
 3 (3) (b), 73.0301 (1) (d) 13., 73.0301 (1) (e), 117.20 (2), 117.27 (2) (b) (intro.),  
 4 121.91 (3) (c), 125.05 (1) (b) 10., 165.25 (1), 198.08 (10), 200.09 (11) (am) 3.,  
 5 227.03 (6), 227.52 (6), 230.08 (4) (a), 234.02 (3m) (c), 560.04 (2m), 778.135 and  
 6 778.136; and *to create* 5.05 (1m), 5.05 (2m), 5.05 (3m), 5.052, 5.054, 5.066,  
 7 15.03 (2), 15.07 (1) (a) 2m., 15.07 (5) (m), 15.60, 15.603, 19.42 (13) (p), 19.579,  
 8 20.511 (intro.) and (1) (title) and (a), 20.511 (1) (h) and (i), 20.511 (2), 20.923 (4)  
 9 (e) 2e., 20.923 (4) (f) 3j, 165.25 (4) (e), 227.03 (6m), 230.08 (2) (e) 4h. and 230.08  
 10 (2) (on) of the statutes; **relating to:** creation of a Government Accountability  
 11 Board, providing penalties ~~and~~ making appropriations, *and*

---

***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 substitute amendment abolishes both boards and replaces them with a Government Accountability Board. Under the substitute amendment, 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

*a position that is subject to the code of ethics for state public officials or the code of ethics for local public*

of the senate. The governor also appoints one member to represent each political party 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. Each of the four members who is not appointed to represent a political party must be appointed from nominations submitted by a Government Accountability Candidate Committee, which consists of nine members, including the chief justice of the supreme court, the dean of the University of Wisconsin law school, the dean of the Marquette University law school, and the chief officer of each of the following organizations or their successor organizations: a) the Wisconsin Counties Association; b) the Wisconsin Towns Association; c) the League of Wisconsin Municipalities; d) the League of Women Voters of Wisconsin; e) the Wisconsin Newspaper Association; and f) the State Bar of Wisconsin. The votes of six members of the committee are required to nominate a candidate. No member of the Government Accountability Board may hold ~~any other office or employment in the government of this state~~. 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 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).

The substitute amendment creates an Enforcement Division within the Government Accountability Board. The Enforcement Division is headed by an administrator who is appointed by the executive director of the board outside the classified service for a term of not less than four years nor more than six years, expiring on September 1 of an odd-numbered year. The administrator may not be removed during his or her term except for cause.

*one position*

The substitute amendment also permits the executive director to appoint up to ~~four~~ other division administrators outside the classified service. The substitute amendment authorizes ~~three~~ new ~~division administrator positions~~ for the board, plus one new division administrator position, one new attorney position, and one new investigator position for the Enforcement Division. In addition, all members of the existing staffs of the Elections Board and Ethics Board and their positions are transferred to the Government Accountability Board and the staff members who have civil service rights retain those rights.

*two*

The Enforcement Division is empowered to investigate violations and bring civil and criminal actions to enforce the elections, ethics, and lobbying regulation laws. However, before bringing an action to prosecute any alleged criminal violation, the division must provide written notice to the district attorney for the county where the alleged violation occurs. If the district attorney fails to prosecute within 30 days after receiving the notice or declines to prosecute, the division may then prosecute the alleged violation. Under current law, the Elections Board and Ethics Board 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. Under the substitute amendment, the Enforcement Division has independent authority to investigate and prosecute

*executive director*

violations of the elections, ethics, and lobbying regulation laws without the consent of the Government Accountability Board. The substitute amendment permits the Enforcement Division to request investigatory and prosecutorial assistance from the Department of Justice and directs the Department of Justice to provide such assistance upon request. The substitute amendment also permits the division to appoint special counsel, to be paid from a sum sufficient appropriation from general purpose revenue, to assist the division. Under the substitute amendment, 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.

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 substitute amendment creates a separate appropriation for the Enforcement Division funded from general purpose revenue. The substitute amendment 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 substitute amendment, the Enforcement Division may request supplementation of its appropriation by the Joint Committee on Finance without concurrence of the board.

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

The substitute amendment provides for the bill to become law on November 1, 2003, after which date the members of the Government Accountability Board may be appointed and take office, the board may employ staff and the board may expend moneys from its appropriations. However, the existing Elections Board and Ethics Board continue in operation until May 1, 2004, and the Government Accountability

Board may not exercise administrative or enforcement authority until that date. The substitute amendment also provides that the director of the Legislative Council Staff shall serve as executive director of the Government Accountability Board, without additional compensation, until the initial executive director of the Government Accountability Board is appointed and qualified, and may exercise all of the functions of the executive director of the Government Accountability Board, the enforcement division, and the administrator of the enforcement division, including the retention and termination of all staff not transferred to the board under the substitute amendment.

---

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

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

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

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

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

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

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

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

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

13           5.05 (1) (b) In the discharge of its duties and ~~upon~~ after providing notice to the  
14 any party or parties being investigated who is the subject of an investigation,  
15 subpoena and bring before it any person ~~in the state~~ and require the production of  
16 any papers, books, or other records relevant to an investigation. A circuit court may  
17 by order permit the inspection, and copying of the accounts and the depositor's and

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

10 SECTION 6. 5.05 (1m) of the statutes is created to read:

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

14 SECTION 7. 5.05 (2m) of the statutes is created to read:

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

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

24 (c) 1. The board shall employ at least one full-time attorney and at least one  
25 full-time investigator within the enforcement division. Except as provided in subd.

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

8 2. Prior to commencing any criminal prosecution with respect to an alleged  
9 violation of chs. 5 to 12, subch. III of ch. 13. or subch. III of ch. 19, the enforcement  
10 division shall provide written notice to the district attorney for the county in which  
11 the violation is alleged to have occurred. If the district attorney notifies the division  
12 in writing that he or she will not commence a criminal prosecution with respect to  
13 that alleged violation or the district attorney fails to commence a criminal  
14 prosecution with respect to that alleged violation within 30 days after receiving  
15 notice from the division, the division may commence a criminal prosecution with  
16 respect to that alleged violation.

17 (d) 1. The enforcement division may employ special counsel to investigate any  
18 alleged violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, to bring  
19 any action authorized to be brought by the enforcement division or the board, or to  
20 enforce any order of the enforcement division or the board.

21 2. When special counsel is employed, a contract in writing shall be entered into  
22 between the state and such counsel, in which shall be fixed the compensation to be  
23 paid such counsel by the state. The contract shall be executed on behalf of the state  
24 by the administrator of the enforcement division, who shall file the contract in the

1 office of the secretary of state. The compensation shall be charged to the  
2 appropriation under s. 20.455 (1) (b).

3 3. Upon employment of special counsel, the administrator of the enforcement  
4 division shall certify the maximum amount provided in the employment contract to  
5 the secretary of administration, and direct the department of administration to pay  
6 special counsel bills related to that case within the certified amount.

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

12 (f) The enforcement division may request that the joint committee on finance  
13 supplement the appropriation under s. 20.511 (2) (a) without concurrence of the  
14 board.

15 **SECTION 8.** 5.05 (3m) of the statutes is created to read:

16 **5.05 (3m) CHIEF ELECTION OFFICER.** The board shall designate an employee of  
17 the board to serve as the chief election officer of this state.

18 **SECTION 9.** 5.05 (5) of the statutes is repealed.

19 **SECTION 10.** 5.052 of the statutes is created to read:

20 **5.052 Government accountability candidate committee.** (1) The  
21 government accountability candidate committee shall organize whenever a vacancy  
22 occurs in the membership of the board that requires a nomination to be submitted  
23 to the governor under s. 15.60 (2). At its first meeting after each organization, the  
24 committee shall elect a chairperson and vice chairperson.



1           (2) No person may be nominated by the committee unless the person receives  
2 the votes of at least 6 members.

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

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

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

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

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

9           (4) If a nomination of the governor is rejected by the senate, the committee shall  
10 submit an additional nominee to the governor.

11           **SECTION 11.** 5.054 of the statutes is created to read:

12           **5.054 Duties of the executive director.** The executive director of the board  
13 shall:

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

16           (2) Assist the government accountability candidate committee in the  
17 performance of its functions.

18           **SECTION 12.** 5.066 of the statutes is created to read:

19           **5.066 Complaints and decision-making procedure.** (1) In this section:

20           (a) “Division” means the enforcement division of the board.

21           (b) “Election official” includes any board of election commissioners under s. 7.20  
22 or governing body of a local governmental unit that has the responsibility to  
23 administer the election laws.

24           (c) “Local governmental unit” has the meaning given in s. 22.01 (7).

25           (d) “Working day” has the meaning given in s. 227.01 (14).

1           (2) Any person may file a verified complaint with the division alleging a  
2 violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19. The division shall  
3 investigate the complaint unless the division finds the complaint to be without merit.  
4 The division may, on its own motion or upon direction of the board, investigate any  
5 potential violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 whenever  
6 the division has probable cause to believe that a violation has occurred.

7           (3) If the complaint concerns a question as to whether an election official or a  
8 private person is acting in conformity with the law or rules of the board, the person  
9 filing the complaint shall serve a copy of the complaint upon that official or private  
10 person and that official or private person shall be a party to the case. An election  
11 official or private person may move to dismiss a complaint if it is clearly without  
12 merit. If the division finds, in response to a motion, that a complaint is clearly  
13 without merit, the division shall dismiss the complaint.

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

17           (5) The division may order an election official or a private person to act in  
18 conformity with chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 or rules of the  
19 board, or may, by order, impose a civil penalty under s. 11.60 or 12.60 (1) (c) or (d),  
20 13.69, or 19.579 for any violation of ch. 11 or 12, subch. III of ch. 13, or subch. III of  
21 ch. 19 for which a civil penalty is applicable.

22           (6) The division may, in the discharge of its functions under this section and  
23 after providing notice to any party who is the subject of an investigation, subpoena  
24 and bring before it any person and require the production of any papers, books, or  
25 other records relevant to an investigation. A circuit court may by order permit the

1 inspection and copying of the accounts and the depositor's and loan records at any  
2 financial institution, as defined in s. 705.01 (3), doing business in this state to obtain  
3 evidence of any violation of ch. 11 or 12, subch. III of ch. 13, or subch. III of ch. 19  
4 upon a showing by the division of probable cause to believe there is a violation and  
5 that such accounts and records may have a substantial relation to the violation. In  
6 the discharge of its functions under this section, the division may cause the  
7 deposition of witnesses to be taken in the manner prescribed for taking depositions  
8 in civil actions in circuit court.

9 (7) If the division issues a decision under sub. (4) that contains an order under  
10 sub. (5), the order is effective upon service of the order notwithstanding any appeal  
11 to the board under sub. (8) or to circuit court under sub. (11), except that the division  
12 may stay such an order pending an appeal.

13 (8) Any party aggrieved by a proposed decision under sub. (4) may appeal the  
14 proposed decision to the board within 20 days after service of a copy of the decision  
15 upon the party. If no appeal is filed within 20 days of service of a copy of a proposed  
16 decision upon each party to the case in which the decision is made, the decision is  
17 final and becomes the decision of the board. In appealing a decision of the division,  
18 the appellant shall indicate in its appeal whether the appellant contests any finding  
19 of fact made by the division. If an appellant does not contest a finding of fact, the  
20 validity of which is reasonably ascertainable to the appellant at the time of the  
21 appeal, that finding is conclusive against the appellant in all subsequent  
22 proceedings.

23 (9) If a proposed decision of the division is appealed to the board, the board shall  
24 hear the appeal at its next meeting occurring at least 3 working days after the appeal  
25 is received by the board. In reviewing the decision of the division, the board is not

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

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

15 (11) The defendant may appeal any decision of the division or the board in a  
16 contested case arising under this section as provided in s. 227.57. If the board  
17 modifies or reverses an order issued by the division under sub. (5), the division may  
18 seek judicial review of the decision. In seeking judicial review of a decision of the  
19 division or the board, the appellant shall indicate in its petition for review whether  
20 the appellant contests any finding of fact made by the division or the board that is  
21 not conclusive against the appellant. If the appellant does not contest any finding  
22 of fact made by the division or the board, that finding is conclusive against the  
23 appellant.

24 (12) When the enforcement division issues an order imposing a forfeiture  
25 under s. 11.60, 12.60 (1) (c) or (d), 13.69, or 19.579 that is not appealed in a timely

1 manner under sub. (8) or (11), or when the board issues an order imposing a forfeiture  
2 under s. 11.60, 12.60 (1) (c) or (d), 13.69, or 19.579 and the period allowed under s.  
3 227.57 for judicial review of the order expires, the division or board may file a copy  
4 of its order with the clerk of circuit court for Dane County. The clerk shall thereupon  
5 enter the order in the judgment and lien docket in the same manner as provided for  
6 entry of civil judgments under s. 806.10. The division or board may also enter the  
7 order on the judgment and lien docket of any other county under s. 806.13. The order  
8 may be enforced and satisfied in the same manner as provided for enforcement and  
9 satisfaction of civil judgments.

10 (13) If the division or the board issues an order requiring an election official  
11 or private person to act in conformity with chs. 5 to 12, subch. III of ch. 13, or subch.  
12 III of ch. 19 or rules of the board, the division may file an action in circuit court for  
13 any county where the official or other person is present to obtain relief requiring  
14 compliance with the order.

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

18 (b) This section does not apply to any matter arising in connection with a  
19 recount under s. 9.01.

20 SECTION 13. 5.40 (7) of the statutes is amended to read:

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

1 commissioners and the executive director of the ~~elections~~ government accountability  
2 board in writing.

3 SECTION 14. 5.62 (4) (b) of the statutes is amended to read:

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

9 SECTION 15. 7.08 (title) of the statutes is amended to read:

10 7.08 (title) ~~Elections~~ Government accountability board.

11 SECTION 16. 7.08 (7) of the statutes is amended to read:

12 7.08 (7) VOTING SYSTEM TRANSITIONAL ASSISTANCE. From the appropriation under  
13 s. ~~20.510 (1) (e)~~ 20.511 (1) (c), provide assistance to municipalities that used punch  
14 card electronic voting systems at the 2001 spring election to enable the  
15 municipalities to employ another type of electronic voting system, and provide  
16 training for election officials in the use of replacement systems.

17 SECTION 17. 7.31 (5) of the statutes is amended to read:

18 7.31 (5) The board shall conduct regular training and administer examinations  
19 to ensure that individuals who are certified by the board under this section are  
20 knowledgeable concerning their authority and responsibilities. The board shall pay  
21 all costs required to conduct the training and to administer the examinations from  
22 the appropriation under s. ~~20.510 (1) (bm)~~ 20.511 (1) (bm).

23 SECTION 18. 7.60 (4) (a) of the statutes is amended to read:

24 7.60 (4) (a) The board of canvassers shall make separate duplicate statements  
25 showing the numbers of votes cast for the offices of president and vice president; state

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

19 **SECTION 19.** 7.60 (5) of the statutes is amended to read:

20 7.60 (5) REPORTING. (a) Immediately following the canvass, the county clerk  
21 shall deliver or send to the ~~elections~~ government accountability board, by 1st class  
22 mail, a certified copy of each statement of the county board of canvassers for  
23 president and vice president, state officials, senators and representatives in  
24 congress, state legislators, justice, court of appeals judge, circuit judge, district  
25 attorney, and metropolitan sewerage commissioners, if the commissioners are

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

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

25 SECTION 20. 7.70 (1) of the statutes is amended to read:



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

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

10           **SECTION 21.** 7.70 (5) (b) of the statutes is amended to read:

11           **7.70 (5) (b)** For presidential electors, the elections board shall prepare a  
12 certificate showing the determination of the results of the canvass and the names of  
13 the persons elected, and the governor shall sign, affix the great seal of the state, and  
14 transmit the certificate by registered mail to the U.S. administrator of general  
15 services. The governor shall also prepare 6 duplicate originals of such certificate and  
16 deliver them to one of the presidential electors on or before the first Monday after the  
17 2nd Wednesday in December.

18           **SECTION 22.** 8.05 (1) (j) of the statutes is amended to read:

19           **8.05 (1) (j)** The municipal clerk shall notify in writing each candidate whose  
20 name is certified as a nominee under par. (h) of his or her nomination. If a municipal  
21 judge is elected under s. 755.01 (4), the county clerk of the county having the largest  
22 portion of the population in the jurisdiction served by the judge shall make the  
23 notification. Upon receipt of the notice, each candidate shall file a declaration of  
24 candidacy in the manner prescribed by s. 8.21 with the municipal clerk making the  
25 notification no later than 5 p.m. on the 5th day after the notification is mailed or

1 personally delivered to the candidate by the municipal clerk, except as authorized  
2 in this paragraph. If an incumbent whose name is certified as a nominee fails to file  
3 a declaration of candidacy within the time prescribed by this paragraph, each  
4 certified candidate for the office held by the incumbent, other than the incumbent,  
5 may file a declaration of candidacy no later than 72 hours after the latest time  
6 prescribed in this paragraph. If the candidate has not filed a registration statement  
7 under s. 11.05 at the time of the notification, the candidate shall file the statement  
8 with the declaration. A candidate for municipal judge shall also file a statement of  
9 economic interests with the ethics board under s. 19.43 (4) no later than 4:30 p.m.  
10 on the 5th day after notification of nomination is mailed or personally delivered to  
11 the candidate, or no later than 4:30 p.m. on the next business day after the last day  
12 for filing a declaration of candidacy whenever that candidate is granted an extension  
13 of time for filing a declaration of candidacy under this paragraph. Upon receipt of  
14 the declaration of candidacy and registration statement of each qualified candidate,  
15 and upon filing of a statement of economic interests by each candidate for municipal  
16 judge, the municipal clerk, or the county clerk if the judge is elected under s. 755.01  
17 (4), shall place the name of the candidate on the ballot. No later than the end of the  
18 3rd day following qualification by all candidates, the municipal clerk, or the county  
19 clerk if the judge is elected under s. 755.01 (4), shall draw lots to determine the  
20 arrangement of candidates' names on the spring election ballot.

21 **SECTION 23.** 8.10 (5) of the statutes is amended to read:

22 8.10 (5) Nomination papers shall be accompanied by a declaration of candidacy  
23 under s. 8.21. If a candidate has not filed a registration statement under s. 11.05 at  
24 the time he or she files nomination papers, the candidate shall file the statement  
25 with the papers. A candidate for state office or municipal judge shall also file a

1 statement of economic interests with the ethics board under s. 19.43 (4) no later than  
2 4:30 p.m. on the 3rd day following the last day for filing nomination papers under  
3 sub. (2) (a), or no later than 4:30 p.m. on the next business day after the last day  
4 whenever that candidate is granted an extension of time for filing nomination papers  
5 under sub. (2) (a).

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

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

16 **SECTION 25.** 8.18 (2) of the statutes is amended to read:

17 8.18 (2) The purpose of the convention is to nominate one presidential elector  
18 from each congressional district and 2 electors from the state at large. The names  
19 of the nominees shall be certified immediately by the chairperson of the state  
20 committee of each party to the chairperson of the elections board.

21 **SECTION 26.** 8.20 (6) of the statutes is amended to read:

22 8.20 (6) Nomination papers shall be accompanied by a declaration of candidacy  
23 under s. 8.21. If a candidate for state or local office has not filed a registration  
24 statement under s. 11.05 at the time he or she files nomination papers, the candidate  
25 shall file the statement with the papers. A candidate for state office shall also file

1 a statement of economic interests with the ethics board under s. 19.43 (4) no later  
2 than 4:30 p.m. on the 3rd day following the last day for filing nomination papers  
3 under sub. (8) (a), or no later than 4:30 p.m. on the next business day after the last  
4 day whenever that candidate is granted an extension of time for filing nomination  
5 papers under sub. (8) (a).

6 **SECTION 27.** 8.50 (3) (a) of the statutes is amended to read:

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

22 **SECTION 28.** 8.50 (3) (e) of the statutes is amended to read:

23 8.50 (3) (e) In a special election for a state or national office, the county clerk  
24 or board of election commissioners shall transmit the statement of the county board

1 of canvassers to the elections government accountability board no later than 7 days  
2 after the special primary and 13 days after the special election.

3 **SECTION 29.** 9.01 (1) (a) of the statutes is amended to read:

4 9.01 (1) (a) Any candidate voted for at any election or any elector who voted  
5 upon any referendum question at any election may request a recount. The petitioner  
6 shall file a verified petition or petitions with the proper clerk or body under par. (ar)  
7 not earlier than the time of completion of the canvass and not later than 5 p.m. on  
8 the 3rd business day following the last meeting day of the municipal or county board  
9 of canvassers determining the election for that office or on that referendum question  
10 or, if more than one board of canvassers makes the determination not later than 5  
11 p.m. on the 3rd business day following the last meeting day of the last board of  
12 canvassers which makes a determination. If the chairperson of the board or  
13 chairperson's designee makes the determination for the office or the referendum  
14 question, the petitioner shall file the petition not earlier than the last meeting day  
15 of the last county board of canvassers to make a statement in the election or  
16 referendum and not later than 5 p.m. on the 3rd business day following the day on  
17 which the elections government accountability board receives the last statement  
18 from a county board of canvassers for the election or referendum. Each verified  
19 petition shall state that at the election the petitioner was a candidate for the office  
20 in question or that he or she voted on the referendum question in issue; that the  
21 petitioner is informed and believes that a mistake or fraud has been committed in  
22 a specified ward or municipality in the counting and return of the votes cast for the  
23 office or upon the question; or shall specify any other defect, irregularity, or illegality  
24 in the conduct of the election. The petition shall specify each ward, or each  
25 municipality where no wards exist, in which a recount is desired. If a recount is

1 requested for all wards within a jurisdiction, each ward need not be specified. The  
2 petition may be amended to include information discovered as a result of the  
3 investigation of the board of canvassers or the chairperson of the board or  
4 chairperson's designee after the filing of the petition, if the petitioner moves to  
5 amend the petition as soon as possible after the petitioner discovered or reasonably  
6 should have discovered the information which is the subject of the amendment and  
7 the petitioner was unable to include information in the original petition.

8 **SECTION 30.** 9.01 (1) (ag) 4. of the statutes is amended to read:

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

15 **SECTION 31.** 9.01 (1) (ar) 2. of the statutes is amended to read:

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

19 **SECTION 32.** 9.01 (10) of the statutes is amended to read:

20 9.01 (10) STANDARD FORMS AND METHODS. The elections board shall prescribe  
21 standard forms and procedures for the making of recounts under this section.

22 **SECTION 33.** 11.21 (title) of the statutes is amended to read:

23 **11.21 (title) Duties of the elections board.**

24 **SECTION 34.** 11.21 (7) (intro.) of the statutes is amended to read:

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

3           **SECTION 35.** 13.123 (3) (b) 2. of the statutes is amended to read:

4           13.123 (3) (b) 2. In making the determination under subd. 1., the chief clerk is  
5       bound by the determination of the chairperson of the elections government  
6       accountability board or the chairperson's designee if such determination has been  
7       issued.

8           **SECTION 36.** 13.23 of the statutes is amended to read:

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

19          **SECTION 37.** 13.62 (4) of the statutes is amended to read:

20          13.62 (4) "Board" means the ~~ethics~~ government accountability board.

21          **SECTION 38.** 13.685 (title) of the statutes is amended to read:

22          **13.685 (title) Duties of the ~~ethics~~ government accountability board.**

23          **SECTION 39.** 13.94 (1) (k) of the statutes is amended to read:

24          13.94 (1) (k) Provide auditing services at the direction of the elections  
25       government accountability board under s. 5.05 (2).

1           **SECTION 40.** 14.58 (20) of the statutes is amended to read:

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

5           **SECTION 41.** 15.03 of the statutes is renumbered 15.03 (intro.) and amended  
6 to read:

7           **15.03 Attachment for limited purposes.** (intro.) Any division, office,  
8 commission, council or board attached under this section to a department or  
9 independent agency or a specified division thereof shall be a distinct unit of that  
10 department, independent agency or specified division. Any division, office,  
11 commission, council or board so attached shall exercise its powers, duties and  
12 functions prescribed by law, including rule making, licensing and regulation, and  
13 operational planning within the area of program responsibility of the division, office,  
14 commission, council or board, independently of the head of the department or  
15 independent agency, but budgeting, program coordination and related management  
16 functions shall be performed under the direction and supervision of the head of the  
17 department or independent agency, except that ~~with~~:

18           **(1) COMMISSIONER OF RAILROADS.** ~~With~~ respect to the office of the commissioner  
19 of railroads, all personnel and biennial budget requests by the office of the  
20 commissioner of railroads shall be provided to the department of transportation as  
21 required under s. 189.02 (7) and shall be processed and properly forwarded by the  
22 public service commission without change except as requested and concurred in by  
23 the office of the commissioner of railroads.

24           **SECTION 42.** 15.03 (2) of the statutes is created to read:



1           15.03 (2) ENFORCEMENT DIVISION OF GOVERNMENT ACCOUNTABILITY BOARD. With  
2           respect to the enforcement division of the government accountability board, all  
3           budget requests by the division shall be submitted by the board to the department  
4           of administration without change except as concurred in by the division.

5           SECTION 43. 15.07 (1) (a) 2. of the statutes is repealed.

6           SECTION 44. 15.07 (1) (a) 2m. of the statutes is created to read:

7           15.07 (1) (a) 2m. Members of the government accountability board shall be  
8           appointed as provided in s. 15.60.

9           SECTION 45. 15.07 (1) (cm) of the statutes is amended to read:

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

22          SECTION 46. 15.07 <sup>(5)</sup> ~~(k)~~ (k) of the statutes is repealed. ✓

23          SECTION 47. 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

out of order  
020C  
021

(22)

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

4 SECTION 48. 15.07 (5) (m) of the statutes is created to read:

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

6 SECTION 49. 15.07 (5) (n) of the statutes is repealed.

7 SECTION 50. 15.60 of the statutes is created to read:

8 **15.60 Government accountability board; creation.** (1) There is created  
9 a government accountability board consisting of 4 persons who shall be nominated  
10 by the governor and appointed with the advice and consent of the senate, and one  
11 person appointed by the governor to represent each political party whose candidate  
12 for governor, attorney general, secretary of state, or state treasurer received at least  
13 one percent of the vote in the most recent general election who shall be designated  
14 by the chief officer of that party. Members shall serve for 4-year terms.

15 (2) (a) All members of the board who are nominated by the governor subject to  
16 the advice and consent of the senate shall be appointed from nominations submitted  
17 to the governor by a nominating committee to be called the governmental  
18 accountability candidate committee, which shall consist of the following:

- 19 1. The chief justice of the supreme court.
- 20 2. The dean of the Marquette University law school.
- 21 3. The dean of the University of Wisconsin law school.
- 22 4. The chief officer of each of the following organizations, or if any of the  
23 following organization ceases to exist, the organization determined by the governor  
24 to be the successor organization representing interests substantially similar to the  
25 predecessor organization:

✓  
DWT  
from  
P. 25  
3

- 1 a. The Wisconsin Counties Association.
- 2 b. The Wisconsin Towns Association.
- 3 c. The League of Wisconsin Municipalities.
- 4 d. The League of Women Voters of Wisconsin.
- 5 e. The Wisconsin Newspaper Association.
- 6 f. The state bar of Wisconsin.

7 (3) No member, other than a member who is appointed to represent a political  
 8 party, may ~~hold any other office or employment in the government of this state,~~ <sup>be a state public official or a local public official, as defined</sup> in <sup>s. 19.42</sup>

9 (4) No member, other than a member who is appointed to represent a political  
 10 party, for one year immediately prior to the date of appointment may have been, or  
 11 while serving on the board may become, a member of a political party, an officer or  
 12 member of a committee in any partisan political club or organization, or a candidate  
 13 for any partisan elective public office.

14 (5) No member may be a lobbyist, as defined in s. 13.62 (11), or an employee  
 15 of a principal, as defined in s. 13.62 (12).

16 SECTION 51. 15.603 of the statutes is created to read:

17 15.603 Same; specified divisions. (1) ENFORCEMENT DIVISION. There is  
 18 created in the government accountability board an enforcement division, which is  
 19 attached to the board under s. 15.03. The enforcement division shall be under the  
 20 direction and supervision of an administrator, who shall be appointed by the  
 21 executive director of the board, with the advice and consent of the board, to serve for  
 22 a term of not less than 4 years nor more than 6 years expiring on September 1 of an  
 23 odd-numbered year.

24 SECTION 52. 15.61 of the statutes is repealed.

25 SECTION 53. 15.62 of the statutes is repealed.

1           **SECTION 54.** 16.79 (2) of the statutes is amended to read:

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

10           **SECTION 55.** 16.96 (3) (b) of the statutes is amended to read:

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

15           **SECTION 56.** 17.17 (1) of the statutes is amended to read:

16           17.17 (1) SENATORS AND MEMBERS OF CONGRESS. In the office of United States  
17 senator or member of congress from this state, by the county clerk of the county  
18 wherein such officer resided at the time of election, to the ~~elections~~ government  
19 accountability board.

20           **SECTION 57.** 17.17 (4) of the statutes is amended to read:

21           17.17 (4) JUSTICES AND JUDGES. In the office of justice of the supreme court, court  
22 of appeals judge, or judge of a circuit court, by the director of state courts to the  
23 governor and the ~~elections~~ government accountability board.

24           **SECTION 58.** 19.42 (3) of the statutes is amended to read:

25           19.42 (3) "Board" means the ~~ethics~~ government accountability board.

1           **SECTION 59.** 19.42 (10) (a) of the statutes is amended to read:

2           19.42 (10) (a) A member of the elections government accountability board who  
3           is appointed to represent a political party.

4           **SECTION 60.** 19.42 (13) (p) of the statutes is created to read:

5           19.42 (13) (p) The members of the government accountability board who is  
6           appointed to represent a political parties.

7           **SECTION 61.** 19.43 (4) of the statutes is amended to read:

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

1 accountability board, municipal clerk, or board of election commissioners may not  
2 certify the candidate's name for ballot placement.

3 **SECTION 62.** 19.43 (5) of the statutes is amended to read:

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

15 **SECTION 63.** 19.45 (6) of the statutes is amended to read:

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

1 board, or the department or officer acting for the state in regard to the allocation of  
2 state funds from which such payment is derived, knew or should have known that  
3 a violation of this subsection had occurred. This subsection does not affect the  
4 application of s. 946.13.

5 SECTION 64. 19.46 (2) of the statutes is amended to read:

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

23 SECTION 65. 19.47 (2) of the statutes is repealed.

24 SECTION 66. 19.47 (4) of the statutes is repealed.

25 SECTION 67. 19.47 (5) of the statutes is amended to read:

1           19.47 (5) ~~No later than September 1 of each year, the board shall submit a~~  
2 ~~report concerning its actions in the preceding fiscal year to the governor and the chief~~  
3 ~~clerk of each house of the legislature, for distribution to the legislature under s.~~  
4 ~~13.172 (2). Such~~ The board shall include in its biennial report shall contain under  
5 s. 15.04 (1) (d) the names and duties of all individuals employed by the board and a  
6 summary of its determinations and advisory opinions issued under s. 19.46 (2). The  
7 board shall make sufficient alterations in the summaries to prevent disclosing the  
8 identities of individuals or organizations involved in the decisions or opinions. The  
9 board may also include in its biennial report any information compiled under s. 11.21  
10 (7). The board shall make such further reports on the matters within its jurisdiction  
11 and such recommendations for further legislation as it deems desirable.

12           **SECTION 68.** 19.50 (2) of the statutes is amended to read:

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

18           **SECTION 69.** 19.54 (2) of the statutes is amended to read:

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



1           **SECTION 70.** 19.55 (1) of the statutes is amended to read:

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

12           **SECTION 71.** 19.55 (2) (a) to (c) of the statutes are amended to read:

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

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

1 board to determine if a violation of this subchapter or subch. III of ch. 13 has  
2 occurred. Whenever the board refers such investigation and hearing records to a  
3 district attorney or to the attorney general, they may be made public in the course  
4 of a prosecution initiated under this subchapter. The board shall also provide  
5 information from investigation and hearing records that pertains to the location of  
6 individuals and assets of individuals as requested under s. 49.22 (2m) by the  
7 department of workforce development or by a county child support agency under s.  
8 59.53 (5).

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

16 **SECTION 72.** 19.579 of the statutes is created to read:

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

20 **SECTION 73.** 19.59 (1) (g) 8. of the statutes is amended to read:

21 **19.59 (1) (g) 8.** No district board member, member of a district board member's  
22 immediate family, nor any organization with which the district board member or a  
23 member of the district board member's immediate family owns or controls at least  
24 10% of the outstanding equity, voting rights, or outstanding indebtedness may enter  
25 into any contract or lease involving a payment or payments of more than \$3,000

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

9 SECTION 74. 19.85 (1) (h) of the statutes is amended to read:

10 19.85 (1) (h) Consideration of requests for confidential written advice from the  
11 ethics government accountability board under s. 19.46 (2), or from any county or  
12 municipal ethics board under s. 19.59 (5).

13 SECTION 75. 20.005 (3) (schedule) of the statutes: at the appropriate place,  
14 insert the following amounts for the purposes indicated:

				2003-04	2004-05
15					
16	<b>20.511</b>	<b>Government accountability board</b>			
17	(1)	ADMINISTRATION OF ELECTIONS, ETHICS, AND			
18		LOBBYING LAWS			
19	(a)	General program operations;			
20		general purpose revenue	GPR B	335,200 ↙ ↘	1,372,200 ↙ ↘
21	(h)	Materials and services	PR A	5,800 ↙ ↘	35,000 ↙ ↘
22	(i)	General program operations;			
23		program revenue	PR A	66,000 ↙ ↘	395,800 ↙ ↘

2003-04

2004-05

1 (2) ENFORCEMENT DIVISION

2 (a) General program operations GPR B

275,400  
-0383,800  
-0

3 SECTION 76. 20.455 (1) (b) of the statutes is amended to read:

4 20.455 (1) (b) *Special counsel*. A sum sufficient, subject to the procedure  
5 established in ~~ss. 5.05 (2m) (d) and 14.11 (2) (c)~~, for the compensation of special  
6 counsel appointed as provided in ss. 5.05 (2m) (d) and 14.11 (2) and 21.13.

7 SECTION 77. 20.510 (intro.) of the statutes is repealed.

8 SECTION 78. 20.510 (1) (title) of the statutes is repealed.

9 SECTION 79. 20.510 (1) (a) of the statutes is repealed.

10 SECTION 80. 20.510 (1) (bm) of the statutes is renumbered 20.511 (1) (bm).

11 SECTION 81. 20.510 (1) (c) of the statutes is renumbered 20.511 (1) (c).

12 SECTION 82. 20.510 (1) (g) of the statutes is renumbered 20.511 (1) (g).

13 SECTION 83. 20.510 (1) (h) of the statutes is repealed.

14 SECTION 84. 20.510 (1) (i) of the statutes is repealed.

15 SECTION 85. 20.510 (1) (j) of the statutes is renumbered 20.511 (1) (j).

16 SECTION 86. 20.510 (1) (q) of the statutes, as affected by 2001 Wisconsin Act  
17 109, is renumbered 20.511 (1) (q).

18 SECTION 87. 20.511 (intro.) and (1) (title) and (a) of the statutes are created to  
19 read.

20 **20.511 Government accountability board.** (intro.) There is appropriated  
21 from the general fund, except where otherwise indicated, to the government  
22 accountability board for the following programs:

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

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

6           **SECTION 88.** 20.511 (1) (c) of the statutes, as affected by 2003 Wisconsin Act ....  
7 (this act), is repealed.

8           **SECTION 89.** 20.511 (1) (h) and (i) of the statutes are created to read:

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

18           (i) *General program operations; program revenue.* The amounts in the schedule  
19 for general program operations of the board, except the enforcement division. All  
20 moneys received from fees imposed under ss. 11.055 (1) and 13.75 shall be credited  
21 to this appropriation account.

22           **SECTION 90.** 20.511 (2) of the statutes is created to read:

23           20.511 (2) **ENFORCEMENT DIVISION.** (a) *General program operations.* Biennially,  
24 the amounts in the schedule for the general program operations of the enforcement  
25 division.

1 SECTION 91. 20.521 (intro.) of the statutes is repealed.

2 SECTION 92. 20.521 (1) (title) of the statutes is repealed.

3 SECTION 93. 20.521 (1) (a) of the statutes is repealed.

4 SECTION 94. 20.521 (1) (g) of the statutes is repealed.

5 SECTION 95. 20.521 (1) (h) of the statutes is renumbered 20.511 (1) (jm) and  
6 amended to read:

7 20.511 (1) (jm) *Gifts and grants*. All moneys received by the board from gifts,  
8 grants, and bequests ~~and devises~~ to carry out the purposes, not inconsistent with  
9 ~~subch. III of ch. 13 or subch. III of ch. 19~~ the law, for which made or received.

10 SECTION 96. 20.521 (1) (i) of the statutes is repealed.

11 SECTION 97. 20.923 (4) (intro.) of the statutes is amended to read:

12 20.923 (4) STATE AGENCY POSITIONS. (intro.) State agency heads, the  
13 administrator of the division of merit recruitment and selection in the department  
14 of employment relations, the administrator of the enforcement division in the  
15 government accountability board, and commission chairpersons and members shall  
16 be identified and limited in number in accordance with the standardized  
17 nomenclature contained in this subsection, and shall be assigned to the executive  
18 salary groups listed in pars. (a) to (i). Except for positions specified in ~~par.~~ pars. (c)  
19 3m. and (e) 2e. and sub. (12), all unclassified division administrator positions  
20 enumerated under s. 230.08 (2) (e) shall be assigned, when approved by the joint  
21 committee on employment relations, by the secretary of employment relations to one  
22 of 10 executive salary groups. The joint committee on employment relations, by  
23 majority vote of the full committee, may amend recommendations for initial position  
24 assignments and changes in assignments to the executive salary groups submitted  
25 by the secretary of employment relations. All division administrator assignments

1 and amendments to assignments of administrator positions approved by the  
2 committee shall become part of the compensation plan. Whenever a new unclassified  
3 division administrator position is created, the appointing authority may set the  
4 salary for the position until the joint committee on employment relations approves  
5 assignment of the position to an executive salary group. If the committee approves  
6 assignment of the position to an executive salary group having a salary range  
7 minimum or maximum inconsistent with the salary paid to the incumbent at the  
8 time of such approval, the incumbent's salary shall be adjusted by the appointing  
9 authority to conform with the committee's action, effective on the date of that action.

10 Positions are assigned as follows:

11 SECTION 98. 20.923 (4) (d) 3. of the statutes is repealed.

12 SECTION 99. 20.923 (4) (d) 4. of the statutes is repealed.

13 SECTION 100. 20.923 (4) (e) 2e. of the statutes is created to read:

14 20.923 (4) (e) 2e. Government accountability board: administrator of the  
15 enforcement division.

16 SECTION 101. 20.923 (4) (f) 3j of the statutes is created to read:

17 20.923 (4) (f) 3j. Government accountability board: executive director.

18 SECTION 102. 22.07 (6) of the statutes is amended to read:

19 22.07 (6) With the advice of the ~~ethics~~ government accountability board, adopt  
20 and enforce standards of ethical conduct applicable to its paid consultants which are  
21 similar to the standards prescribed in subch. III of ch. 19, except that the department  
22 shall not require its paid consultants to file statements of economic interests.

23 SECTION 103. 59.605 (3) (a) 3. of the statutes is amended to read:

24 59.605 (3) (a) 3. The referendum shall be held in accordance with chs. 5 to 12.

25 The governing body shall provide the election officials with all necessary election

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

18 **SECTION 104.** 67.05 (3) (b) of the statutes is amended to read:

19 67.05 (3) (b) The clerk of the jurisdiction in which the referendum is held shall  
20 prepare or arrange for the preparation of the ballots. If the jurisdiction in which the  
21 referendum is held is not a city, village, or town, and the clerk of the jurisdiction in  
22 which the referendum is held prepares the ballots, the clerk shall deliver the ballots  
23 to the municipal clerk of each city, village, or town which is wholly or partly contained  
24 within the jurisdiction in which the referendum is held. The form of the ballot shall



1 correspond with the form prescribed by the elections government accountability  
2 board under ss. 5.64 (2) and 7.08 (1) (a).

3 **SECTION 105.** 67.05 (6) of the statutes is amended to read:

4 67.05 (6) REFERENDUM IN OTHER CASES. Whenever an initial resolution has been  
5 adopted by the governing body of any municipality other than a county, a town, a city,  
6 a village, a technical college district, a metropolitan sewerage district created under  
7 ss. 200.01 to 200.15 or 200.21 to 200.65, a town sanitary district, a public inland lake  
8 protection and rehabilitation district, or a board of park commissioners, the clerk of  
9 such municipality shall immediately record the resolution and call a special meeting  
10 for the purpose of submitting it to the electors of the municipality for ratification or  
11 rejection. The calling and conduct of the meeting shall be governed by those statutes,  
12 so far as applicable, which govern the calling and conduct of special meetings in  
13 general. The notice of the meeting, which shall be publicly read before the balloting  
14 shall commence, and the ballot used, shall embody a copy of the resolution; the form  
15 of the ballot shall correspond with the form prescribed by the elections government  
16 accountability board under ss. 5.64 (2) and 7.08 (1) (a); and the question submitted  
17 shall be whether the resolution shall be approved.

18 **SECTION 106.** 71.10 (3) (b) of the statutes is amended to read:

19 71.10 (3) (b) The secretary of revenue shall ensure that space for the  
20 designations under par. (am) is provided on the face of the individual income tax  
21 return in a manner that is convenient to the individual filing the return. The  
22 secretary of revenue shall provide next to the place on the return where designation  
23 under par. (am) is made a statement that a designation will increase tax liability, that  
24 the amount of a designation may be claimed as a credit under s. 71.07 (6s), and that  
25 by making a designation the individual is also claiming the credit. The department

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

16 **SECTION 107.** 73.0301 (1) (d) 13. of the statutes is amended to read:

17 73.0301 (1) (d) 13. A license issued by the ethics government accountability  
18 board under s. 13.63 (1).

19 **SECTION 108.** 73.0301 (1) (e) of the statutes is amended to read:

20 73.0301 (1) (e) “Licensing department” means the department of  
21 administration; the board of commissioners of public lands; the department of  
22 commerce; the ethics government accountability board; the department of financial  
23 institutions; the department of health and family services; the department of natural  
24 resources; the department of public instruction; the department of regulation and

1 licensing; the department of workforce development; the office of the commissioner  
2 of insurance; or the department of transportation.

3 **SECTION 109.** 117.20 (2) of the statutes is amended to read:

4 117.20 (2) The clerk of each affected school district shall publish notice, as  
5 required under s. 8.55, in the territory of that school district. The procedures for  
6 school board elections under s. 120.06 (5), (9), (11), (13), and (14) apply to a  
7 referendum held under this section. The school board and school district clerk of each  
8 affected school district shall each perform, for that school district, the functions  
9 assigned to the school board and the school district clerk, respectively, under those  
10 subsections. The form of the ballot shall correspond to the form prescribed by the  
11 elections government accountability board under ss. 5.64 (2) and 7.08 (1) (a). The  
12 clerk of each affected school district shall file with the secretary of the board a  
13 certified statement prepared by the school district board of canvassers of the results  
14 of the referendum in that school district.

15 **SECTION 110.** 117.27 (2) (b) (intro.) of the statutes is amended to read:

16 117.27 (2) (b) (intro.) The school district clerk shall include in the notice of the  
17 spring election a statement that the election ballot will include a question on the  
18 change requested by the petition. The form of the ballot shall correspond to the form  
19 prescribed by the elections government accountability board under ss. 5.64 (2) and  
20 7.08 (1) (a) and the question on the ballot shall be:

21 **SECTION 111.** 121.91 (3) (c) of the statutes is amended to read:

22 121.91 (3) (c) The referendum shall be held in accordance with chs. 5 to 12. The  
23 school district clerk shall provide the election officials with all necessary election  
24 supplies. The form of the ballot shall correspond substantially with the standard  
25 form for referendum ballots prescribed by the elections government accountability

1 board under ss. 5.64 (2) and 7.08 (1) (a). The question submitted shall be whether  
2 the limit under sub. (2m) may be exceeded by a specified amount. If the resolution  
3 provides that any of the excess revenue will be used for a nonrecurring purpose, the  
4 ballot in the election shall so state and shall specify the amount that will be used for  
5 a nonrecurring purpose. The limit otherwise applicable to the school district under  
6 sub. (2m) is increased by the amount approved by a majority of those voting on the  
7 question.

8 **SECTION 112.** 125.05 (1) (b) 10. of the statutes is amended to read:

9 125.05 (1) (b) 10. Each question submitted to the electors shall conform to the  
10 form prescribed by the elections government accountability board under ss. 5.64 (2)  
11 and 7.08 (1) (a).

12 **SECTION 113.** 165.25 (1) of the statutes is amended to read:

13 165.25 (1) REPRESENT STATE. Except as provided in ~~s.~~ ss. 5.05 (2m) (c) 1. and  
14 978.05 (5), appear for the state and prosecute or defend all actions and proceedings,  
15 civil or criminal, in the court of appeals and the supreme court, in which the state  
16 is interested or a party, and attend to and prosecute or defend all civil cases sent or  
17 remanded to any circuit court in which the state is a party; and, if requested by the  
18 governor or either house of the legislature, appear for and represent the state, any  
19 state department, agency, official, employee, or agent, whether required to appear  
20 as a party or witness in any civil or criminal matter, and prosecute or defend in any  
21 court or before any officer, any cause or matter, civil or criminal, in which the state  
22 or the people of this state may be interested. The public service commission may  
23 request under s. 196.497 (7) that the attorney general intervene in federal  
24 proceedings. All expenses of the proceedings shall be paid from the appropriation  
25 under s. 20.455 (1) (d).

1           **SECTION 114.** 165.25 (4) (e) of the statutes is created to read:

2           165.25 (4) (e) Provide assistance to the enforcement division of the government  
3           accountability board in the investigation and prosecution of violations of chs. 5 to 12,  
4           subch. III of ch. 13, and subch. III of ch. 19.

5           **SECTION 115.** 198.08 (10) of the statutes is amended to read:

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

17          **SECTION 116.** 200.09 (11) (am) 3. of the statutes is amended to read:

18          200.09 (11) (am) 3. If the governing bodies of each city, town, and village  
19          comprising the district pass a resolution to discontinue election of commissioners,  
20          each commissioner may hold office until a successor is appointed and qualified. The  
21          commission shall immediately notify the ~~elections~~ government accountability board  
22          under s. 5.05 upon passage of a resolution under this subdivision.

23          **SECTION 117.** 227.03 (6) of the statutes is amended to read:

24          227.03 (6) Orders of the ~~elections~~ government accountability board under s.  
25          5.06 (6) are not subject to this chapter.

1 SECTION 118. 227.03 (6m) of the statutes is created to read:

2 227.03 (6m) Cases before the enforcement division of the government  
3 accountability board under s. 5.066 are not subject to this chapter.

4 SECTION 119. 227.52 (6) of the statutes is amended to read:

5 227.52 (6) Decisions of the chairperson of the ~~elections~~ government  
6 accountability board or the chairperson's designee.

7 SECTION 120. 230.08 (2) (e) 4h. of the statutes is created to read:

8 230.08 (2) (e) 4h. Government accountability board — ~~p.~~ 3

9 SECTION 121. 230.08 (2) (om) of the statutes is repealed.

10 SECTION 122. 230.08 (2) (on) of the statutes is created to read:

11 230.08 (2) (on) The executive director of the government accountability board.

12 SECTION 123. 230.08 (2) (wm) of the statutes is repealed.

13 SECTION 124. 230.08 (4) (a) of the statutes is amended to read:

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

23 SECTION 125. 234.02 (3m) (c) of the statutes is amended to read:

24 234.02 (3m) (c) The authority shall, with the advice of the ~~ethics~~ government  
25 accountability board, adopt and enforce ethics guidelines applicable to its paid

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

3 SECTION 126. 560.04 (2m) of the statutes is amended to read:

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

13 SECTION 127. 778.135 of the statutes is amended to read:

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

24 SECTION 128. 778.136 of the statutes is amended to read:

1           **778.136 Ethics and lobbying forfeitures; how recovered.**

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

7           **SECTION 129. Nonstatutory provisions.**

8           (1) TRANSFER OF ELECTIONS BOARD.

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

12          (b) *Positions and employees.*

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

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

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



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

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

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

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

21               (2) TRANSFER OF ETHICS BOARD.

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

25           (b) *Positions and employees.*

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

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

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

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

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

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

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

6 (3) BOARD TRANSITIONS; INITIAL TERMS.

7 (a) Notwithstanding section 15.61, 2001 stats., section 15.62, 2001 stats., and  
8 section 15.07 (1) (c) of the statutes, the terms of office of all members of the elections  
9 board and all members of the ethics board holding office shall expire on May 1, 2004.

10 (b) Each member of the government accountability board who is appointed as  
11 provided in paragraph (c) and qualified to take office shall take office on November  
12 1, 2003, or upon qualification to take office, whichever is later.

13 (c) Notwithstanding section 15.60 (1) of the statutes, as created by this act, and  
14 section 15.07 (1) (c) of the statutes:

15 1. Of the members of the government accountability board who are initially  
16 nominated by the governor, and with the advice and consent of the senate appointed,  
17 2 shall be appointed to serve for terms expiring on May 1, 2005, and 2 shall be  
18 appointed to serve for terms expiring on May 1, 2007.

19 2. All members of the government accountability board who are initially  
20 appointed to represent political parties shall serve for terms expiring on May 1, 2007.

21 (d) Notwithstanding section 15.603 (1) of the statutes, as created by this act,  
22 the person who is initially appointed to serve as administrator of the enforcement  
23 division of the government accountability board shall serve for a term expiring on  
24 September 1, 2009.

25 (4) IMPLEMENTATION.

1 (a) Notwithstanding section 5.05 (1m) and (2m) of the statutes, as created by  
 2 this act, and section 20.922 (1) of the statutes the director of the legislative council  
 3 staff shall serve as executive director of the government accountability board,  
 4 without additional compensation for such service, until such time as the board  
 5 initially appoints an executive director and the appointee qualifies to take office. The  
 6 executive director of the legislative council staff is vested with full authority and  
 7 responsibility to carry out all functions of the executive director of the government  
 8 accountability board, the enforcement division in the government accountability  
 9 board, and the administrator of the enforcement division prior to appointment and  
 10 qualification of the initial executive director, including the retention and  
 11 termination of all staff not transferred to the board that the board is authorized to  
 12 employ under this act.

13 (b) Prior to May 1, 2004, the government accountability board may expend  
 14 moneys from the appropriation under section 20.511 (1) (a) of the statutes for the  
 15 purpose of meeting, employing staff, and preparing to assume its full authority and  
 16 responsibilities on May 1, 2004.

17 (5) POSITION AUTHORIZATIONS.

18 (a) There is authorized for the government accountability board <sup>1.0</sup> ~~1.0~~ FTE GPR  
 19 ~~division administrator positions~~ <sup>executive director position</sup> to be funded from the appropriation under section  
 20 20.511 (1) (a) of the statutes, as created by this act.

21 (b) There is authorized for the government accountability board 1.0 FTE GPR  
 22 division administrator position, 1.0 FTE GPR attorney position, and 1.0 FTE GPR  
 23 investigator position, to be funded from the appropriation under section 20.511 (2)  
 24 (a) of the statutes, as created by this act.

25 SECTION 130. Appropriation changes.

1 (1) The unencumbered balance in the appropriation account under section  
2 20.510 (1) (a) of the statutes is transferred to the appropriation account under section  
3 20.511 (1) (a) of the statutes, as created by this act, and the amount in the schedule  
4 for section 20.511 (1) (a) of the statutes in fiscal year 2003–04 is increased by the  
5 amount transferred.

6 ~~(1)~~ (2) The unencumbered balance in the appropriation account under section  
7 20.510 (1) (h) of the statutes is transferred to the appropriation account under section  
8 20.511 (1) (h) of the statutes, as created by this act, and the amount in the schedule  
9 for section 20.511 (1) (h) of the statutes in fiscal year 2003–04 is increased by the  
10 amount transferred.

11 ~~(2)~~ (3) The unencumbered balance in the appropriation account under section  
12 20.510 (1) (i) of the statutes is transferred to the appropriation account under section  
13 20.511 (1) (i) of the statutes, as created by this act, and the amount in the schedule  
14 for section 20.511 (1) (i) of the statutes in fiscal year 2003–04 is increased by the  
15 amount transferred.

16 (4) The unencumbered balance in the appropriation account under section  
17 20.521 (1) (a) of the statutes is transferred to the appropriation account under section  
18 20.511 (1) (a) of the statutes, as created by this act, and the amount in the schedule  
19 for section 20.511 (1) (a) of the statutes in fiscal year 2003–04 is increased by the  
20 amount transferred.

21 ~~(3)~~ (5) The unencumbered balance in the appropriation account under section  
22 20.521 (1) (g) of the statutes is transferred to the appropriation account under section  
23 20.511 (1) (i) of the statutes, as created by this act, and the amount in the schedule  
24 for section 20.511 (1) (i) of the statutes in fiscal year 2003–04 is increased by the  
25 amount transferred.

1 <sup>#</sup>  
(4) (6) The unencumbered balance in the appropriation account under section  
2 20.521 (1) (i) of the statutes is transferred to the appropriation account under section  
3 20.511 (1) (h) of the statutes, as created by this act, ~~and the amount in the schedule~~  
4 ~~for section 20.511 (1) (h) of the statutes in fiscal year 2003-04 is increased by the~~  
5 ~~amount transferred.~~

6 SECTION 131. Effective dates. This act takes effect on May 1, 2004, except as  
7 follows:

8 (1) The treatment of sections 5.052, 5.054, 15.07 (1) (a) 2m. and (5) (m), 15.60,  
9 15.603, 20.511 (intro.), (1) (title), (a), and (2), 20.923 (4) (intro.), (e) 2e., and (f) 3j.,  
10 230.08 (2) (e) 4h. and (on) and (4) (a) of the statutes, the renumbering and  
11 amendment of section 15.03 of the statutes, the creation of section 15.03 (2) of the  
12 statutes, and SECTION 129 (3) (b) to (d), (4), and (5) of this act takes effect on November  
13 1, 2003.

14 (2) The repeal of section 20.511 (1) (c) of the statutes takes effect on July 1, 2008.

15 (END)