



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBs0741/1  
JTK:cx&wj:ch

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2005 ASSEMBLY BILL 1189**

May 2, 2006 – Offered by Representatives POCAN, PARISI and POPE-ROBERTS.

1     **AN ACT** *to repeal* 5.05 (1) (a), 5.05 (5), 5.05 (6), 5.05 (11), 7.08 (7), 9.01 (1) (ag) 4.,  
2           15.07 (5) (k), 15.07 (5) (n), 15.61, 15.62, 19.42 (10) (a), 19.47 (2), 19.47 (4), 20.510  
3           (intro.), 20.510 (1) (title), 20.510 (1) (a), 20.510 (1) (b), 20.510 (1) (bm), 20.510  
4           (1) (c), 20.510 (1) (d), 20.510 (1) (g), 20.510 (1) (gm), 20.510 (1) (h), 20.510 (1) (i),  
5           20.510 (1) (j), 20.510 (1) (q), 20.510 (1) (t), 20.510 (1) (x), 20.521 (intro.), 20.521  
6           (1) (title), 20.521 (1) (a), 20.521 (1) (b), 20.521 (1) (g), 20.521 (1) (h), 20.521 (1)  
7           (i), 20.923 (4) (d) 3., 20.923 (4) (d) 4., 230.08 (2) (om) and 230.08 (2) (wm); **to**  
8           **renumber and amend** 15.03, 15.617, 19.46 (2), 19.55 (2) (a) and 19.55 (2) (b);  
9           **to amend** 5.02 (1s), 5.05 (title), 5.05 (1) (intro.), 5.05 (1) (b), 5.05 (1) (c), 5.05 (3)  
10          (a), 5.40 (7), 5.62 (4) (b), 6.26 (2) (b), 6.26 (2) (c), 6.56 (2) to (5), 7.08 (title), 7.08  
11          (title), 7.15 (1) (g), 7.23 (2), 7.31 (5), 7.60 (4) (a), 7.60 (5), 7.70 (1), 7.70 (5) (b),  
12          8.05 (1) (j) 3., 8.10 (5), 8.15 (4) (b), 8.18 (2), 8.20 (6), 8.50 (3) (a), 8.50 (3) (e), 9.01  
13          (1) (a) 1., 9.01 (1) (ar) 2., 9.01 (10), 11.21 (title), 11.21 (7) (intro.), 11.22 (4), 11.61

1 (2), 13.123 (3) (b) 2., 13.23, 13.62 (4), 13.685 (title), 13.94 (1) (k), 14.58 (20), 15.07  
2 (1) (cm), 15.07 (4), 16.79 (2), 16.96 (3) (b), 16.973 (6), 17.07 (6), 17.17 (1), 17.17  
3 (4), 19.42 (3), 19.43 (4), 19.43 (5), 19.45 (6), 19.46 (1) (intro.), 19.47 (5), 19.48 (9),  
4 19.50 (2), 19.53 (6), 19.54 (2), 19.55 (1), 19.55 (2) (c), 19.58 (1) (a), 19.59 (8) (a)  
5 and (c), 19.59 (8) (cn), 19.59 (8) (d), 19.85 (1) (h), 20.923 (4) (intro.), 59.605 (3)  
6 (a) 3., 67.05 (3) (b), 67.05 (6), 71.10 (3) (b), 73.0301 (1) (d) 13., 73.0301 (1) (e),  
7 85.61 (1), 117.20 (2), 117.27 (2) (b) (intro.), 121.91 (3) (c), 125.05 (1) (b) 10.,  
8 165.25 (1), 198.08 (10), 200.09 (11) (am) 3., 227.03 (6), 227.52 (6), 230.03 (4) and  
9 (6), 230.08 (4) (a), 230.40 (1), (2), (4) and (5), 234.02 (3m) (c), 560.04 (2m),  
10 778.135 and 778.136; **to repeal and recreate** 11.60 (4), 15.07 (1) (a) 2. and  
11 19.579; and **to create** 5.05 (1m), 5.05 (2m), 5.05 (3m), 5.05 (5s) (title) and (d),  
12 5.052, 5.054, 5.066, 15.03 (2), 15.07 (5) (m), 15.60, 15.603, 19.42 (7t) and (11e),  
13 19.45 (5m), 19.45 (15), 19.85 (1) (fm), 20.923 (4) (e) 2e., 20.923 (4) (f) 3j., 165.25  
14 (4) (e), 227.03 (6m), 230.08 (2) (e) 4h., 230.08 (2) (on), 230.40 (7), 230.405 and  
15 971.19 (12) of the statutes; **relating to:** creation of a Government  
16 Accountability Board, campaign activity by state employees, solicitation or  
17 discouragement of political activity by state officials and employees, training  
18 programs for state employees, granting rule-making authority, and providing  
19 penalties.

---

### ***Analysis by the Legislative Reference Bureau***

#### **GOVERNMENT ACCOUNTABILITY BOARD**

Currently, the Elections Board consists of nine members. The governor appoints all of the members of the Elections Board, without confirmation by the senate, to serve for two-year terms as follows: one member is selected by the governor and one member each is designated by the chief justice of the Supreme Court, the speaker of the assembly, the senate majority leader, the minority leader in each house of the legislature, and the chief officer of each political party qualifying

for a separate ballot at the September primary whose candidate for governor at the most recent gubernatorial election received at least 10 percent of the vote (currently, the Republican, Democratic, and Libertarian parties).

Currently, the Ethics Board consists of six members. Members of the Ethics Board are nominated by the governor, and with the advice and consent of the senate appointed, to serve for staggered six-year terms. 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 Ethics Board, may become, a member of a political party, an officer or member of a committee in any partisan political club or organization, or 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 seven members serving for staggered four-year terms. Four members of the board must have prosecutorial experience. One member of the board is a retired judge of a court of record in this state. All of the members are nominated by the governor and appointed with the advice and consent of the assembly and senate. Each of the members must be appointed from nominations submitted by a Government Accountability Candidate Committee, which consists of one court of appeals judge from each of the court of appeals districts. The judges are chosen by lot by the chief justice of the supreme court in the presence of the other justices. A unanimous vote of the committee is required to nominate a candidate. No member of the Government Accountability Board may hold another position that is subject to the code of ethics for state public officials or the code of ethics for local public officials. 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, a candidate for any partisan office or an officer or employee of a registrant under the campaign finance law. 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.

The substitute amendment also permits the executive director to appoint up to two other division administrators outside the classified service but the substitute amendment does not authorize any new positions for the administrators. The substitute amendment transfers all members of the existing staffs of the Elections Board and Ethics Board and their positions to the Government Accountability Board. Under the substitute amendment, the staff members who have civil service rights retain those rights. The substitute amendment does not provide any funding for continued employment of the staff members, however.

The Enforcement Division is empowered to investigate violations and bring civil and criminal actions to enforce the elections, ethics, and lobbying regulation laws. Under current law, the Elections Board and Ethics Board share civil enforcement authority with district attorneys and in some cases with county boards of election commissioners, and 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 violations of the elections, ethics, and lobbying regulation laws and to prosecute civil or criminal violations without the consent of the Government Accountability Board, except that the division must obtain the concurrence of the board before issuing a subpoena or obtaining a search warrant. The substitute amendment permits the Enforcement Division to request the board to appoint special counsel to investigate or prosecute violations of the law. Under the substitute amendment, the board may retain special counsel to act as an investigator in any matter. The administrator of the Enforcement Division may also investigate any matter without retention of an investigator. An investigator or the administrator must report to the board concerning an investigation at least once every 90 days, after which the investigation may continue unless the board votes to terminate it. The substitute amendment also 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. 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 of the board by publishing a notice of nonacquiescence in the Wisconsin Administrative Register. Thereafter, the division is not bound by that opinion. The substitute amendment directs the Government Accountability Board and the district attorneys to share investigatory information concerning possible violations of the elections, ethics, and lobbying regulation laws and accords precedence to the board in conducting investigations and prosecutions. If a district attorney refers to the board a matter concerning a possible criminal violation of the elections, ethics, or lobbying regulation laws by a state official and the board determines not to commence a criminal prosecution, the substitute amendment directs the board to report to the district attorney within 30 days of the referral specifying the reasons why it will not commence a prosecution.

The substitute amendment directs a district attorney to notify the Government Accountability Board before commencing a criminal prosecution concerning any violation of the elections, ethics, or lobbying regulation laws. If the board notifies the district attorney that it will not commence a criminal prosecution, or the board does not commence a criminal prosecution within 30 days after receiving the notice, the district attorney may commence the prosecution.

The substitute amendment provides that if a district attorney opens an investigation of a possible criminal violation of the elections, ethics, or lobbying regulation laws, the district attorney must report to the Government Accountability Board concerning the status of the investigation no later than the end of each 90-day period until the investigation is concluded. Similarly, under the substitute

amendment, if a district attorney commences a criminal prosecution for a violation of the elections, ethics, or lobbying regulation laws, the district attorney must report to the board concerning the status of the prosecution no later than the end of each 180-day period until the prosecution is concluded. Within 30 days after receiving any report, the substitute amendment permits the board to direct the district attorney to close the investigation or to terminate the prosecution, and the district attorney must do so.

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 repeals all appropriations to both boards and does not make any appropriations to the Government Accountability Board. Under the substitute amendment, the Government Accountability Board will be unable to operate unless funding is provided for the board by other legislation. 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, 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.

Currently, a defendant in a criminal trial is tried in the county where the the defendant's crime is alleged to have been committed, except that the defendant may request the judge to move the trial to another county and the judge may grant the request if the judge believes that an impartial trial cannot be had unless the trial is moved. This substitute amendment provides that if the defendant in a criminal trial for a violation of the elections, ethics, or lobbying regulation laws is a resident of this state, the trial shall be held in circuit court for the county where the defendant resides, subject to the current exception.

Currently, opinions of the Elections Board are open to public inspection, but opinions of the Ethics Board, with limited exceptions, are closed to public inspection.

However, the Ethics Board publishes summaries of its opinions without divulging information that could reveal the identity of the requester. This substitute amendment makes all opinions issued by the Government Accountability Board closed to public inspection, subject to the current exceptions for opinions issued by the Ethics Board.

The substitute amendment provides for the substitute amendment to become law on January 1, 2007, after which date the members of the Government Accountability Board may be appointed and take office. However, the existing Elections Board and Ethics Board continue in operation until June 1, 2007, subject to appropriation of money for continued operation of the boards by other legislation. Under the substitute amendment, the Government Accountability Board may not exercise administrative or enforcement authority until June 1, 2007. 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.

Currently, state boards may meet in closed session to discuss the investigation of charges against specific persons. This substitute amendment provides specifically that the Government Accountability Board may meet in closed session to deliberate concerning any investigation under the board's jurisdiction.

#### **CAMPAIGN ACTIVITY BY STATE EMPLOYEES**

Currently, no state employee is authorized to engage in, and no state appointing authority is authorized to permit or require an employee to engage in, any activity on state time or with the use of state resources other than activity that is a part of the official functions of the state agency in which an employee works, as prescribed by law. In addition, with one limited exception, no person may solicit or receive from any state officer or employee any contribution or service for a political purpose while the officer or employee is engaged in his or her official duties. Under the Code of Ethics for State Public Officials and Employees, no state public official may use or attempt to use the public position held by the official to influence or gain unlawful benefits, advantages, or privileges personally or for others. Current law also specifically restricts political activity by employees who hold positions in the state classified service, and permits or in some cases requires those employees to take leaves of absence to participate in political activity.

This bill specifically prohibits an appointing authority of any state employee holding an appointive position from assigning or authorizing campaign activity, as defined in the bill, to be performed on state time, or with the use of state resources, or on any property owned or leased by the state. The bill specifically prohibits any state employee from using, or making available for use by another, state resources or property owned or leased by the state in connection with campaign activity except to the extent that the resources or property are available to be used by any person under similar circumstances. The bill provides that no state employee holding an appointive position may engage in campaign activity: 1) while engaged in his or her

employment; 2) while on any form of paid leave, except vacation and paid holidays, and then only after obtaining the approval of the employee's appointing authority to use the leave for that purpose; or 3) during the established hours of employment for the employee, unless the employee first obtains a similar approval from his or her appointing authority. In addition, the bill prohibits any decision affecting the continued employment of a state employee holding an appointive position, or affecting the salary, benefits, hours, or other conditions of employment of such an employee, from being based on the failure of the employee to participate in any campaign activity or the failure to make a political contribution.

In addition, the bill extends a current restriction in the civil service law relating to the political activities of classified employees to apply to all state employees in appointive positions.

Under the bill, if a state employee who holds an appointive position becomes a candidate for partisan political office, the employee must be placed on a leave of absence for the duration of the election campaign and if elected must separate from his or her former position on assuming the duties and responsibilities of the partisan political office.

The bill provides that any violation of these prohibitions is a violation of the Code of Ethics for State Public Officials and Employees. Violators are subject to a forfeiture (civil penalty) of not more than \$1,000 for each violation.

#### **SOLICITATION OR DISCOURAGEMENT OF POLITICAL ACTIVITY**

The bill prohibits any state public official or state employee from knowingly soliciting or discouraging any political activity by a person who has business with the unit of government served by the official or employee. Currently, political solicitation is addressed in the campaign finance and civil service laws (see above). Discouragement of political activity is not specifically addressed in the statutes.

Violators are subject to a forfeiture of not more than \$1,000 for each violation.

#### **TRAINING PROGRAMS FOR STATE EMPLOYEES**

Currently, the Ethics Board conducts training programs designed to explain and interpret the code of ethics for state public officials and the lobbying regulation law for state public officials and certain other persons. The board may prescribe a fee to be paid by attendees at these programs. This bill extends the coverage of these programs to include those portions of the campaign finance and civil service laws that pertain to political activity, including the portions created by the bill. The bill also directs the board to require attendance of state employees at these programs for a minimum number of hours specified by rule of the board within each biennial period, and to require each new state employee to attend such a program within six months after beginning employment. Under the bill, each state agency must pay any fees incurred by state employees in attending the programs.

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

---

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

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

2           5.02 (1s) “Board” means the 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  
18 loan records at any financial institution, as defined in s. 705.01 (3), doing business  
19 in the state to obtain evidence of any violation of ch. 11 upon showing by the board  
20 of probable cause to believe there is a violation and that such accounts and records  
21 may have a substantial relation to the violation. In the discharge of its duties, the

1 board may cause the deposition of witnesses to be taken in the manner prescribed  
2 for taking depositions in civil actions in circuit court. The board shall delegate to the  
3 enforcement division the power to issue subpoenas and to obtain search warrants  
4 under this paragraph on behalf of the board, subject to the procedures under s. 5.066  
5 (6). The delegation is supplemental to the board's exercise of direct authority under  
6 this paragraph.

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

8 5.05 (1) (c) ~~Bring civil or criminal actions to require forfeitures for any violation~~  
9 ~~of ch. 11 under s. 11.60. Forfeiture actions brought by the board may concern only~~  
10 ~~violations with respect to reports or statements required by law to be filed with it,~~  
11 ~~and other violations arising under elections for state office or statewide referenda~~  
12 chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19. The board may compromise  
13 and settle any civil action or potential action brought or authorized to be brought by  
14 it ~~under ch.11~~ which, in the opinion of the board, constitutes a minor violation, a  
15 violation caused by excusable neglect, or which for other good cause shown, should  
16 not in the public interest be prosecuted under such chapter. Notwithstanding s.  
17 778.06, an action or proposed action authorized under this paragraph may be settled  
18 for such sum as may be agreed between the parties. Any settlement made by the  
19 board shall be in such amount as to deprive the alleged violator of any benefit of his  
20 or her wrongdoing and may contain a penal component to serve as a deterrent to  
21 future violations. In settling actions or proposed actions, the board shall treat  
22 comparable situations in a comparable manner and shall assure that any settlement  
23 bears a reasonable relationship to the severity of the offense or alleged offense.  
24 Forfeiture actions brought by the board shall be brought in the circuit court for the  
25 county wherein the violation is alleged to occur.

1           **SECTION 7.** 5.05 (1m) of the statutes is created to read:

2           **5.05 (1m) EXECUTIVE DIRECTOR; LEGAL COUNSEL.** The board shall employ an  
3 executive director outside the classified service and shall employ legal counsel to  
4 perform legal services outside the enforcement division.

5           **SECTION 8.** 5.05 (2m) of the statutes is created to read:

6           **5.05 (2m) ENFORCEMENT DIVISION.** (a) The enforcement division shall  
7 investigate and prosecute alleged violations of laws administered by the board  
8 pursuant to all statutes granting or assigning that authority or responsibility to the  
9 board. The enforcement division shall prosecute civil and criminal actions brought  
10 by the board and shall assist the district attorneys and the attorney general in  
11 prosecuting criminal actions referred to them by the division.

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

15           (c) 1. The board shall employ at least one full-time attorney and at least one  
16 full-time staff support individual within the enforcement division. The enforcement  
17 division may, with or without approval of the board, investigate or prosecute any civil  
18 or criminal violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 in the  
19 name of the board. The jurisdiction of the enforcement division is concurrent with  
20 the jurisdiction of the board, the district attorneys, and the attorney general to  
21 conduct investigations and enforce these laws. The enforcement division may  
22 request authorization of the board to obtain the assistance of special counsel to  
23 conduct investigations or to prosecute violations of these laws. The enforcement  
24 division may also request assistance from the department of justice to conduct  
25 investigations or to prosecute violations of these laws.

1           2. Upon opening or concluding an investigation of any alleged violation of chs.  
2           5 to 12, subch. III of ch. 13, or subch. III of ch. 19, the board shall notify the district  
3           attorney for the county wherein the violation is alleged to occur. Upon opening or  
4           concluding an investigation of any alleged violation of chs. 5 to 12, subch. III of ch.  
5           13, or subch. III of ch. 19, a district attorney shall notify the board. Upon request of  
6           the board or a district attorney, the board and district attorney shall each share  
7           information in their possession relating to any alleged violation of chs. 5 to 12, subch.  
8           III of ch. 13, or subch. III of ch. 19. If the board notifies the district attorney for any  
9           county that it has opened an investigation of a violation of chs. 5 to 12, subch. III of  
10          ch. 13, or subch. III of ch. 19 that is alleged to have occurred in that county, the district  
11          attorney shall suspend any investigation of the same alleged violation that the  
12          district attorney is conducting until the board notifies the district attorney that it has  
13          concluded its investigation and it will not prosecute the alleged violation or there  
14          elapse 30 days from the date of the board's notification that its investigation is  
15          concluded and the board does not commence a prosecution of the alleged violation.

16          3. The district attorney for any county may refer any matter concerning a  
17          possible civil or criminal violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of  
18          ch. 19 to the board. If the board determines not to commence a criminal prosecution  
19          with respect to a matter concerning an alleged criminal violation of chs. 5 to 12,  
20          subch. III of ch. 13, or subch. III of ch. 19 by an elective state official, as defined in  
21          s. 13.62 (6), or a state public official, as defined in s. 19.42 (14), that is referred to the  
22          board under this subdivision, the board shall, within 30 days of receipt of the referral,  
23          report to the district attorney in writing specifying the reasons why it has  
24          determined not to commence a criminal prosecution.

1           4. If a district attorney opens an investigation of a possible criminal violation  
2 of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, the district attorney shall  
3 report to the board concerning the status of the investigation no later than the end  
4 of each consecutive 90-day period, beginning on the day that the investigation is  
5 opened and ending on the day that the investigation is concluded. Within 30 days  
6 after receiving a report under this subdivision, the board may direct the district  
7 attorney to close the investigation and the district attorney shall thereupon close the  
8 investigation.

9           5. Prior to commencing any criminal prosecution with respect to an alleged  
10 violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, a district attorney  
11 shall provide written notice to the board. If the board notifies the district attorney  
12 in writing that it will not commence a criminal prosecution with respect to that  
13 alleged violation or the board fails to commence a criminal prosecution with respect  
14 to that alleged violation within 30 days after receiving notice from the district  
15 attorney under this subdivision, the district attorney may commence a criminal  
16 prosecution with respect to that alleged violation.

17           6. If a district attorney commences a criminal prosecution for an alleged  
18 violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, the district attorney  
19 shall report to the board concerning the status of the prosecution no later than the  
20 end of each consecutive 180-day period, beginning on the day that the prosecution  
21 is commenced and ending on the day that the prosecution is concluded. Within 30  
22 days after receiving a report under this subdivision, the board may direct the district  
23 attorney to terminate the prosecution and the district attorney shall thereupon  
24 terminate the prosecution.

1           7. If the board directs a district attorney to close an investigation of a person  
2 under subd. 4. or to terminate a prosecution of a person under subd. 6. with respect  
3 to an alleged violation of the law, the district attorney shall not open a new criminal  
4 investigation or commence a new criminal prosecution of the same person with  
5 respect to the same alleged violations of the law.

6           8. Each individual who is retained by the board to act as an investigator shall  
7 make periodic reports to the board, as directed by the board, but in no case may the  
8 interval for reporting exceed 90 days. If the administrator of the enforcement  
9 division investigates any matter without retention of an investigator, the  
10 administrator shall make periodic reports to the board, as directed by the board, but  
11 in no case may the reporting interval exceed 90 days. If, after receiving a report, the  
12 board does not vote to terminate the investigation, the investigation is continued.

13           9. Upon employment of any individual to serve as special counsel for the  
14 enforcement division, the administrator of the enforcement division shall certify the  
15 maximum amount provided in the employment contract to the secretary of  
16 administration, and direct the department of administration to pay special counsel  
17 bills related to that case within the certified amount.

18           (e) The enforcement division is bound by applicable laws, rules, formal  
19 opinions, and actions of the board, except that the division may nonacquiesce in any  
20 formal opinion of the board by publishing a notice of nonacquiescence in the  
21 Wisconsin Administrative Register. Thereafter, the division is not bound by the  
22 formal opinion in which the division nonacquiesces.

23           **SECTION 9.** 5.05 (3) (a) of the statutes is amended to read:

24           5.05 (3) (a) The board shall upon complaint by any person or on its own motion  
25 investigate violations of the elections laws and shall notify the district attorney of the

1 proper county; or the attorney general ~~or the governor~~ where appropriate under s.  
2 11.60 (4) or 11.61 (2) of any facts within its knowledge or evidence in its possession  
3 which may be grounds for civil action or criminal prosecution.

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

5 5.05 (3m) CHIEF ELECTION OFFICER. The board shall designate an employee of  
6 the board to serve as the chief election officer of this state.

7 **SECTION 11.** 5.05 (5) of the statutes is repealed.

8 **SECTION 12.** 5.05 (5s) (title) and (d) of the statutes are created to read:

9 5.05 (5s) (title) ACCESS TO RECORDS.

10 (d) All records of votes taken upon actions by the board are open to public  
11 inspection and copying under s. 19.35.

12 **SECTION 13.** 5.05 (6) of the statutes is repealed.

13 **SECTION 14.** 5.05 (11) of the statutes is repealed.

14 **SECTION 15.** 5.052 of the statutes is created to read:

15 **5.052 Government accountability candidate committee.** (1) The  
16 government accountability candidate committee shall organize whenever a vacancy  
17 occurs in the membership of the board that requires a nomination to be submitted  
18 to the governor under s. 15.60 (2).

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

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

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

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

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

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

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

3 (f) To fill 6 vacancies, 8 nominations.

4 **(4)** If a nomination of the governor is rejected by the senate or the assembly,  
5 the committee shall submit an additional nominee to the governor.

6 **SECTION 16.** 5.054 of the statutes is created to read:

7 **5.054 Duties of the executive director.** The executive director of the board  
8 shall:

9 **(1)** Whenever a vacancy occurs on the board, call a meeting of the government  
10 accountability candidate committee.

11 **(2)** Assist the government accountability candidate committee in the  
12 performance of its functions.

13 **SECTION 17.** 5.066 of the statutes is created to read:

14 **5.066 Complaints and decision-making procedure.** **(1)** In this section:

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

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

19 (c) "Local governmental unit" has the meaning given in s. 16.97 (7).

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

21 **(2)** Any person may file a verified complaint with the division alleging a  
22 violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19. The division shall  
23 investigate the complaint unless the division finds the complaint to be without merit.  
24 The division may, on its own motion or upon direction of the board, investigate any  
25 potential violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 whenever

1 the division has probable cause to believe that a violation has occurred. If the  
2 division finds, by a preponderance of evidence, that a complaint is frivolous, the  
3 division may order the complainant to forfeit not more than the greater of \$500 or  
4 the expenses incurred in investigating the complaint. The attorney general, when  
5 so requested by the division, shall institute proceedings to recover any forfeiture  
6 incurred under this subsection that is not paid by the person against whom it is  
7 assessed.

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

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

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

23 (6) Subject to the procedures under this subsection, the division may, in the  
24 discharge of its functions under this section and after providing notice to any party  
25 who is the subject of an investigation, subpoena and bring before it any person and

1 require the production of any papers, books, or other records relevant to an  
2 investigation. Prior to issuing a subpoena or obtaining a search warrant, the division  
3 shall submit a written request for this purpose to the board. If the board does not  
4 disapprove the request within 10 days of receiving the request, the division may  
5 issue the subpoena or obtain the search warrant. A circuit court may by order permit  
6 the inspection and copying of the accounts and the depositor's and loan records at any  
7 financial institution, as defined in s. 705.01 (3), doing business in this state to obtain  
8 evidence of any violation of ch. 11 or 12, subch. III of ch. 13, or subch. III of ch. 19  
9 upon a showing by the division of probable cause to believe there is a violation and  
10 that such accounts and records may have a substantial relation to the violation. In  
11 the discharge of its functions under this section, the division may cause the  
12 deposition of witnesses to be taken in the manner prescribed for taking depositions  
13 in civil actions in circuit court.

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

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

1 appeal, that finding is conclusive against the appellant in all subsequent  
2 proceedings.

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

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

20 (11) The defendant may appeal any decision of the division or the board in a  
21 contested case arising under this section as provided in s. 227.57. If the board  
22 modifies or reverses an order issued by the division under sub. (5), the division may  
23 seek judicial review of the decision. In seeking judicial review of a decision of the  
24 division or the board, the appellant shall indicate in its petition for review whether  
25 the appellant contests any finding of fact made by the division or the board that is

1 not conclusive against the appellant. If the appellant does not contest any finding  
2 of fact made by the division or the board, that finding is conclusive against the  
3 appellant.

4 (12) When the enforcement division issues an order imposing a forfeiture  
5 under sub. (2) or s. 11.60, 12.60 (1) (c) or (d), 13.69, or 19.579 that is not appealed in  
6 a timely manner under sub. (8) or (11), or when the board issues an order imposing  
7 a forfeiture under sub. (2) or s. 11.60, 12.60 (1) (c) or (d), 13.69, or 19.579 and the  
8 period allowed under s. 227.57 for judicial review of the order expires, the division  
9 or board may file a copy of its order with the clerk of circuit court for Dane County.  
10 The clerk shall thereupon enter the order in the judgment and lien docket in the same  
11 manner as provided for entry of civil judgments under s. 806.10. The division or  
12 board may also enter the order on the judgment and lien docket of any other county  
13 under s. 806.13. The order may be enforced and satisfied in the same manner as  
14 provided for enforcement and satisfaction of civil judgments.

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

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

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

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

1           5.40 (7) Whenever a municipality adopts and purchases voting machines or an  
2 electronic voting system, or adopts and purchases a different type of voting machine  
3 or electronic voting system from the type it was previously using, the municipal clerk  
4 or executive director of the municipal board of election commissioners shall promptly  
5 notify the county clerk or executive director of the county board of election  
6 commissioners and the executive director of the ~~elections~~ government accountability  
7 board in writing.

8           **SECTION 19.** 5.62 (4) (b) of the statutes is amended to read:

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

14           **SECTION 20.** 6.26 (2) (b) of the statutes is amended to read:

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

22           **SECTION 21.** 6.26 (2) (c) of the statutes is amended to read:

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

1 election commissioners of the municipality or the individual is appointed by the  
2 elections government accountability board to serve all municipalities.

3 **SECTION 22.** 6.56 (2) to (5) of the statutes are amended to read:

4 6.56 (2) Upon receipt of the list, the municipal clerk shall make a check to  
5 determine whether each person who has been allowed to vote under s. 6.55 (3) is  
6 properly registered. If so, the clerk shall correct the registration list. If the address  
7 on the registration list is not correct, the clerk shall correct the address. The clerk  
8 shall then notify the elector by postcard when he or she is properly registered. If such  
9 person is found not to be properly registered, the clerk shall send the person a 1st  
10 class letter with that information, containing a mail registration form under s. 6.30  
11 (4). The letter shall be marked in accordance with postal regulations to ensure that  
12 it will be returned to the clerk if the elector does not reside at the address given on  
13 the postcard. If such letter is returned undelivered, or if the U.S. postal service  
14 notifies the clerk of an improper address which was apparently improper on the day  
15 of the election, the clerk shall notify the district attorney and the board.

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

1 change the status of the elector from eligible to ineligible on the registration list and  
2 mail the elector a notice of the change in status and provide the name to the district  
3 attorney for the county where the polling place is located and the board.

4 (4) After each election, the municipal clerk shall carefully check to assure that  
5 no person has been allowed to vote more than once. Whenever the municipal clerk  
6 has good reason to believe that a person has voted more than once in an election, the  
7 clerk shall send the person a 1st class letter marked in accordance with postal  
8 regulations to ensure that it will be returned to the clerk if the elector does not reside  
9 at the address given on the letter. The letter shall inform the person that all  
10 registrations relating to that person may be changed from eligible to ineligible status  
11 within 7 days unless the person contacts the office of the clerk to clarify the matter.  
12 A copy of the letter and of any subsequent information received from or about the  
13 addressee shall be sent to the district attorney and the board.

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

21 **SECTION 23.** 7.08 (title) of the statutes is amended to read:

22 **7.08** (title) **Elections Government accountability board.**

23 **SECTION 24.** 7.08 (title) of the statutes is amended to read:

24 **7.08** (title) **Elections Government accountability board.**

25 **SECTION 25.** 7.08 (7) of the statutes is repealed.

1           **SECTION 26.** 7.15 (1) (g) of the statutes is amended to read:

2           7.15 (1) (g) Report suspected election frauds, irregularities or violations of  
3 which the clerk has knowledge to the district attorney and the board.

4           **SECTION 27.** 7.23 (2) of the statutes is amended to read:

5           7.23 (2) If there is a demand for a recount, notice of an election contest or any  
6 contest or litigation pending with respect to an election, materials may be destroyed  
7 and recorders, units or compartments may be cleared or erased only by order of the  
8 judge in whose court litigation is pending or if no litigation is pending, by order of any  
9 circuit judge for the affected jurisdiction. Upon petition of the board, the attorney  
10 general ~~or~~, a district attorney or the U.S. attorney for the affected jurisdiction, a  
11 circuit judge for the affected jurisdiction may order that specified materials not be  
12 destroyed or that specified recorders, units or compartments not be cleared or erased  
13 as otherwise authorized under this subsection until the court so permits. The  
14 governor may by order permit the clearing of voting machine recorders on machines  
15 needed to conduct a special election prior to the time authorized under this  
16 subsection, unless there is a demand for recount, notice of an election contest or a  
17 contest or litigation pending, or a court of record orders that the recorders not be  
18 cleared.

19           **SECTION 28.** 7.31 (5) of the statutes is amended to read:

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

25           **SECTION 29.** 7.60 (4) (a) of the statutes is amended to read:

1           7.60 (4) (a) The board of canvassers shall make separate duplicate statements  
2 showing the numbers of votes cast for the offices of president and vice president; state  
3 officials; U.S. senators and representatives in congress; state legislators; justice;  
4 court of appeals judge; circuit judges; district attorneys; and metropolitan sewerage  
5 commissioners, if the commissioners are elected under s. 200.09 (11) (am). If a  
6 municipal judge elected under s. 755.01 (4) serves a municipality that is located  
7 partially within the county and candidates for that judgeship file nomination papers  
8 in another county, the board of canvassers shall prepare a duplicate statement  
9 showing the numbers of votes cast for that judgeship in that county for transmittal  
10 to the other county. For partisan candidates, the statements shall include the  
11 political party or principle designation, if any, next to the name of each candidate.  
12 The board of canvassers shall also prepare a statement showing the results of any  
13 county, technical college district, or statewide referendum. Each statement shall  
14 state the total number of votes cast in the county for each office; the names of all  
15 persons for whom the votes were cast, as returned; the number of votes cast for each  
16 person; and the number of votes cast for and against any question submitted at a  
17 referendum. The board of canvassers shall use one copy of each duplicate statement  
18 to report to the elections government accountability board, technical college district  
19 board, or board of canvassers of any other county and shall file the other statement  
20 in the office of the county clerk or board of election commissioners.

21           **SECTION 30.** 7.60 (5) of the statutes is amended to read:

22           7.60 (5) REPORTING. (a) Immediately following the canvass, the county clerk  
23 shall deliver or send to the elections government accountability board, by 1st class  
24 mail, a certified copy of each statement of the county board of canvassers for  
25 president and vice president, state officials, senators and representatives in

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

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

1 statement to the ~~elections~~ government accountability board or secretary of the  
2 technical college district board.

3 **SECTION 31.** 7.70 (1) of the statutes is amended to read:

4 7.70 (1) RECORDING AND PRESERVING RETURNS. (a) Upon receipt of the certified  
5 statements from the county clerks, the ~~elections~~ board shall record the election  
6 results by counties and file and carefully preserve the statements.

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

13 **SECTION 32.** 7.70 (5) (b) of the statutes is amended to read:

14 7.70 (5) (b) For presidential electors, the ~~elections~~ board shall prepare a  
15 certificate showing the determination of the results of the canvass and the names of  
16 the persons elected, and the governor shall sign, affix the great seal of the state, and  
17 transmit the certificate by registered mail to the U.S. administrator of general  
18 services. The governor shall also prepare 6 duplicate originals of such certificate and  
19 deliver them to one of the presidential electors on or before the first Monday after the  
20 2nd Wednesday in December.

21 **SECTION 33.** 8.05 (1) (j) 3. of the statutes, as affected by 2005 Wisconsin Act 149,  
22 is amended to read:

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

1 nomination is mailed or personally delivered to the candidate, or no later than  
2 4:30 p.m. on the next business day after the last day for filing a declaration of  
3 candidacy whenever that candidate is granted an extension of time for filing a  
4 declaration of candidacy under subd. 2.

5 **SECTION 34.** 8.10 (5) of the statutes is amended to read:

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

15 **SECTION 35.** 8.15 (4) (b) of the statutes is amended to read:

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

25 **SECTION 36.** 8.18 (2) of the statutes is amended to read:

1           8.18 (2) The purpose of the convention is to nominate one presidential elector  
2 from each congressional district and 2 electors from the state at large. The names  
3 of the nominees shall be certified immediately by the chairperson of the state  
4 committee of each party to the chairperson of the elections board.

5           **SECTION 37.** 8.20 (6) of the statutes is amended to read:

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

15           **SECTION 38.** 8.50 (3) (a) of the statutes is amended to read:

16           8.50 (3) (a) Nomination papers may be circulated no sooner than the day the  
17 order for the special election is filed and shall be filed not later than 5 p.m. 28 days  
18 before the day that the special primary will or would be held, if required, except when  
19 a special election is held concurrently with the spring election or general election, the  
20 deadline for filing nomination papers shall be specified in the order and the date shall  
21 be no earlier than the date provided in s. 8.10 (2) (a) or 8.15 (1), respectively, and no  
22 later than 35 days prior to the date of the spring or September primary. Nomination  
23 papers may be filed in the manner specified in s. 8.10, 8.15, or 8.20. Each candidate  
24 shall file a declaration of candidacy in the manner provided in s. 8.21 no later than  
25 the latest time provided in the order for filing nomination papers. If a candidate for

1 state or local office has not filed a registration statement under s. 11.05 at the time  
2 he or she files nomination papers, the candidate shall file the statement with the  
3 papers. A candidate for state office shall also file a statement of economic interests  
4 with the ~~ethics~~ board no later than the end of the 3rd day following the last day for  
5 filing nomination papers specified in the order.

6 **SECTION 39.** 8.50 (3) (e) of the statutes is amended to read:

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

11 **SECTION 40.** 9.01 (1) (a) 1. of the statutes, as affected by 2005 Wisconsin Act 149,  
12 is amended to read:

13 9.01 (1) (a) 1. Any candidate voted for at any election or any elector who voted  
14 upon any referendum question at any election may petition for a recount. The  
15 petitioner shall file a verified petition or petitions with the proper clerk or body under  
16 par. (ar) not earlier than the time of completion of the canvass and not later than 5  
17 p.m. on the 3rd business day following the last meeting day of the municipal or  
18 county board of canvassers determining the election for that office or on that  
19 referendum question or, if more than one board of canvassers makes the  
20 determination, not later than 5 p.m. on the 3rd business day following the last  
21 meeting day of the last board of canvassers which makes a determination. If the  
22 chairperson of the board or chairperson's designee makes the determination for the  
23 office or the referendum question, the petitioner shall file the petition not earlier  
24 than the last meeting day of the last county board of canvassers to make a statement  
25 in the election or referendum and not later than 5 p.m. on the 3rd business day

1 following the day on which the ~~elections~~ government accountability board receives  
2 the last statement from a county board of canvassers for the election or referendum.

3 **SECTION 41.** 9.01 (1) (ag) 4. of the statutes is repealed.

4 **SECTION 42.** 9.01 (1) (ar) 2. of the statutes is amended to read:

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

8 **SECTION 43.** 9.01 (10) of the statutes is amended to read:

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

11 **SECTION 44.** 11.21 (title) of the statutes is amended to read:

12 **11.21 (title) Duties of the elections board.**

13 **SECTION 45.** 11.21 (7) (intro.) of the statutes is amended to read:

14 11.21 (7) (intro.) Include in its biennial report under s. ~~5.05 (5)~~ 15.04 (1) (d)  
15 compilations of any of the following in its discretion:

16 **SECTION 46.** 11.22 (4) of the statutes is amended to read:

17 11.22 (4) Notify the board, ~~the~~ district attorney, or the attorney general where  
18 appropriate under ss. 11.60 (4) and 11.61 (2), in writing, of any facts within the filing  
19 officer's knowledge or evidence in the officer's possession, including errors or  
20 discrepancies in reports or statements and delinquencies in filing which may be  
21 grounds for civil action or criminal prosecution. The filing officer shall transmit a  
22 copy of such notification to the board. The board, district attorney, or ~~the~~ attorney  
23 general shall advise the filing officer in writing at the end of each 30-day period of  
24 the status of such matter until the time of disposition. The district attorney or  
25 attorney general shall transmit a copy of each any such notice to the board.

1           **SECTION 47.** 11.60 (4) of the statutes, as affected by 2005 Wisconsin Act 177,  
2 is repealed and recreated to read:

3           11.60 (4) Actions under this section may be brought by the board or by the  
4 district attorney for the county where the violation is alleged to have occurred, except  
5 as specified in s. 11.38. Actions under this section arising out of an election for county  
6 office or a county referendum may be brought by the county board of election  
7 commissioners of the county where the violation is alleged to have occurred. If a  
8 violation concerns a district attorney or circuit judge or a candidate for either such  
9 office, the action shall be brought by the board or by the attorney general.

10           **SECTION 48.** 11.61 (2) of the statutes is amended to read:

11           11.61 (2) Except as provided in s. 11.38 (5), all prosecutions under this section  
12 shall be conducted by the board or by district attorney of for the county where the  
13 violation is alleged to have occurred. ~~If the district attorney refuses to act upon a~~  
14 ~~sworn complaint, or fails to act upon such a complaint within 60 days of the date on~~  
15 ~~which the complaint is received, the attorney general may then conduct the~~  
16 ~~prosecution under this section.~~ If a violation concerns a district attorney or circuit  
17 judge or a candidate for ~~such offices~~ either such office, the prosecution shall be  
18 conducted by the board or by the attorney general. ~~If a violation concerns the~~  
19 ~~attorney general or a candidate for such office, the governor may appoint a special~~  
20 ~~prosecutor under s. 14.11 (2) to conduct the prosecution in behalf of the state. The~~  
21 ~~prosecutor shall be independent of the attorney general and need not be a state~~  
22 ~~employee at the time of appointment.~~

23           **SECTION 49.** 13.123 (3) (b) 2. of the statutes is amended to read:

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

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

3 **SECTION 50.** 13.23 of the statutes is amended to read:

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

14 **SECTION 51.** 13.62 (4) of the statutes is amended to read:

15 13.62 (4) “Board” means the ~~ethics~~ government accountability board.

16 **SECTION 52.** 13.685 (title) of the statutes is amended to read:

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

18 **SECTION 53.** 13.94 (1) (k) of the statutes is amended to read:

19 13.94 (1) (k) Provide auditing services at the direction of the ~~elections~~  
20 government accountability board under s. 5.05 (2).

21 **SECTION 54.** 14.58 (20) of the statutes is amended to read:

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

1           **SECTION 55.** 15.03 of the statutes is renumbered 15.03 (intro.) and amended  
2 to read:

3           **15.03 Attachment for limited purposes.** (intro.) Any division, office,  
4 commission, council or board attached under this section to a department or  
5 independent agency or a specified division thereof shall be a distinct unit of that  
6 department, independent agency or specified division. Any division, office,  
7 commission, council or board so attached shall exercise its powers, duties and  
8 functions prescribed by law, including rule making, licensing and regulation, and  
9 operational planning within the area of program responsibility of the division, office,  
10 commission, council or board, independently of the head of the department or  
11 independent agency, but budgeting, program coordination and related management  
12 functions shall be performed under the direction and supervision of the head of the  
13 department or independent agency, except that ~~with:~~

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

20           **SECTION 56.** 15.03 (2) of the statutes is created to read:

21           **15.03 (2) ENFORCEMENT DIVISION OF GOVERNMENT ACCOUNTABILITY BOARD.** With  
22 respect to the enforcement division of the government accountability board, all  
23 budget requests by the division shall be submitted by the board to the department  
24 of administration without change except as concurred in by the division.

25           **SECTION 57.** 15.07 (1) (a) 2. of the statutes is repealed and recreated to read:

1           15.07 (1) (a) 2. Members of the government accountability board shall be  
2 nominated by the governor, and with the advice and consent of the assembly and  
3 senate appointed, to serve for terms prescribed by law.

4           **SECTION 58.** 15.07 (1) (cm) of the statutes, as affected by 2005 Wisconsin Acts  
5 25 and 76, is amended to read:

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

18           **SECTION 59.** 15.07 (4) of the statutes is amended to read:

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

24           **SECTION 60.** 15.07 (5) (k) of the statutes is repealed.

25           **SECTION 61.** 15.07 (5) (m) of the statutes is created to read:

1           15.07 (5) (m) Members of the government accountability board, \$25 per day.

2           **SECTION 62.** 15.07 (5) (n) of the statutes is repealed.

3           **SECTION 63.** 15.60 of the statutes is created to read:

4           **15.60 Government accountability board; creation.** (1) There is created  
5 a government accountability board consisting of 7 persons. Members shall serve for  
6 4-year terms.

7           (2) (a) All members of the board shall be appointed from nominations  
8 submitted to the governor by a nominating committee to be called the governmental  
9 accountability candidate committee, which shall consist of one court of appeals judge  
10 from each of the court of appeals districts. The court of appeals judges shall be chosen  
11 as members by lot by the chief justice of the supreme court in the presence of the other  
12 justices of the supreme court.

13           (3) Four members of the board shall have prosecutorial experience. If, as a  
14 result of a vacancy in the membership of the board, the remaining membership does  
15 not satisfy the membership requirements of this subsection, no person may be  
16 appointed to serve as a member if the person's qualifications would not contribute  
17 to satisfaction of the membership requirements of this subsection.

18           (4) One member of the board shall be a retired judge of a court of record in this  
19 state.

20           (5) No member may hold another office or position that is a state public office  
21 or a local public office, as defined in s. 19.42.

22           (6) No member, for one year immediately prior to the date of appointment may  
23 have been, or while serving on the board may become, a member of a political party,  
24 an officer or member of a committee in any partisan political club or organization,

1 an officer or employee of a registrant under s. 11.05, or a candidate for any partisan  
2 elective public office.

3 (7) No member may be a lobbyist, as defined in s. 13.62 (11), or an employee  
4 of a principal, as defined in s. 13.62 (12).

5 **SECTION 64.** 15.603 of the statutes is created to read:

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

13 **SECTION 65.** 15.61 of the statutes is repealed.

14 **SECTION 66.** 15.617 of the statutes is renumbered 15.607, and 15.607 (1) of the  
15 statutes, as renumbered, is amended to read:

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

25 **SECTION 67.** 15.62 of the statutes is repealed.

1           **SECTION 68.** 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 69.** 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 70.** 16.973 (6) of the statutes is amended to read:

16          16.973 (6) With the advice of the ~~ethics~~ government accountability board, adopt  
17 and enforce standards of ethical conduct applicable to its paid consultants which are  
18 similar to the standards prescribed in subch. III of ch. 19, except that the department  
19 shall not require its paid consultants to file statements of economic interests.

20          **SECTION 71.** 17.07 (6) of the statutes is amended to read:

21          17.07 (6) Other state officers serving in an office that is filled by appointment  
22 of any officer or body without the concurrence of the governor, by the officer or body  
23 having the authority to make appointments to that office, at pleasure, except that  
24 officers appointed according to merit and fitness under and subject to ch. 230 or  
25 officers whose removal is governed by ch. 230 may be removed only in conformity

1 with that chapter, and except that the administrator of the enforcement division in  
2 the government accountability board may be removed from office only by the  
3 executive director of the board, for cause.

4 **SECTION 72.** 17.17 (1) of the statutes is amended to read:

5 17.17 (1) SENATORS AND MEMBERS OF CONGRESS. In the office of United States  
6 senator or member of congress from this state, by the county clerk of the county  
7 wherein such officer resided at the time of election, to the elections government  
8 accountability board.

9 **SECTION 73.** 17.17 (4) of the statutes is amended to read:

10 17.17 (4) JUSTICES AND JUDGES. In the office of justice of the supreme court, court  
11 of appeals judge, or judge of a circuit court, by the director of state courts to the  
12 governor and the elections government accountability board.

13 **SECTION 74.** 19.42 (3) of the statutes is amended to read:

14 19.42 (3) “Board” means the ethics government accountability board.

15 **SECTION 75.** 19.42 (7t) and (11e) of the statutes are created to read:

16 19.42 (7t) “Knowingly” means acting with the belief that a specified fact is true.

17 (11e) “Political activity” means activity that is engaged in for political  
18 purposes, as defined in s. 11.01 (16).

19 **SECTION 76.** 19.42 (10) (a) of the statutes is repealed.

20 **SECTION 77.** 19.43 (4) of the statutes is amended to read:

21 19.43 (4) A candidate for state public office shall file with the board a statement  
22 of economic interests meeting each of the requirements of s. 19.44 (1) no later than  
23 4:30 p.m. on the 3rd day following the last day for filing nomination papers for the  
24 office which the candidate seeks, or no later than 4:30 p.m. on the next business day  
25 after the last day whenever that candidate is granted an extension of time for filing

1 nomination papers or a declaration of candidacy under s. 8.05 (1) (j), 8.10 (2) (a), 8.15  
2 (1), or 8.20 (8) (a), no later than 4:30 p.m. on the 5th day after notification of  
3 nomination is mailed or personally delivered to the candidate by the municipal clerk  
4 in the case of a candidate who is nominated at a caucus, or no later than 4:30 p.m.  
5 on the 3rd day after notification of nomination is mailed or personally delivered to  
6 the candidate by the appropriate official or agency in the case of a write-in candidate  
7 or candidate who is appointed to fill a vacancy in nomination under s. 8.35 (2) (a).  
8 The information contained on the statement shall be current as of December 31 of  
9 the year preceding the filing deadline. Before certifying the name of any candidate  
10 for state public office under s. 7.08 (2) (a), the ~~elections~~ government accountability  
11 board, municipal clerk, or board of election commissioners shall ascertain whether  
12 that candidate has complied with this subsection. If not, the ~~elections~~ government  
13 accountability board, municipal clerk, or board of election commissioners may not  
14 certify the candidate's name for ballot placement.

15 **SECTION 78.** 19.43 (5) of the statutes is amended to read:

16 19.43 (5) Each member of the investment board and each employee of the  
17 investment board who is a state public official shall complete and file with the ~~ethics~~  
18 government accountability board a quarterly report of economic transactions no  
19 later than the last day of the month following the end of each calendar quarter during  
20 any portion of which he or she was a member or employee of the investment board.  
21 Such reports of economic transactions shall be in the form prescribed by the ~~ethics~~  
22 government accountability board and shall identify the date and nature of any  
23 purchase, sale, put, call, option, lease, or creation, dissolution, or modification of any  
24 economic interest made during the quarter for which the report is filed and

1 disclosure of which would be required by s. 19.44 if a statement of economic interests  
2 were being filed.

3 **SECTION 79.** 19.45 (5m) of the statutes is created to read:

4 19.45 (5m) No state public official or state employee may engage in any activity  
5 that is prohibited under s. 230.40 or 230.405.

6 **SECTION 80.** 19.45 (6) of the statutes is amended to read:

7 19.45 (6) No state public official, member of a state public official's immediate  
8 family, nor any organization with which the state public official or a member of the  
9 official's immediate family owns or controls at least 10% of the outstanding equity,  
10 voting rights, or outstanding indebtedness may enter into any contract or lease  
11 involving a payment or payments of more than \$3,000 within a 12-month period, in  
12 whole or in part derived from state funds, unless the state public official has first  
13 made written disclosure of the nature and extent of such relationship or interest to  
14 the board and to the department acting for the state in regard to such contract or  
15 lease. Any contract or lease entered into in violation of this subsection may be voided  
16 by the state in an action commenced within 3 years of the date on which the ethics  
17 board, or the department or officer acting for the state in regard to the allocation of  
18 state funds from which such payment is derived, knew or should have known that  
19 a violation of this subsection had occurred. This subsection does not affect the  
20 application of s. 946.13.

21 **SECTION 81.** 19.45 (15) of the statutes is created to read:

22 19.45 (15) No state public official or state employee may knowingly solicit or  
23 discourage any political activity by a person who has business before the department  
24 served by the official or employee.

25 **SECTION 82.** 19.46 (1) (intro.) of the statutes is amended to read:

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

4           **SECTION 83.** 19.46 (2) of the statutes is renumbered 5.05 (6a) and amended to  
5           read:

6           5.05 (6a) Any individual, either personally or on behalf of an organization or  
7           governmental body, may request of the board executive director of the board an  
8           advisory opinion regarding the propriety under chs. 5 to 12, subch. III of ch. 13, or  
9           subch. III of ch. 19 of any matter to which the person is or may become a party; and  
10          any appointing officer, with the consent of a prospective appointee, may request of  
11          the board executive director an advisory opinion regarding the propriety under chs.  
12          5 to 12, subch. III of ch. 13, or subch. III of ch. 19 of any matter to which the  
13          prospective appointee is or may become a party. The board executive director shall  
14          review a request for an advisory opinion and may advise the person making the  
15          request. Advisory opinions and requests therefor shall be in writing. The board's  
16          ~~deliberations and actions upon~~ The executive director may consult with the board  
17          before issuing a formal opinion but shall not reveal any information to the board that  
18          would identify the requester of the opinion. All consultations with the board  
19          concerning such requests shall be in meetings not open to the public. It is prima facie  
20          evidence of intent to comply with ~~this subchapter~~ chs. 5 to 12 or subch. III of ch. 13  
21          or subch. III of ch. 19 when a person refers a matter to the board executive director  
22          and abides by the board's executive director's advisory opinion, if the material facts  
23          are as stated in the opinion request. ~~The board may authorize the executive director~~  
24          ~~to act in its stead in instances where delay is of substantial inconvenience or~~  
25          ~~detriment to the requesting party.~~ No member or employee of the board may make

1 public the identity of the individual requesting an advisory opinion or of individuals  
2 or organizations mentioned in the opinion.

3 **SECTION 84.** 19.47 (2) of the statutes is repealed.

4 **SECTION 85.** 19.47 (4) of the statutes is repealed.

5 **SECTION 86.** 19.47 (5) of the statutes is amended to read:

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

18 **SECTION 87.** 19.48 (9) of the statutes is amended to read:

19 19.48 (9) Administer programs to explain and interpret ss. 11.36, 230.40, and  
20 230.405, this subchapter, and subch. III of ch. 13 for state public officials, ~~and for~~  
21 ~~elective state officials~~ state employees, candidates for state public office, legislative  
22 officials, agency officials, lobbyists, as defined in s. 13.62, local public officials,  
23 corporation counsels and attorneys for local governmental units. The programs shall  
24 provide advice regarding appropriate ethical and lobbying practices, with special  
25 emphasis on public interest lobbying. The board may delegate creation and

1 implementation of any such program to a group representing the public interest. The  
2 board may charge a fee to participants in any such program. The board shall require  
3 attendance of all state employees at programs conducted under this subsection for  
4 a minimum number of hours specified by rule of the board during each biennial  
5 period. The board shall require each new state employee to attend a program  
6 conducted under this subsection within 6 months of beginning his or her  
7 employment. Each department shall pay any fees incurred by its employees for  
8 attendance at programs for which attendance is required under this subsection.

9 **SECTION 88.** 19.50 (2) of the statutes is amended to read:

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

15 **SECTION 89.** 19.53 (6) of the statutes is amended to read:

16 19.53 (6) An order requiring the accused to forfeit not more than \$500 for each  
17 violation of s. 19.43, 19.44, or 19.56 (2), not more than \$1,000 for each violation of s.  
18 19.45 (5m) or (15), or not more than \$5,000 for each violation of any other provision  
19 of this subchapter, or not more than the applicable amount specified in s. 13.69 for  
20 each violation of subch. III of ch. 13. If the board determines that the accused has  
21 realized economic gain as a result of the violation, the board may, in addition, order  
22 the accused to forfeit the amount gained as a result of the violation. In addition, if  
23 the board determines that a state public official has violated s. 19.45 (13), the board  
24 may order the official to forfeit an amount equal to the amount or value of any  
25 political contribution, service, or other thing of value that was wrongfully obtained.

1 If the board determines that a state public official has violated s. 19.45 (13) and no  
2 political contribution, service or other thing of value was obtained, the board may  
3 order the official to forfeit an amount equal to the maximum contribution authorized  
4 under s. 11.26 (1) for the office held or sought by the official, whichever amount is  
5 greater. The attorney general, when so requested by the board, shall institute  
6 proceedings to recover any forfeiture incurred under this section or s. 19.545 which  
7 is not paid by the person against whom it is assessed.

8 **SECTION 90.** 19.54 (2) of the statutes is amended to read:

9 19.54 (2) An application for rehearing is governed by such general rules as the  
10 board may establish. Only one rehearing may be granted by the board. No order of  
11 the board pursuant to this subchapter or subch. III of ch.13 becomes effective until  
12 20 days after it is issued, or while an application for rehearing or a rehearing is  
13 pending, or until 10 days after such application for rehearing is either denied,  
14 expressly or by implication, or the board has announced its final determination on  
15 rehearing.

16 **SECTION 91.** 19.55 (1) of the statutes is amended to read:

17 19.55 (1) Except as provided in sub. (2) and s. 5.05 (5s), all records under this  
18 subchapter or subch. III of ch. 13 in the possession of the board are open to public  
19 inspection at all reasonable times. The board shall require an individual wishing to  
20 examine a statement of economic interests or the list of persons who inspect any  
21 statements which are in the board's possession to provide his or her full name and  
22 address, and if the individual is representing another person, the full name and  
23 address of the person which he or she represents. Such identification may be  
24 provided in writing or in person. The board shall record and retain for at least 3 years  
25 information obtained by it pursuant to this subsection. No individual may use a

1 fictitious name or address or fail to identify a principal in making any request for  
2 inspection.

3 **SECTION 92.** 19.55 (2) (a) of the statutes is renumbered 5.05 (5s) (b) and  
4 amended to read:

5 5.05 (5s) (b) Records obtained in connection with a request for an advisory  
6 opinion issued under s. 5.05 (6a), other than summaries of advisory opinions that do  
7 not disclose the identity of individuals requesting such opinions or organizations on  
8 whose behalf they are requested, are not subject to the right of inspection and  
9 copying under s. 19.35 (1). The executive director of the board may, however, make  
10 such records public with the consent of the individual requesting the advisory  
11 opinion or the organization or governmental body on whose behalf it is requested.  
12 A person who makes or purports to make public the substance of or any portion of  
13 an advisory opinion requested by or on behalf of the person is deemed to have waived  
14 the confidentiality of the request for an advisory opinion and of any records obtained  
15 or prepared by the board in connection with the request for an advisory opinion.

16 **SECTION 93.** 19.55 (2) (b) of the statutes is renumbered 5.05 (5s) (a) (intro.) and  
17 amended to read:

18 5.05 (5s) (a) (intro.) Records obtained or prepared by the board in connection  
19 with an investigation are not subject to the right of inspection and copying under s.  
20 19.35 (1), except as provided in par. (d) and except that the:

21 1. The board shall permit inspection of records that are made public in the  
22 course of a hearing by the board to determine if a violation of this subchapter ~~chs. 5~~  
23 to 12 or subch. III of ch. 13 or subch. III of ch. 19 has occurred. ~~Whenever the board~~  
24 refers such investigation and hearing records to a district attorney or to the attorney  
25 general, they

1           2. Investigatory records of the board may be made public in the course of a  
2 prosecution initiated under this subchapter chs. 5 to 12, subch. III of ch. 13, or subch.  
3 III of ch. 19.

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

8           **SECTION 94.** 19.55 (2) (c) of the statutes is amended to read:

9           19.55 (2) (c) Statements of economic interests and reports of economic  
10 transactions which are filed with the ~~ethics~~ government accountability board by  
11 members or employees of the investment board, except that the ~~ethics~~ government  
12 accountability board shall refer statements and reports filed by such individuals to  
13 the legislative audit bureau for its review, and except that a statement of economic  
14 interests filed by a member or employee of the investment board who is also an  
15 official required to file shall be open to public inspection.

16           **SECTION 95.** 19.579 of the statutes is repealed and recreated to read:

17           **19.579 Civil penalties. (1)** Any person who violates s. 19.43, 19.44, or 19.56  
18 (2) may 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           **(2)** Any person who violates s. 19.45 (5m) or (15) may be required to forfeit not  
21 more than \$1,000.

22           **SECTION 96.** 19.58 (1) (a) of the statutes is amended to read:

23           19.58 (1) (a) Any person who intentionally violates any provision of this  
24 subchapter except s. 19.45 (5m) or (13), (15) or 19.59 (1) (br), or a code of ethics

1 adopted or established under s. 19.45 (11) (a) or (b), shall be fined not less than \$100  
2 nor more than \$5,000 or imprisoned not more than one year in the county jail or both.

3 **SECTION 97.** 19.59 (8) (a) and (c) of the statutes are amended to read:

4 19.59 (8) (a) Subsection (1) shall be enforced in the name and on behalf of the  
5 state by action of the board or, subject to the procedures prescribed in s. 5.05 (2m) (c),  
6 by action of the district attorney of ~~for~~ any county wherein a violation may occur,  
7 upon the verified complaint of any person.

8 (c) If Unless the district attorney is precluded from commencing an action  
9 under s. 5.05 (2m) (c), if the district attorney fails to commence an action to enforce  
10 sub. (1) (a), (b), or (c) to (g) within 20 days after receiving a verified complaint or if  
11 the district attorney refuses to commence such an action, the person making the  
12 complaint may petition the attorney general to act upon the complaint. The attorney  
13 general may then bring an action under par. (a) or (b), or both.

14 **SECTION 98.** 19.59 (8) (cn) of the statutes is amended to read:

15 19.59 (8) (cn) If Subject to the procedures prescribed in s. 5.05 (2m) (c), if the  
16 board or district attorney for the county in which a violation of sub. (1) (br) is alleged  
17 to occur receives a verified complaint alleging a violation of sub. (1) (br), the board  
18 or district attorney shall, within 30 days after receipt of the complaint, either  
19 commence an investigation of the allegations contained in the complaint or dismiss  
20 the complaint. If the district attorney dismisses the complaint, with or without  
21 investigation, the district attorney shall notify the complainant in writing. Upon  
22 receiving notification of the dismissal, the complainant may then file the complaint  
23 with the attorney general or the district attorney for a county that is adjacent to the  
24 county in which the violation is alleged to occur. The attorney general or district

1 attorney may then investigate the allegations contained in the complaint and  
2 commence a prosecution.

3 **SECTION 99.** 19.59 (8) (d) of the statutes is amended to read:

4 19.59 (8) (d) If the district attorney prevails in such an action, the court shall  
5 award any forfeiture recovered together with reasonable costs to the county wherein  
6 the violation occurs. If the board or attorney general prevails in such an action, the  
7 court shall award any forfeiture recovered together with reasonable costs to the  
8 state.

9 **SECTION 100.** 19.85 (1) (fm) of the statutes is created to read:

10 19.85 (1) (fm) Deliberating by the government accountability board concerning  
11 any investigation under the board's jurisdiction.

12 **SECTION 101.** 19.85 (1) (h) of the statutes is amended to read:

13 19.85 (1) (h) Consideration of requests for confidential written advice from the  
14 ethics executive director of the government accountability board under s. 19.46 (2)  
15 s. 5.05 (6a), or from any county or municipal ethics board under s. 19.59 (5).

16 **SECTION 102.** 20.510 (intro.) of the statutes is repealed.

17 **SECTION 103.** 20.510 (1) (title) of the statutes is repealed.

18 **SECTION 104.** 20.510 (1) (a) of the statutes is repealed.

19 **SECTION 105.** 20.510 (1) (b) of the statutes, as created by 2005 Wisconsin Act  
20 333, is repealed.

21 **SECTION 106.** 20.510 (1) (bm) of the statutes is repealed.

22 **SECTION 107.** 20.510 (1) (c) of the statutes is repealed.

23 **SECTION 108.** 20.510 (1) (d) of the statutes is repealed.

24 **SECTION 109.** 20.510 (1) (g) of the statutes is repealed.

1           **SECTION 110.** 20.510 (1) (gm) of the statutes, as created by 2005 Wisconsin Act  
2 25, is repealed.

3           **SECTION 111.** 20.510 (1) (h) of the statutes is repealed.

4           **SECTION 112.** 20.510 (1) (i) of the statutes is repealed.

5           **SECTION 113.** 20.510 (1) (j) of the statutes is repealed.

6           **SECTION 114.** 20.510 (1) (q) of the statutes, as affected by 2005 Wisconsin Act  
7 178, is repealed.

8           **SECTION 115.** 20.510 (1) (t) of the statutes is repealed.

9           **SECTION 116.** 20.510 (1) (x) of the statutes is repealed.

10          **SECTION 117.** 20.521 (intro.) of the statutes is repealed.

11          **SECTION 118.** 20.521 (1) (title) of the statutes is repealed.

12          **SECTION 119.** 20.521 (1) (a) of the statutes is repealed.

13          **SECTION 120.** 20.521 (1) (b) of the statutes is repealed.

14          **SECTION 121.** 20.521 (1) (g) of the statutes is repealed.

15          **SECTION 122.** 20.521 (1) (h) of the statutes is repealed.

16          **SECTION 123.** 20.521 (1) (i) of the statutes is repealed.

17          **SECTION 124.** 20.923 (4) (intro.) of the statutes is amended to read:

18           20.923 (4) STATE AGENCY POSITIONS. (intro.) State agency heads, the  
19 administrator of the division of merit recruitment and selection in the office of state  
20 employment relations, the administrator of the enforcement division in the  
21 government accountability board, and commission chairpersons and members shall  
22 be identified and limited in number in accordance with the standardized  
23 nomenclature contained in this subsection, and shall be assigned to the executive  
24 salary groups listed in pars. (a) to (i). Except for positions specified in ~~par.~~ pars. (c)  
25 3m. and (e) 2e. and sub. (12), all unclassified division administrator positions

1 enumerated under s. 230.08 (2) (e) shall be assigned, when approved by the joint  
2 committee on employment relations, by the director of the office of state employment  
3 relations to one of 10 executive salary groups. The joint committee on employment  
4 relations, by majority vote of the full committee, may amend recommendations for  
5 initial position assignments and changes in assignments to the executive salary  
6 groups submitted by the director of the office of state employment relations. All  
7 division administrator assignments and amendments to assignments of  
8 administrator positions approved by the committee shall become part of the  
9 compensation plan. Whenever a new unclassified division administrator position is  
10 created, the appointing authority may set the salary for the position until the joint  
11 committee on employment relations approves assignment of the position to an  
12 executive salary group. If the committee approves assignment of the position to an  
13 executive salary group having a salary range minimum or maximum inconsistent  
14 with the salary paid to the incumbent at the time of such approval, the incumbent's  
15 salary shall be adjusted by the appointing authority to conform with the committee's  
16 action, effective on the date of that action. Positions are assigned as follows:

17 **SECTION 125.** 20.923 (4) (d) 3. of the statutes is repealed.

18 **SECTION 126.** 20.923 (4) (d) 4. of the statutes is repealed.

19 **SECTION 127.** 20.923 (4) (e) 2e. of the statutes is created to read:

20 20.923 (4) (e) 2e. Government accountability board: administrator of the  
21 enforcement division.

22 **SECTION 128.** 20.923 (4) (f) 3j. of the statutes is created to read:

23 20.923 (4) (f) 3j. Government accountability board: executive director.

24 **SECTION 129.** 59.605 (3) (a) 3. of the statutes is amended to read:

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

20           **SECTION 130.** 67.05 (3) (b) of the statutes is amended to read:

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

1 within the jurisdiction in which the referendum is held. The form of the ballot shall  
2 correspond with the form prescribed by the elections government accountability  
3 board under ss. 5.64 (2) and 7.08 (1) (a).

4 **SECTION 131.** 67.05 (6) of the statutes is amended to read:

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

19 **SECTION 132.** 71.10 (3) (b) of the statutes, as affected by 2005 Wisconsin Acts  
20 177 and 178, is amended to read:

21 71.10 (3) (b) The secretary of revenue shall provide a place for those  
22 designations on the face of the individual income tax return and shall provide next  
23 to that place a statement that a designation will not increase tax liability. Annually  
24 on August 15, the secretary of revenue shall certify to the elections government  
25 accountability board, the department of administration and the state treasurer

1 under s. 11.50 the total amount of designations made during the preceding fiscal  
2 year. If any individual attempts to place any condition or restriction upon a  
3 designation, that individual is deemed not to have made a designation on his or her  
4 tax return.

5 **SECTION 133.** 73.0301 (1) (d) 13. of the statutes is amended to read:

6 73.0301 (1) (d) 13. A license issued by the ~~ethics~~ government accountability  
7 board under s. 13.63 (1).

8 **SECTION 134.** 73.0301 (1) (e) of the statutes is amended to read:

9 73.0301 (1) (e) "Licensing department" means the department of  
10 administration; the board of commissioners of public lands; the department of  
11 commerce; the ~~ethics~~ government accountability board; the department of financial  
12 institutions; the department of health and family services; the department of natural  
13 resources; the department of public instruction; the department of regulation and  
14 licensing; the department of workforce development; the office of the commissioner  
15 of insurance; or the department of transportation.

16 **SECTION 135.** 85.61 (1) of the statutes is amended to read:

17 85.61 (1) The secretary of transportation and the executive director of the  
18 ~~elections~~ government accountability board shall enter into an agreement to match  
19 personally identifiable information on the official registration list maintained by the  
20 ~~elections~~ government accountability board under s. 6.36 (1) with personally  
21 identifiable information in the operating record file database under ch. 343 and  
22 vehicle registration records under ch. 341 to the extent required to enable the  
23 secretary of transportation and the executive director of the ~~elections~~ government  
24 accountability board to verify the accuracy of the information provided for the  
25 purpose of voter registration.

1           **SECTION 136.** 117.20 (2) of the statutes is amended to read:

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

13           **SECTION 137.** 117.27 (2) (b) (intro.) of the statutes is amended to read:

14           117.27 (2) (b) (intro.) The school district clerk shall include in the notice of the  
15 spring election a statement that the election ballot will include a question on the  
16 change requested by the petition. The form of the ballot shall correspond to the form  
17 prescribed by the elections government accountability board under ss. 5.64 (2) and  
18 7.08 (1) (a) and the question on the ballot shall be:

19           **SECTION 138.** 121.91 (3) (c) of the statutes is amended to read:

20           121.91 (3) (c) The referendum shall be held in accordance with chs. 5 to 12. The  
21 school district clerk shall provide the election officials with all necessary election  
22 supplies. The form of the ballot shall correspond substantially with the standard  
23 form for referendum ballots prescribed by the elections government accountability  
24 board under ss. 5.64 (2) and 7.08 (1) (a). The question submitted shall be whether  
25 the limit under sub. (2m) may be exceeded by a specified amount. If the resolution

1 provides that any of the excess revenue will be used for a nonrecurring purpose, the  
2 ballot in the election shall so state and shall specify the amount that will be used for  
3 a nonrecurring purpose. The limit otherwise applicable to the school district under  
4 sub. (2m) is increased by the amount approved by a majority of those voting on the  
5 question.

6 **SECTION 139.** 125.05 (1) (b) 10. of the statutes is amended to read:

7 125.05 (1) (b) 10. Each question submitted to the electors shall conform to the  
8 form prescribed by the ~~elections~~ government accountability board under ss. 5.64 (2)  
9 and 7.08 (1) (a).

10 **SECTION 140.** 165.25 (1) of the statutes is amended to read:

11 165.25 (1) REPRESENT STATE. Except as provided in s. ss. 5.05 (2m) (c) 1. and  
12 978.05 (5), appear for the state and prosecute or defend all actions and proceedings,  
13 civil or criminal, in the court of appeals and the supreme court, in which the state  
14 is interested or a party, and attend to and prosecute or defend all civil cases sent or  
15 remanded to any circuit court in which the state is a party; and, if requested by the  
16 governor or either house of the legislature, appear for and represent the state, any  
17 state department, agency, official, employee, or agent, whether required to appear  
18 as a party or witness in any civil or criminal matter, and prosecute or defend in any  
19 court or before any officer, any cause or matter, civil or criminal, in which the state  
20 or the people of this state may be interested. The public service commission may  
21 request under s. 196.497 (7) that the attorney general intervene in federal  
22 proceedings. All expenses of the proceedings shall be paid from the appropriation  
23 under s. 20.455 (1) (d).

24 **SECTION 141.** 165.25 (4) (e) of the statutes is created to read:

1           165.25 (4) (e) Provide assistance to the enforcement division of the government  
2           accountability board in the investigation and prosecution of violations of chs. 5 to 12,  
3           subch. III of ch. 13, and subch. III of ch. 19.

4           **SECTION 142.** 198.08 (10) of the statutes is amended to read:

5           198.08 (10) ELECTION STATISTICS. The clerk of the district shall seasonably  
6           obtain, compile, and file in his or her office, for the information of the public, a  
7           statement showing the total number of votes cast for the office of governor in the last  
8           preceding general election in each subdistrict of the district. The clerk of every  
9           municipality and the ~~elections~~ government accountability board shall furnish such  
10          information so far as obtainable from their records, duly certified, to the clerk of the  
11          district upon request therefor by the clerk of the district. If the total number of votes  
12          cast in any subdistrict for the office of governor in the last preceding election cannot,  
13          because of an intervening change of boundaries of election wards or for any reason,  
14          be ascertained from any official record the clerk of the district shall fairly estimate  
15          such number for the purposes of such statement to be filed in his or her office.

16          **SECTION 143.** 200.09 (11) (am) 3. of the statutes is amended to read:

17          200.09 (11) (am) 3. If the governing bodies of each city, town, and village  
18          comprising the district pass a resolution to discontinue election of commissioners,  
19          each commissioner may hold office until a successor is appointed and qualified. The  
20          commission shall immediately notify the ~~elections~~ government accountability board  
21          under s. 5.05 upon passage of a resolution under this subdivision.

22          **SECTION 144.** 227.03 (6) of the statutes is amended to read:

23          227.03 (6) Orders of the ~~elections~~ government accountability board under s.  
24          5.06 (6) are not subject to this chapter.

25          **SECTION 145.** 227.03 (6m) of the statutes is created to read:

1           227.03 **(6m)** Cases before the enforcement division of the government  
2           accountability board under s. 5.066 are not subject to this chapter.

3           **SECTION 146.** 227.52 (6) of the statutes is amended to read:

4           227.52 **(6)** Decisions of the chairperson of the ~~elections~~ government  
5           accountability board or the chairperson's designee.

6           **SECTION 147.** 230.03 (4) and (6) of the statutes are amended to read:

7           230.03 **(4)** Except as provided in s. ss. 230.40 (4), 230.405 (1), and 230.80 (1m),  
8           “appointing authority” means the chief administrative officer of an agency unless  
9           another person is authorized to appoint subordinate staff in the agency by the  
10          constitution or statutes.

11          **(6)** “Civil service” means all offices and positions of trust or employment in the  
12          service of the state, but except for purposes of ss. 230.40 and 230.405, excludes all  
13          offices and positions in the organized militia.

14          **SECTION 148.** 230.08 (2) (e) 4h. of the statutes is created to read:

15          230.08 **(2)** (e) 4h. Government accountability board — 3.

16          **SECTION 149.** 230.08 (2) (om) of the statutes is repealed.

17          **SECTION 150.** 230.08 (2) (on) of the statutes is created to read:

18          230.08 **(2)** (on) The executive director of the government accountability board.

19          **SECTION 151.** 230.08 (2) (wm) of the statutes is repealed.

20          **SECTION 152.** 230.08 (4) (a) of the statutes is amended to read:

21          230.08 **(4)** (a) The number of administrator positions specified in sub. (2) (e)  
22          includes all administrator positions specifically authorized by law to be employed  
23          outside the classified service in each department, board or commission and the  
24          historical society. In this paragraph, “department” has the meaning given under s.  
25          15.01 (5), “board” means the educational communications board, government

1 accountability board, investment board, public defender board and technical college  
2 system board and “commission” means the public service commission.  
3 Notwithstanding sub. (2) (z), no division administrator position exceeding the  
4 number authorized in sub. (2) (e) may be created in the unclassified service.

5 **SECTION 153.** 230.40 (1), (2), (4) and (5) of the statutes are amended to read:

6 230.40 (1) No person holding a position in the classified civil service may  
7 directly or indirectly solicit or receive subscriptions or contributions for any partisan  
8 political party or any political purpose while on state time or engaged in official  
9 duties as an employee. No person may orally solicit or by letter transmit any  
10 solicitation to a state office or be in any manner concerned in soliciting any  
11 assistance, subscription, or support for any partisan political party or purpose from  
12 any person holding any position in the classified civil service while on state time or  
13 engaged in official duties as an employee. No person holding any position in the  
14 classified civil service may during the hours when on duty engage in any form of  
15 political activity calculated to favor or improve the chances of any political party or  
16 any person seeking or attempting to hold partisan political office, nor engage in any  
17 political activity when not on duty to such an extent that the person’s efficiency  
18 during working hours will be impaired or that he or she will be tardy or absent from  
19 work. ~~Any violation of this section is adequate grounds for dismissal.~~

20 (2) If a person who holds an appointive position in the classified civil service  
21 ~~declares an intention to run for~~ becomes a candidate for a partisan political office the  
22 person shall be placed on a leave of absence for the duration of the election campaign  
23 and if elected shall separate from the ~~classified~~ civil service on assuming the duties  
24 and responsibilities of such office. In this subsection, “candidate” has the meaning  
25 given in s. 230.405 (1) (c).

1           (4) A person who holds an appointive position in the classified civil service may  
2 be granted upon concurrence by the person's appointing authority a leave of absence  
3 to participate in partisan political campaigning. In this subsection, "appointing  
4 authority" means the individual who has the authority to make appointments to a  
5 position.

6           (5) Persons on leave from the ~~classified~~ civil service under subs. (2) and (4) shall  
7 not be subject to the restrictions of sub. (1), except as they apply to the solicitation  
8 of assistance, subscription or support from any person holding any position in the  
9 classified civil service.

10           **SECTION 154.** 230.40 (7) of the statutes is created to read:

11           230.40 (7) Any violation of this section by a person who holds an appointive  
12 position in the civil service is adequate grounds for discipline, including dismissal.

13           **SECTION 155.** 230.405 of the statutes is created to read:

14           **230.405 Campaign activity.** (1) In this section:

15           (a) "Appointing authority" means the chief administrative officer of a state  
16 agency unless another person is authorized by law to appoint subordinate staff in the  
17 state agency.

18           (b) "Campaign activity" means:

19           1. Organizing or assisting in the organization of an event on behalf of a  
20 candidate, political party, or political committee, but not including recording the date  
21 of an event.

22           2. Soliciting or receiving a contribution on behalf of a candidate, political party,  
23 or political committee.

24           3. Designing or distributing an advertisement paid for by a candidate, political  
25 party, or political committee.

1           4. Designing or distributing brochures, literature, nomination papers, or other  
2 promotional materials, whether in electronic or nonelectronic form, that are paid for  
3 by a candidate, political party, or political committee.

4           5. Organizing or directing individuals for the purpose of securing voluntary  
5 services on behalf of a candidate, political party, or political committee.

6           6. Preparing a budget for a candidate, political party, or political committee.

7           7. Preparing or participating in the conduct of polling relating to political  
8 issues, other than polling conducted by a state legislator to seek input from  
9 constituents.

10          8. Creating or maintaining a list or database of individuals who have made a  
11 contribution or provided voluntary services to a candidate, political party, or political  
12 committee.

13          9. Directing or participating in the recruitment of a candidate for national,  
14 state, or local office.

15          10. Organizing or assisting in the organization of individuals to vote for a  
16 particular candidate or the candidates of a particular political party.

17          11. Transporting individuals to a polling place on behalf of a candidate, political  
18 party, or political committee, or to a rally organized for the purpose of supporting a  
19 candidate or political party.

20          (c) “Candidate” means every person for whom it is contemplated or desired that  
21 votes be cast at any election held within this state, whether or not the person is  
22 elected or nominated, and who either tacitly or expressly consents to be so  
23 considered. A person does not cease to be a candidate by virtue of the passing of the  
24 date of an election.

25          (d) “Contribution” has the meaning given in s. 11.01 (6) and 2 USC 431 (8).

1 (e) "Disbursement" has the meaning given in s. 11.01 (7) and the meaning given  
2 for the term "expenditure" in 2 USC 431 (9).

3 (f) "Legislative campaign committee" has the meaning given in s. 11.01 (12s).

4 (g) "Local office" has the meaning given in s. 5.02 (9).

5 (h) "National office" has the meaning given in s. 5.02 (12).

6 (i) "Personal campaign committee" has the meaning given in s. 11.01 (15) and  
7 includes a federal candidate committee, as defined in s. 11.06 (3m) (a).

8 (j) "Political committee" means any person other than an individual and any  
9 combination of 2 or more persons, permanent or temporary, that makes or accepts  
10 contributions or makes disbursements, whether or not engaged in activities that are  
11 exclusively political, and includes a legislative campaign committee, a personal  
12 campaign committee, and a political committee, as defined in 2 USC 431 (4).

13 (k) "Political party" has the meaning given in s. 5.02 (13) and 2 USC 431 (13).

14 (L) "State agency" has the meaning given in s. 20.001 (1).

15 (m) "State office" has the meaning given in s. 5.02 (23).

16 **(2)** No appointing authority of a person holding an appointive position in the  
17 civil service may assign or authorize campaign activity to be performed on state time,  
18 or with the use of state resources, or on any property owned or leased by the state.

19 **(3)** No person holding a position in the civil service may use, or make available  
20 for use by another, state resources or property owned or leased by the state in  
21 connection with campaign activity except to the extent that the resources or property  
22 are available to be used by any person under similar circumstances.

23 **(4)** No person holding an appointive position in the civil service may engage in  
24 campaign activity:

25 (a) While the person is engaged in his or her employment.

1 (b) While on any form of paid leave, including compensatory time granted for  
2 time worked in excess of normal hours, other than annual leave or paid holiday leave  
3 and then only after having received approval from his or her appointing authority  
4 to use the leave for that purpose.

5 (c) During the established hours of employment for the person, unless the  
6 person has submitted to his or her appointing authority a request to work variant  
7 hours or to take unpaid leave and has obtained from the appointing authority a  
8 written finding that the use of variant hours or the taking of unpaid leave will not  
9 be contrary to the efficient provision of public services by the state agency for which  
10 the person performs services. For an employee of the legislature under s. 13.20, the  
11 appointing authority must find that the use of variant hours or the taking of unpaid  
12 leave will not be contrary to the efficient provision of public services by the house or  
13 houses for which the employee performs services.

14 (5) No decision affecting the continued employment of a person holding an  
15 appointive position in the civil service, or affecting the salary, benefits, hours, terms,  
16 or other conditions of employment of such a person, may be based in any manner or  
17 to any degree on the failure of the person to participate in campaign activity or the  
18 failure to make a contribution.

19 (6) Any violation of this section by a person who holds an appointive position  
20 in the civil service is adequate grounds for discipline, including dismissal.

21 **SECTION 156.** 234.02 (3m) (c) of the statutes is amended to read:

22 234.02 (3m) (c) The authority shall, with the advice of the ~~ethics~~ government  
23 accountability board, adopt and enforce ethics guidelines applicable to its paid  
24 consultants which are similar to subch. III of ch. 19, except that the authority may  
25 not require its paid consultants to file financial disclosure statements.

1           **SECTION 157.** 560.04 (2m) of the statutes is amended to read:

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

11          **SECTION 158.** 778.135 of the statutes is amended to read:

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

22          **SECTION 159.** 778.136 of the statutes is amended to read:

23          **778.136 Ethics and lobbying forfeitures; how recovered.**  
24          Notwithstanding s. 778.13, whenever any moneys are received by the ethics  
25          government accountability board or attorney general in settlement of a civil action

1 or other civil matter for violation of the lobbying law or code of ethics for state public  
2 officials and employees under s. 19.545, the moneys shall accrue to the state and be  
3 deposited with the secretary of administration.

4 **SECTION 160.** 971.19 (12) of the statutes is created to read:

5 971.19 (12) In an action for a violation of chs. 5 to 12, subch. III of ch. 13, or  
6 subch. III of ch. 19, a defendant who is a resident of this state shall be tried in circuit  
7 court for the county where the defendant resides.

8 **SECTION 161. Nonstatutory provisions.**

9 (1) TRANSFER OF ELECTIONS BOARD.

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

13 (b) *Positions and employees.*

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

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

19 3. Employees transferred under subdivision 2. have all the rights and the same  
20 status under subchapter V of chapter 111 and chapter 230 of the statutes in the  
21 government accountability board that they enjoyed in the elections board  
22 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,  
23 no employee so transferred who has attained permanent status in class is required  
24 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, 2003 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 June 1, 2007.

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 the effective  
12 date of this paragraph, 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, of the members of the government accountability  
15 who are initially nominated by the governor, and with the advice and consent of the  
16 assembly and the senate appointed, 2 members who have prosecutorial experience  
17 and one other member who is not a retired judge of a court of record in this state shall  
18 be appointed to serve for terms expiring on May 1, 2009, and 2 members who have  
19 prosecutorial experience and one member who is a retired judge of a court of record  
20 in this state and one other member shall be appointed to serve for terms expiring on  
21 May 1, 2011.

22          (d) Notwithstanding section 15.603 (1) of the statutes, as created by this act,  
23 the person who is initially appointed to serve as administrator of the enforcement  
24 division of the government accountability board shall serve for a term expiring on  
25 September 1, 2011.

1 (4) IMPLEMENTATION.

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

14 (5) INITIAL NOMINATIONS. The governmental accountability candidate  
15 committee under section 15.60 (2) of the statutes, as created by this act, shall submit  
16 its initial nominations of individuals to serve as members of the government  
17 accountability board no later than November 1, 2006.

18 **SECTION 162. Effective dates.** This act takes effect on June 1, 2007, except  
19 as follows:

20 (1) The treatment of sections 5.052, 5.054, 15.07 (5) (m), 15.60, 15.603, 20.923  
21 (4) (intro.), (e) 2e., and (f) 3j., 230.08 (2) (e) 4h. and (on) and (4) (a) of the statutes, the  
22 renumbering and amendment of section 15.03 of the statutes, the creation of section  
23 15.03 (2) of the statutes, and SECTION 161 (3) (b) to (d) and (4) of this act take effect  
24 on January 1, 2007.

25 (END)