



State of Wisconsin  
2005-2006 LEGISLATURE

2007

wanted by Tue 10/17

-0224/1  
LRBs0676/1

JTK:ex:rs

WJ

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

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twice.)

(regenerate)

**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.,  
15.07 (5) (k), 15.07 (5) (n), 15.61, 15.62, 19.42 (10) (a), 19.47 (2), 19.47 (4), 20.510  
(intro.), 20.510 (1) (title), 20.510 (1) (a), 20.510 (1) (bm), 20.510 (1) (c), 20.510  
(1) (d), 20.510 (1) (g), 20.510 (1) (h), 20.510 (1) (i), 20.510 (1) (j), 20.510 (1) (q),  
20.510 (1) (t), 20.510 (1) (x), 20.521 (intro.), 20.521 (1) (title), 20.521 (1) (a),  
20.521 (1) (b), 20.521 (1) (g), 20.521 (1) (h), 20.521 (1) (i), 20.923 (4) (d) 3., 20.923  
(4) (d) 4., 230.08 (2) (om) and 230.08 (2) (wm); **to renumber and amend** 15.03,  
15.617, 19.46 (2), 19.55 (2) (a) and 19.55 (2) (b); **to amend** 5.02 (1s), 5.05 (title),  
5.05 (1) (intro.), 5.05 (1) (b), 5.05 (1) (c), 5.05 (3) (a), 5.40 (7), 5.62 (4) (b), 6.26  
(2) (b), 6.26 (2) (c), 6.56 (2) to (5), 7.08 (title), 7.15 (1) (g), 7.23 (2), 7.31 (5), 7.60  
(4) (a), 7.60 (5), 7.70 (1), 7.70 (5) (b), 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 (1) (a) 1., 9.01 (1) (ar) 2., 9.01 (10), 11.21  
(title), 11.21 (7) (intro.), 11.22 (4), 11.61 (2), 13.123 (3) (b) 2., 13.23, 13.62 (4),

1 13.685 (title), 13.94 (1) (k), 14.58 (20), 15.07 (1) (cm), 15.07 (4), 16.79 (2), 16.96  
 2 (3) (b), 16.973 (6), 17.07 (6), 17.17 (1), 17.17 (4), 19.42 (3), 19.43 (4), 19.43 (5),  
 3 19.45 (6), 19.46 (1) (intro.), 19.47 (5), 19.50 (2), 19.54 (2), 19.55 (1), 19.55 (2) (c),  
 4 19.59 (8) (a) and (c), 19.59 (8) (cn), 19.59 (8) (d), 19.85 (1) (h), 20.923 (4) (intro.),  
 5 59.605 (3) (a) 3., 67.05 (3) (b), 67.05 (6), 71.10 (3) (b), 73.0301 (1) (d) 13., 73.0301  
 6 (1) (e), 85.61 (1), 117.20 (2), 117.27 (2) (b) (intro.), 121.91 (3) (c), 125.05 (1) (b)  
 7 10., 165.25 (1), 198.08 (10), 200.09 (11) (am) 3., 227.03 (6), 227.52 (6), 230.08 (4)  
 8 (a), 234.02 (3m) (c), 560.04 (2m), 778.135 and 778.136; **to repeal and recreate**  
 9 11.60 (4), 15.07 (1) (a) 2. and 19.579; and **to create** 5.05 (1m), 5.05 (2m), 5.05  
 10 (3m), 5.05 (5s) (title) and (d), 5.052, 5.054, 5.066, 15.03 (2), 15.07 (2) (n), 15.07  
 11 (5) (m), 15.60, 15.603, 19.85 (1) (fm), 20.923 (4) (e) 2e., 20.923 (4) (f) 3j., 165.25  
 12 (4) (e), 227.03 (6m), 230.08 (2) (e) 4h., 230.08 (2) (on), 758.19 (9) and 971.19 (12)

13 of the statutes; **relating to:** creation of a Government Accountability Board  
 14 *enforcement of elections, ethics, and lobbying regulation laws* and providing penalties.

*eight or*  
**Analysis by the Legislative Reference Bureau**

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

*as of November 1, 2006*

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 except the retired judge are nominated by the governor and appointed with the advice and consent of the assembly and senate. Each of the members other than the retired judge 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 court of appeals 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. The retired judge is appointed by the nominating committee on a random basis from a register of retired judges. The retired judge serves as chairperson of the board. 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 specified by the board 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

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authority to investigate violations of the elections, ethics, and lobbying regulation laws 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~~ requires the Enforcement Division to obtain the approval of the board before commencing a prosecution. The vote of at least four members of the board is required for approval. 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 <sup>retaining</sup> 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 terminates the investigation by a vote of at least four members of the board. 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 <sup>the</sup> 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. Under the ~~substitute amendment~~, a district attorney may refer to the board any matter concerning a possible violation of the elections, ethics, or lobbying regulation laws. If a district attorney refers to the board a matter concerning a possible criminal violation of the elections laws in an election for state or national office or an alleged violation of the 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 prosecution concerning any violation of the elections, ethics, or lobbying regulation laws. The district attorney is prohibited from commencing a prosecution with respect to a violation of the election laws in an election for state or national office, or a violation of the ethics or lobbying regulation laws by a state official unless the board notifies the district attorney that it will not commence a prosecution, or the board does not commence a prosecution within 30 days after receiving the notice.

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

*the district attorney receives*

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period until the investigation is concluded. 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. If the Enforcement Division commences any prosecution for a violation of the elections, ethics, or lobbying regulation laws, the division 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.

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 Enforcement 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 Enforcement 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.

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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.

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*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

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1 laws relating to elections and election campaigns. Pursuant to such responsibility,  
2 the board may:

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

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

5 5.05 (1) (b) In the discharge of its duties and upon after providing notice to the  
6 any party or parties being investigated who is the subject of an investigation,  
7 subpoena and bring before it any person in the state and require the production of  
8 any papers, books, or other records relevant to an investigation. A circuit court may  
9 by order permit the inspection, and copying of the accounts and the depositor's and  
10 loan records at any financial institution, as defined in s. 705.01 (3), doing business  
11 in the state to obtain evidence of any violation of ch. 11 upon showing by the board  
12 of probable cause to believe there is a violation and that such accounts and records  
13 may have a substantial relation to the violation. In the discharge of its duties, the  
14 board may cause the deposition of witnesses to be taken in the manner prescribed  
15 for taking depositions in civil actions in circuit court. The board shall delegate to the  
16 enforcement division the power to issue subpoenas and to obtain search warrants  
17 under this paragraph on behalf of the board, subject to the procedures under s. 5.066  
18 (6). The delegation is supplemental to the board's exercise of direct authority under  
19 this paragraph.

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

21 5.05 (1) (c) Bring civil or criminal actions to require forfeitures for any violation  
22 of ch. 11 under s. 11.60. Forfeiture actions brought by the board may concern only  
23 violations with respect to reports or statements required by law to be filed with it,  
24 and other violations arising under elections for state office or statewide referenda  
25 chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19. The board may compromise

1 and settle any civil action or potential action brought or authorized to be brought by  
2 it under ~~ch.11~~ which, in the opinion of the board, constitutes a minor violation, a  
3 violation caused by excusable neglect, or which for other good cause shown, should  
4 not in the public interest be prosecuted under such chapter. Notwithstanding s.  
5 778.06, ~~an a~~ civil action or proposed civil action authorized under this paragraph may  
6 be settled for such sum as may be agreed between the parties. Any settlement made  
7 by the board shall be in such amount as to deprive the alleged violator of any benefit  
8 of his or her wrongdoing and may contain a penal component to serve as a deterrent  
9 to future violations. In settling actions or proposed actions, the board shall treat  
10 comparable situations in a comparable manner and shall assure that any settlement  
11 bears a reasonable relationship to the severity of the offense or alleged offense.  
12 Forfeiture actions brought by the board shall be brought in the circuit court for the  
13 county wherein the violation is alleged to occur.

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

15 5.05 **(1m)** EXECUTIVE DIRECTOR; LEGAL COUNSEL. The board shall employ an  
16 executive director outside the classified service and shall employ legal counsel to  
17 perform legal services outside the enforcement division.

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

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



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

4 (c) 1. The board shall employ at least one full-time attorney and at least one  
5 full-time staff support individual within the enforcement division. The enforcement  
6 division may, with or without approval of the board, investigate any possible civil or  
7 criminal violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 in the name  
8 of the board. The jurisdiction of the enforcement division is concurrent with the  
9 jurisdiction of the board, the district attorneys, and where authorized, the attorney  
10 general to conduct investigations and enforce these laws. The enforcement division  
11 may request authorization of the board to obtain the assistance of special counsel to  
12 conduct investigations or to prosecute violations of these laws. The enforcement  
13 division may also request assistance from the department of justice to conduct  
14 investigations or to prosecute violations of these laws.

15 2. Upon opening or concluding an investigation of any alleged violation of chs.  
16 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, the board shall notify the district  
17 attorney for the county wherein the violation is alleged to occur. Upon opening or  
18 concluding an investigation of any alleged violation of chs. 5 to 12, subch. III of ch.  
19 13, or subch. III of ch. 19, a district attorney shall notify the board. Upon request of  
20 the board or a district attorney, the board and district attorney shall each share  
21 information in their possession relating to any alleged violation of chs. 5 to 12, subch.  
22 III of ch. 13, or subch. III of ch. 19. If the board notifies the district attorney for any  
23 county that it has opened an investigation of an alleged violation of chs. 5 to 12,  
24 subch. III of ch. 13, or subch. III of ch. 19 that is prosecutable in circuit court for that  
25 county, the district attorney shall suspend any investigation of the same alleged

1 violation that the district attorney is conducting until the board notifies the district  
2 attorney that it has concluded its investigation and it will not prosecute the alleged  
3 violation or there elapse 30 days from the date of the board's notification that its  
4 investigation is concluded and the board does not commence a prosecution of the  
5 alleged violation.

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

16 4. If a district attorney opens an investigation of a possible violation of chs. 5  
17 to 12, subch. III of ch. 13, or subch. III of ch. 19, the district attorney shall report to  
18 the board concerning the status of the investigation no later than the end of each  
19 consecutive 90-day period, beginning on the day that the investigation is opened and  
20 ending on the day that the investigation is concluded.

21 5. Each individual who is retained by the board to act as an investigator shall  
22 make periodic reports to the board, as directed by the board, but in no case may the  
23 interval for reporting exceed 90 days. If the administrator of the enforcement  
24 division investigates any matter without retention of an investigator, the  
25 administrator shall make periodic reports to the board, as directed by the board, but

1 in no case may the reporting interval exceed 90 days. If, after receiving a report, the  
2 board does not terminate the investigation by a vote of at least 4 members of the  
3 board, the investigation is continued.

4 6. Prior to commencing any prosecution with respect to an alleged violation of  
5 chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, a district attorney shall provide  
6 written notice to the board. The district attorney shall not commence a prosecution  
7 with respect to an alleged violation of chs. 5 to 12 in an election for state or national  
8 office, or an alleged violation of subch. III of ch. 13 or subch. III of ch. 19 by an elective  
9 state official, as defined in s. 13.62 (6), or a state public official, as defined in s. 19.42  
10 (14), unless the board notifies the district attorney in writing that it will not  
11 commence a prosecution with respect to that alleged violation or the board fails to  
12 commence a prosecution with respect to that alleged violation within 30 days after  
13 receiving notice from the district attorney under this subdivision.

14 7. If a district attorney commences a criminal prosecution for an alleged  
15 violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, the district attorney  
16 shall report to the board concerning the status of the prosecution no later than the  
17 end of each consecutive 180-day period, beginning on the day that the prosecution  
18 is commenced and ending on the day that the prosecution is concluded.

19 8. If the enforcement division commences a prosecution for an alleged violation  
20 of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, the division shall report to  
21 the board concerning the status of the prosecution no later than the end of each  
22 consecutive 180-day period, beginning on the day that the prosecution is commenced  
23 and ending on the day that the prosecution is concluded.

1 9. The enforcement division may file a complaint against any person only upon  
2 authorization by the board. A vote of at least 4 members of the board is required for  
3 authorization.

4 10. Upon employment of any individual to serve as special counsel for the  
5 enforcement division, the administrator of the division shall certify the maximum  
6 amount provided in the employment contract to the secretary of administration, and  
7 direct the department of administration to pay special counsel bills related to that  
8 case within the certified amount.

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

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

15 5.05 (3) (a) The board shall upon complaint by any person or on its own motion  
16 investigate violations of the elections laws and shall notify the district attorney of the  
17 proper county, or the attorney general ~~or the governor~~ where appropriate under s.  
18 11.60 (4) or 11.61 (2) of any facts within its knowledge or evidence in its possession  
19 which may be grounds for civil action or criminal prosecution.

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

21 5.05 (3m) CHIEF ELECTION OFFICER. The board shall designate an employee of  
22 the board to serve as the chief election officer of this state.

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

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

25 5.05 (5s) (title) ACCESS TO RECORDS.

*(f) Whenever under this subsection an investigation or civil prosecution relates to an alleged violation of ch. 11 that arises out of an election for county office or a county referendum within a county that is served by a board of election commissioners, all references to the district attorney for that county shall include, in addition, the board of election commissioners.*

1 (d) All records of votes taken upon actions by the board are open to public  
2 inspection and copying under s. 19.355 (1)

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

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

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

6 **5.052 Government accountability candidate committee. (1)** The  
7 government accountability candidate committee shall organize whenever a vacancy  
8 occurs in the membership of the board that requires a nomination to be submitted  
9 to the governor under s. 15.60 (2).

10 **(2)** No person may be nominated by the committee unless the person receives  
11 the unanimous approval of the committee.

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

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

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

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

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

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

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

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

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

23 **5.054 Duties of the executive director.** The executive director of the board  
24 shall:

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

3           (2) Assist the government accountability candidate committee in the  
4           performance of its functions.

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

6           **5.066 Complaints and decision-making procedure. (1)** In this section:

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

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

11          (c) “Local governmental unit” has the meaning given in s. 16.97 (7).

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

13          (2) Any person may file a verified complaint with the division alleging a  
14          violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19. The division shall  
15          investigate the complaint unless the division finds the complaint to be without merit.  
16          The division may, on its own motion or upon direction of the board, investigate any  
17          possible violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 whenever  
18          the division has probable cause to believe that a violation has occurred. If the  
19          division finds, by a preponderance of evidence, that a complaint is frivolous, the  
20          division may order the complainant to forfeit not more than the greater of \$500 or  
21          the expenses incurred in investigating the complaint. The attorney general, when  
22          so requested by the division, shall institute proceedings to recover any forfeiture  
23          incurred under this subsection that is not paid by the person against whom it is  
24          assessed.

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

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

11           **(5)** The division may order an election official or a private person to act in  
12 conformity with chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 or rules of the  
13 board, or may, by order, impose a civil penalty under s. 11.60 or 12.60 (1) (c) or (d),  
14 13.69, or 19.579 for any violation of ch. 11 or 12, subch. III of ch. 13, or subch. III of  
15 ch. 19 for which a civil penalty is applicable.

16           **(6)** Subject to the procedures under this subsection, the division may, in the  
17 discharge of its functions under this section and after providing notice to any party  
18 who is the subject of an investigation, subpoena and bring before it any person and  
19 require the production of any papers, books, or other records relevant to an  
20 investigation. Prior to issuing a subpoena or obtaining a search warrant, the division  
21 shall submit a written request for this purpose to the board. If the board does not  
22 disapprove the request within 10 days of receiving the request, the division may  
23 issue the subpoena or obtain the search warrant. A circuit court may by order permit  
24 the inspection and copying of the accounts and the depositor's and loan records at any  
25 financial institution, as defined in s. 705.01 (3), doing business in this state to obtain

1 evidence of any violation of ch. 11 or 12, subch. III of ch. 13, or subch. III of ch. 19  
2 upon a showing by the division of probable cause to believe there is a violation and  
3 that such accounts and records may have a substantial relation to the violation. In  
4 the discharge of its functions under this section, the division may cause the  
5 deposition of witnesses to be taken in the manner prescribed for taking depositions  
6 in civil actions in circuit court.

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

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

21       **(9)** If a proposed decision of the division is appealed to the board, the board shall  
22 hear the appeal at its next meeting occurring at least 3 working days after the appeal  
23 is received by the board. In reviewing the decision of the division, the board is not  
24 bound by any finding of fact that is contested or any conclusion of law made by the  
25 division. After hearing the appeal, the board may issue a decision, which shall



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

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

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

22 **(12)** When the enforcement division issues an order imposing a forfeiture  
23 under sub. (2) or s. 11.60, 12.60 (1) (c) or (d), 13.69, or 19.579 that is not appealed in  
24 a timely manner under sub. (8) or (11), or when the board issues an order imposing  
25 a forfeiture under sub. (2) or s. 11.60, 12.60 (1) (c) or (d), 13.69, or 19.579 and the

1 period allowed under s. 227.57 for judicial review of the order expires, the division  
2 or board may file a copy of its order with the clerk of circuit court for Dane County.  
3 The clerk shall thereupon enter the order in the judgment and lien docket in the same  
4 manner as provided for entry of civil judgments under s. 806.10. The division or  
5 board may also enter the order on the judgment and lien docket of any other county  
6 under s. 806.13. The order may be enforced and satisfied in the same manner as  
7 provided for enforcement and satisfaction of civil judgments.

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

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

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

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

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

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

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

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

8           6.26 **(2)** (b) The municipal clerk, board of election commissioners, or elections  
9           government accountability board may appoint any applicant who qualifies under  
10          this subsection, unless the applicant's appointment has been revoked by a  
11          municipality or by the board for cause. The municipal clerk, board of election  
12          commissioners, or elections government accountability board may revoke an  
13          appointment made by the clerk, board of election commissioners, or elections  
14          government accountability board for cause at any time.

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

16          ~~6.26 (2) (c) No individual may serve as a special registration deputy in a~~  
17          municipality unless the individual is appointed by the municipal clerk or board of  
18          election commissioners of the municipality or the individual is appointed by the  
19          elections government accountability board to serve all municipalities.

20          **SECTION 22.** 6.56 ~~(2)~~<sup>(3)</sup> to (5) of the statutes are amended to read:

21          6.56 **(2)** Upon receipt of the list, the municipal clerk shall make a check to  
22          determine whether each person who has been allowed to vote under s. 6.55 (3) is  
23          properly registered. If so, the clerk shall correct the registration list. If the address  
24          on the registration list is not correct, the clerk shall correct the address. The clerk  
25          shall then notify the elector by postcard when he or she is properly registered. If such

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1 person is found not to be properly registered, the clerk shall send the person a 1st  
 2 class letter with that information, containing a mail registration form under s. 6.30  
 3 (4). The letter shall be marked in accordance with postal regulations to ensure that  
 4 it will be returned to the clerk if the elector does not reside at the address given on  
 5 the postcard. If such letter is returned undelivered, or if the U.S. postal service  
 6 notifies the clerk of an improper address which was apparently improper on the day  
 7 of the election, the clerk shall notify the district attorney and the board.

8 (3) Upon receipt of the list under sub. (1), the municipal clerk or board of  
 9 election commissioners shall make an audit of all electors registering to vote at the  
 10 polling place or other registration location under s. 6.55 (2) and all electors  
 11 registering by agent on election day under s. 6.86 (3) (a) 2. The audit shall be made  
 12 by 1st class postcard. The postcard shall be marked in accordance with postal  
 13 regulations to ensure that it will be returned to the clerk or board of election  
 14 commissioners if the elector does not reside at the address given on the postcard. If  
 15 any postcard is returned undelivered, or if the clerk or board of election  
 16 commissioners is informed of a different address than the one specified by the elector  
 17 which was apparently improper on the day of the election, the clerk or board shall  
 18 change the status of the elector from eligible to ineligible on the registration list and  
 19 mail the elector a notice of the change in status and provide the name to the district  
 20 attorney for the county where the polling place is located and the board.

21 (4) After each election, the municipal clerk shall carefully check to assure that  
 22 no person has been allowed to vote more than once. Whenever the municipal clerk  
 23 has good reason to believe that a person has voted more than once in an election, the  
 24 clerk shall send the person a 1st class letter marked in accordance with postal  
 25 regulations to ensure that it will be returned to the clerk if the elector does not reside

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1 at the address given on the letter. The letter shall inform the person that all  
 2 registrations relating to that person may be changed from eligible to ineligible status  
 3 within 7 days unless the person contacts the office of the clerk to clarify the matter.  
 4 A copy of the letter and of any subsequent information received from or about the  
 5 addressee shall be sent to the district attorney and the board.

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

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

14 **7.08 (title) Elections Government accountability board.**

15 **SECTION 24.** 7.08 (7) of the statutes is repealed.

16 **SECTION 25.** 7.15 (1) (g) of the statutes is amended to read:

17 7.15 (1) (g) Report suspected election frauds, irregularities or violations of  
 18 which the clerk has knowledge to the district attorney and the board.

19 **SECTION 26.** 7.23 (2) of the statutes is amended to read:

20 7.23 (2) If there is a demand for a recount, notice of an election contest or any  
 21 contest or litigation pending with respect to an election, materials may be destroyed  
 22 and recorders, units or compartments may be cleared or erased only by order of the  
 23 judge in whose court litigation is pending or if no litigation is pending, by order of any  
 24 circuit judge for the affected jurisdiction. Upon petition of the board, the attorney  
 25 general or, a district attorney or the U.S. attorney for the affected jurisdiction, a

1 circuit judge for the affected jurisdiction may order that specified materials not be  
2 destroyed or that specified recorders, units or compartments not be cleared or erased  
3 as otherwise authorized under this subsection until the court so permits. The  
4 governor may by order permit the clearing of voting machine recorders on machines  
5 needed to conduct a special election prior to the time authorized under this  
6 subsection, unless there is a demand for recount, notice of an election contest or a  
7 contest or litigation pending, or a court of record orders that the recorders not be  
8 cleared.

9 SECTION 27. 7.31 (5) of the statutes is amended to read:

10 7.31 (5) The board shall conduct regular training programs to ensure that  
11 individuals who are certified by the board under this section are knowledgeable  
12 concerning their authority and responsibilities. ~~The board shall pay all costs~~  
13 ~~required to conduct the training programs from the appropriation under s. 20.510 (1)~~  
14 ~~(bm).~~

15 SECTION 28. 7.60 (4) (a) of the statutes is amended to read:

16 7.60 (4) (a) The board of canvassers shall make separate duplicate statements  
17 showing the numbers of votes cast for the offices of president and vice president; state  
18 officials; U.S. senators and representatives in congress; state legislators; justice;  
19 court of appeals judge; circuit judges; district attorneys; and metropolitan sewerage  
20 commissioners, if the commissioners are elected under s. 200.09 (11) (am). If a  
21 municipal judge elected under s. 755.01 (4) serves a municipality that is located  
22 partially within the county and candidates for that judgeship file nomination papers  
23 in another county, the board of canvassers shall prepare a duplicate statement  
24 showing the numbers of votes cast for that judgeship in that county for transmittal  
25 to the other county. For partisan candidates, the statements shall include the

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

11 **SECTION 29.** 7.60 (5) of the statutes is amended to read:

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

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

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

17 **SECTION 30.** 7.70 (1) of the statutes is amended to read:

18 **7.70 (1) RECORDING AND PRESERVING RETURNS.** (a) Upon receipt of the certified  
19 statements from the county clerks, the elections board shall record the election  
20 results by counties and file and carefully preserve the statements.

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



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

3 **SECTION 31.** 7.70 (5) (b) of the statutes is amended to read:

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

11 **SECTION 32.** 8.05 (1) (j) 3. of the statutes, ~~as affected by 2005 Wisconsin Act 149.~~<sup>g</sup>

12 is amended to read:

13 8.05 (1) (j) 3. A candidate for municipal judge shall, in addition to making the  
14 filings required under subd. 2., file a statement of economic interests with the ethics  
15 board under s. 19.43 (4) no later than 4:30 p.m. on the 5th day after notification of  
16 nomination is mailed or personally delivered to the candidate, or no later than  
17 4:30 p.m. on the next business day after the last day for filing a declaration of  
18 candidacy whenever that candidate is granted an extension of time for filing a  
19 declaration of candidacy under subd. 2.

20 **SECTION 33.** 8.10 (5) of the statutes is amended to read:

21 8.10 (5) Nomination papers shall be accompanied by a declaration of candidacy  
22 under s. 8.21. If a candidate has not filed a registration statement under s. 11.05 at  
23 the time he or she files nomination papers, the candidate shall file the statement  
24 with the papers. A candidate for state office or municipal judge shall also file a  
25 statement of economic interests with the ethics board under s. 19.43 (4) no later than

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

5 **SECTION 34.** 8.15 (4) (b) of the statutes is amended to read:

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

15 **SECTION 35.** 8.18 (2) of the statutes is amended to read:

16 8.18 (2) The purpose of the convention is to nominate one presidential elector  
17 from each congressional district and 2 electors from the state at large. The names  
18 of the nominees shall be certified immediately by the chairperson of the state  
19 committee of each party to the chairperson of the elections board.

20 **SECTION 36.** 8.20 (6) of the statutes is amended to read:

21 8.20 (6) Nomination papers shall be accompanied by a declaration of candidacy  
22 under s. 8.21. If a candidate for state or local office has not filed a registration  
23 statement under s. 11.05 at the time he or she files nomination papers, the candidate  
24 shall file the statement with the papers. A candidate for state office shall also file  
25 a statement of economic interests with the ethics board under s. 19.43 (4) no later

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

5 **SECTION 37.** 8.50 (3) (a) of the statutes is amended to read:

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

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

22 8.50 (3) (e) In a special election for a state or national office, the county clerk  
23 or board of election commissioners shall transmit the statement of the county board  
24 of canvassers to the elections government accountability board no later than 7 days  
25 after the special primary and 13 days after the special election.

SECTION 39. 9.01 (1) (a) 1. of the statutes, as affected by 2005 Wisconsin Act 149,

is amended to read:

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

SECTION 40. 9.01 (1) (ag) 4. of the statutes is repealed.

SECTION 41. 9.01 (1) (ar) 2. of the statutes is amended to read:

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

SECTION 42. 9.01 (10) of the statutes is amended to read:

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

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1 SECTION 43. 11.21 (title) of the statutes is amended to read:

2 11.21 (title) <sup>ⓑ government accountability</sup> ~~Duties of the elections board.~~

3 SECTION 44. 11.21 (7) (intro.) of the statutes is amended to read:

4 11.21 (7) (intro.) Include in its biennial report under s. 5.05 (5) 15.04 (1) (d)  
5 compilations of any of the following in its discretion:

6 SECTION 45. 11.22 (4) of the statutes is amended to read:

7 11.22 (4) Notify the board, the district attorney, or the attorney general where  
8 appropriate under ss. 11.60 (4) and 11.61 (2), in writing, of any facts within the filing  
9 officer's knowledge or evidence in the officer's possession, including errors or  
10 discrepancies in reports or statements and delinquencies in filing which may be  
11 grounds for civil action or criminal prosecution. The filing officer shall transmit a  
12 copy of such notification to the board. The board, district attorney, or the attorney  
13 general shall advise the filing officer in writing at the end of each 30-day period of  
14 the status of such matter until the time of disposition. The district attorney or  
15 attorney general shall transmit a copy of each any such notice to the board.

16 SECTION 46. 11.60 (4) of the statutes, ~~as affected by 2005 Wisconsin Act 177,~~

17 is repealed and recreated to read:

18 11.60 (4) <sup>subject to the procedures under § 505 (2m), actions</sup> ~~Actions~~ under this section may be brought by the board or by the

19 district attorney for the county where the violation is alleged to have occurred, except  
20 as specified in s. 11.38. <sup>Subject to the procedures under § 505 (2m), actions</sup> ~~Actions~~ under this section arising out of an election for county

21 office or a county referendum may be brought by the county board of election  
22 commissioners of the county where the violation is alleged to have occurred. If a  
23 violation concerns a district attorney or circuit judge or a candidate for either such  
24 office, the action shall be brought by the board or by the attorney general.

25 SECTION 47. 11.61 (2) of the statutes is amended to read:

1           11.61 (2) Except as provided in s. 11.38 (5), all prosecutions under this section  
 2 shall be conducted by the board or by district attorney of for the county where the  
 3 violation is alleged to have occurred. ~~If the district attorney refuses to act upon a~~  
 4 ~~sworn complaint, or fails to act upon such a complaint within 60 days of the date on~~  
 5 ~~which the complaint is received, the attorney general may then conduct the~~  
 6 ~~prosecution under this section.~~ <sup>subject to the procedures under so 5005(2m)</sup> If a violation concerns a district attorney or circuit  
 7 judge or a candidate for such offices either such office, the prosecution shall be  
 8 conducted by the board or by the attorney general. ~~If a violation concerns the~~  
 9 ~~attorney general or a candidate for such office, the governor may appoint a special~~  
 10 ~~prosecutor under s. 14.11 (2) to conduct the prosecution in behalf of the state. The~~  
 11 ~~prosecutor shall be independent of the attorney general and need not be a state~~  
 12 ~~employee at the time of appointment.~~ <sup>restre=plain</sup>

13           **SECTION 48.** 13.123 (3) (b) 2. of the statutes is amended to read:

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

18           **SECTION 49.** 13.23 of the statutes is amended to read:

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

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

4 **SECTION 50.** 13.62 (4) of the statutes is amended to read:

5 13.62 (4) "Board" means the ethics government accountability board.

6 **SECTION 51.** 13.685 (title) of the statutes is amended to read:

7 **13.685** (title) **Duties of the ethics government accountability board.**

8 **SECTION 52.** 13.94 (1) (k) of the statutes is amended to read:

9 13.94 (1) (k) Provide auditing services at the direction of the elections  
10 government accountability board under s. 5.05 (2).

11 **SECTION 53.** 14.58 (20) of the statutes is amended to read:

12 14.58 (20) ELECTION CAMPAIGN FUND. Make disbursements to each candidate  
13 certified under s. 7.08 (2) (c) or (cm) by the elections government accountability board  
14 as eligible to receive moneys from the Wisconsin election campaign fund.

15 **SECTION 54.** 15.03 of the statutes is renumbered 15.03 (intro.) and amended  
16 to read:

17 **15.03 Attachment for limited purposes.** (intro.) Any division, office,  
18 commission, council or board attached under this section to a department or  
19 independent agency or a specified division thereof shall be a distinct unit of that  
20 department, independent agency or specified division. Any division, office,  
21 commission, council or board so attached shall exercise its powers, duties and  
22 functions prescribed by law, including rule making, licensing and regulation, and  
23 operational planning within the area of program responsibility of the division, office,  
24 commission, council or board, independently of the head of the department or  
25 independent agency, but budgeting, program coordination and related management

1 functions shall be performed under the direction and supervision of the head of the  
2 department or independent agency, except that with:

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

9 **SECTION 55.** 15.03 (2) of the statutes is created to read:

10 15.03 (2) ENFORCEMENT DIVISION OF GOVERNMENT ACCOUNTABILITY BOARD. With  
11 respect to the enforcement division of the government accountability board, all  
12 budget requests by the division shall be submitted by the board to the department  
13 of administration without change except as concurred in by the division.

14 **SECTION 56.** 15.07 (1) (a) 2. of the statutes is repealed and recreated to read:

15 15.07 (1) (a) 2. Members of the government accountability board except the  
16 member who is appointed under s. 15.60 (4) shall be nominated by the governor, and  
17 with the advice and consent of the assembly and senate appointed, to serve for terms  
18 prescribed by law.

19 **SECTION 57.** 15.07 (1) (cm) of the statutes, as affected by 2005 Wisconsin Acts

20 ~~25 and 76~~ is amended to read:

21 15.07 (1) (cm) ~~The term of one member of the ethics board shall expire on each~~  
22 ~~May 1.~~ The terms of 3 members of the development finance board appointed under  
23 s. 15.155 (1) (a) 6. shall expire on May 1 of every even-numbered year and the terms  
24 of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of  
25 every odd-numbered year. The terms of the 3 members of the land and water



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

8 **SECTION 58.** 15.07 (2) (n) of the statutes is created to read:

9 15.07 (2) (n) The member of the government accountability board who is  
10 appointed under s. 15.60 (4) shall serve as chairperson of the board.

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

12 15.07 (4) QUORUM. A majority of the membership of a board constitutes a  
13 quorum to do business and, unless a more restrictive provision is adopted by the  
14 board, a majority of a quorum may act in any matter within the jurisdiction of the  
15 board. This subsection does not apply to actions of the ethics board or the school  
16 district boundary appeal board as provided in ~~ss. 19.47 (4) and s. 117.05 (2) (a).~~

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

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

19 15.07 (5) (m) Members of the government accountability board, \$25 per day.

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

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

22 **15.60 Government accountability board; creation. (1)** There is created  
23 a government accountability board consisting of 7 persons. Members shall serve for  
24 4-year terms.

1           **(2)** (a) All members of the board except the member who is appointed under sub.  
2           (4) shall be appointed from nominations submitted to the governor by a nominating  
3           committee to be called the governmental accountability candidate committee, which  
4           shall consist of one court of appeals judge from each of the court of appeals districts.  
5           The court of appeals judges shall be chosen as members by random selection of the  
6           chief justice of the supreme court in the presence of the other justices of the supreme  
7           court.

8           **(3)** Four members of the board shall have prosecutorial experience. If, as a  
9           result of a vacancy in the membership of the board, the remaining membership does  
10          not satisfy the membership requirements of this subsection, no person may be  
11          appointed to serve as a member if the person's qualifications would not contribute  
12          to satisfaction of the membership requirements of this subsection.

13          **(4)** One member of the board shall be a retired judge who shall be appointed  
14          by a random selection of the governmental accountability candidate committee from  
15          the register maintained under s. 758.19 (9).

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

18          **(6)** No member, for one year immediately prior to the date of appointment may  
19          have been, or while serving on the board may become, a member of a political party,  
20          an officer or member of a committee in any partisan political club or organization,  
21          an officer or employee of a registrant under s. 11.05, or a candidate for any partisan  
22          elective public office.

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

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

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

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

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

11           **15.607 (1)** ELECTION ADMINISTRATION COUNCIL. There is created in the elections  
12 government accountability board an election administration council consisting of  
13 members appointed by the executive director of the elections government  
14 accountability board, including the clerk or executive director of the board of election  
15 commissioners of the 2 counties or municipalities in this state having the largest  
16 population, one or more election officials of other counties or municipalities,  
17 representatives of organizations that advocate for the interests of individuals with  
18 disabilities and organizations that advocate for the interests of the voting public, and  
19 other electors of this state.

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

21           **SECTION 68.** 16.79 (2) of the statutes is amended to read:

22           **16.79 (2)** The department shall distribute in pamphlet form copies of the  
23 constitution and such laws as may be required to meet the public demand, including  
24 the election laws. The department shall distribute election manuals, forms, and  
25 supplies specified by the elections government accountability board. The laws,

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1 manuals, forms, and supplies shall be sold by the department at cost, including  
2 distribution cost as determined under s. 35.80. The elections government  
3 accountability board shall inform the department in writing as to which election  
4 manuals, forms, and supplies shall be offered for distribution under this subsection.

5 **SECTION 69.** 16.96 (3) (b) of the statutes is amended to read:

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

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

11 16.973 (6) With the advice of the ethics government accountability board, adopt  
12 and enforce standards of ethical conduct applicable to its paid consultants which are  
13 similar to the standards prescribed in subch. III of ch. 19, except that the department  
14 shall not require its paid consultants to file statements of economic interests.

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

16 17.07 (6) Other state officers serving in an office that is filled by appointment  
17 of any officer or body without the concurrence of the governor, by the officer or body  
18 having the authority to make appointments to that office, at pleasure, except that  
19 officers appointed according to merit and fitness under and subject to ch. 230 or  
20 officers whose removal is governed by ch. 230 may be removed only in conformity  
21 with that chapter, and except that the administrator of the enforcement division in  
22 the government accountability board may be removed from office only by the  
23 executive director of the board, for cause.

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

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

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

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

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

10           19.42 (3) “Board” means the ethics government accountability board.

11           **SECTION 75.** 19.42 (10) (a) of the statutes is repealed.

12           **SECTION 76.** 19.43 (4) of the statutes is amended to read:

13           19.43 (4) A candidate for state public office shall file with the board a statement  
14 of economic interests meeting each of the requirements of s. 19.44 (1) no later than  
15 4:30 p.m. on the 3rd day following the last day for filing nomination papers for the  
16 office which the candidate seeks, or no later than 4:30 p.m. on the next business day  
17 after the last day whenever that candidate is granted an extension of time for filing  
18 nomination papers or a declaration of candidacy under s. 8.05 (1) (j), 8.10 (2) (a), 8.15  
19 (1), or 8.20 (8) (a), no later than 4:30 p.m. on the 5th day after notification of  
20 nomination is mailed or personally delivered to the candidate by the municipal clerk  
21 in the case of a candidate who is nominated at a caucus, or no later than 4:30 p.m.  
22 on the 3rd day after notification of nomination is mailed or personally delivered to  
23 the candidate by the appropriate official or agency in the case of a write-in candidate  
24 or candidate who is appointed to fill a vacancy in nomination under s. 8.35 (2) (a).  
25 The information contained on the statement shall be current as of December 31 of

1 the year preceding the filing deadline. Before certifying the name of any candidate  
2 for state public office under s. 7.08 (2) (a), the elections government accountability  
3 board, municipal clerk, or board of election commissioners shall ascertain whether  
4 that candidate has complied with this subsection. If not, the elections government  
5 accountability board, municipal clerk, or board of election commissioners may not  
6 certify the candidate's name for ballot placement.

7 **SECTION 77.** 19.43 (5) of the statutes is amended to read:

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

19 **SECTION 78.** 19.45 (6) of the statutes is amended to read:

20 19.45 (6) No state public official, member of a state public official's immediate  
21 family, nor any organization with which the state public official or a member of the  
22 official's immediate family owns or controls at least 10% of the outstanding equity,  
23 voting rights, or outstanding indebtedness may enter into any contract or lease  
24 involving a payment or payments of more than \$3,000 within a 12-month period, in  
25 whole or in part derived from state funds, unless the state public official has first

1 made written disclosure of the nature and extent of such relationship or interest to  
2 the board and to the department acting for the state in regard to such contract or  
3 lease. Any contract or lease entered into in violation of this subsection may be voided  
4 by the state in an action commenced within 3 years of the date on which the ethics  
5 board, or the department or officer acting for the state in regard to the allocation of  
6 state funds from which such payment is derived, knew or should have known that  
7 a violation of this subsection had occurred. This subsection does not affect the  
8 application of s. 946.13.

9 **SECTION 79.** 19.46 (1) (intro.) of the statutes is amended to read:

10 19.46 (1) (intro.) Except in accordance with the board's advice under sub. (2)  
11 of the executive director of the board under s. 5.05 (6a) and except as otherwise  
12 provided in sub. (3), no state public official may:

13 **SECTION 80.** 19.46 (2) of the statutes is renumbered 5.05 (6a) and amended to  
14 read:

15 5.05 (6a) Any individual, either personally or on behalf of an organization or  
16 governmental body, may request of the board executive director of the board an  
17 advisory opinion regarding the propriety under chs. 5 to 12, subch. III of ch. 13, or  
18 subch. III of ch. 19 of any matter to which the person is or may become a party; and  
19 any appointing officer, with the consent of a prospective appointee, may request of  
20 the board executive director an advisory opinion regarding the propriety under chs.  
21 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 of any matter to which the  
22 prospective appointee is or may become a party. The board executive director shall  
23 review a request for an advisory opinion and may advise the person making the  
24 request. Advisory opinions and requests therefor shall be in writing. The board's  
25 ~~deliberations and actions upon~~ The executive director may consult with the board

1 before issuing a formal opinion but shall not reveal any information to the board that  
2 would identify the requester of the opinion. All consultations with the board  
3 concerning such requests shall be in meetings not open to the public. It is prima facie  
4 evidence of intent to comply with this subchapter chs. 5 to 12 or subch. III of ch. 13  
5 or subch. III of ch. 19 when a person refers a matter to the board executive director  
6 and abides by the board's executive director's advisory opinion, if the material facts  
7 are as stated in the opinion request. The board may authorize the executive director  
8 to act in its stead in instances where delay is of substantial inconvenience or  
9 detriment to the requesting party. No member or employee of the board may make  
10 public the identity of the individual requesting an advisory opinion or of individuals  
11 or organizations mentioned in the opinion.

12 **SECTION 81.** 19.47 (2) of the statutes is repealed.

13 **SECTION 82.** 19.47 (4) of the statutes is repealed.

14 **SECTION 83.** 19.47 (5) of the statutes is amended to read:

15 19.47 (5) ~~No later than September 1 of each year, the board shall submit a~~  
16 ~~report concerning its actions in the preceding fiscal year to the governor and the chief~~  
17 ~~clerk of each house of the legislature, for distribution to the legislature under s.~~  
18 ~~13.172 (2). Such~~ The board shall include in its biennial report shall contain under  
19 s. 15.04 (1) (d) the names and duties of all individuals employed by the board and a  
20 summary of its determinations and advisory opinions issued by the executive  
21 director under s. 5.05 (6a). The board shall make sufficient alterations in the  
22 summaries to prevent disclosing the identities of individuals or organizations  
23 involved in the decisions or opinions. The board may also include in its biennial  
24 report any information compiled under s. 11.21 (7). The board shall make such



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

3 **SECTION 84.** 19.50 (2) of the statutes is amended to read:

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

9 **SECTION 85.** 19.54 (2) of the statutes is amended to read:

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

17 **SECTION 86.** 19.55 (1) of the statutes is amended to read:

18 19.55 (1) Except as provided in sub. (2) and s. 5.05 (5s), all records under this  
19 subchapter or subch. III of ch. 13 in the possession of the board are open to public  
20 inspection at all reasonable times. The board shall require an individual wishing to  
21 examine a statement of economic interests or the list of persons who inspect any  
22 statements which are in the board's possession to provide his or her full name and  
23 address, and if the individual is representing another person, the full name and  
24 address of the person which he or she represents. Such identification may be  
25 provided in writing or in person. The board shall record and retain for at least 3 years

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

4 **SECTION 87.** 19.55 (2) (a) of the statutes is renumbered 5.05 (5s) (b) and  
5 amended to read:

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

17 **SECTION 88.** 19.55 (2) (b) of the statutes is renumbered 5.05 (5s) (a) (intro.) and  
18 amended to read:

19 5.05 (5s) (a) (intro.) Records obtained or prepared by the board in connection  
20 with an investigation are not subject to the right of inspection and copying under s.  
21 19.35 (1), except as provided in par. (d) and except that the:

22 1. The board shall permit inspection of records that are made public in the  
23 course of a hearing by the board to determine if a violation of this subchapter chs. 5  
24 to 12 or subch. III of ch. 13 or subch. III of ch. 19 has occurred. Whenever the board

1 refers such investigation and hearing records to a district attorney or to the attorney  
2 general, they

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

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

10 **SECTION 89.** 19.55 (2) (c) of the statutes is amended to read:

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

18 **SECTION 90.** 19.579 of the statutes is repealed and recreated to read:

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

22 **SECTION 91.** 19.59 (8) (a) and (c) of the statutes are amended to read:

23 19.59 (8) (a) Subsection (1) shall be enforced in the name and on behalf of the  
24 state by action of the board or, subject to the procedures prescribed in s. 5.05 (2m) (c).

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1 by action of the district attorney ~~of~~ for any county wherein a violation may occur,  
2 upon the verified complaint of any person.

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

9 SECTION 92. 19.59 (8) (cn) of the statutes is amended to read:

10 19.59 (8) (cn) If Subject to the procedures <sup>under</sup> ~~prescribed in~~ s. 5.05 (2m) (c), if the  
11 board or district attorney for the county in which a violation of sub. (1) (br) is alleged  
12 to occur receives a verified complaint alleging a violation of sub. (1) (br), the board  
13 or district attorney shall, within 30 days after receipt of the complaint, either  
14 commence an investigation of the allegations contained in the complaint or dismiss  
15 the complaint. If the district attorney dismisses the complaint, with or without  
16 investigation, the district attorney shall notify the complainant in writing. Upon  
17 receiving notification of the dismissal, the complainant may then file the complaint  
18 with the attorney general or the district attorney for a county that is adjacent to the  
19 county in which the violation is alleged to occur. The attorney general or district  
20 attorney may then investigate the allegations contained in the complaint and  
21 commence a prosecution.

22 SECTION 93. 19.59 (8) (d) of the statutes is amended to read:

23 19.59 (8) (d) If the district attorney prevails in such an action, the court shall  
24 award any forfeiture recovered together with reasonable costs to the county wherein  
25 the violation occurs. If the board or attorney general prevails in such an action, the

1 court shall award any forfeiture recovered together with reasonable costs to the  
2 state.

3 SECTION 94. 19.85 (1) (fm) of the statutes is created to read:

4 19.85 (1) (fm) Deliberating by the government accountability board concerning  
5 any investigation under the board's jurisdiction.

6 SECTION 95. 19.85 (1) (h) of the statutes is amended to read:

7 19.85 (1) (h) Consideration of requests for confidential written advice from the  
8 ethics executive director of the government accountability board under s. 19.46 (2)  
9 s. 5.05 (6a), or from any county or municipal ethics board under s. 19.59 (5).

10 SECTION 96. 20.510 (intro.) of the statutes is repealed.

11 SECTION 97. 20.510 (1) (title) of the statutes is repealed.

12 SECTION 98. 20.510 (1) (a) of the statutes is repealed.

13 SECTION 99. 20.510 (1) (bm) of the statutes is repealed.

14 SECTION 100. 20.510 (1) (c) of the statutes is repealed.

15 SECTION 101. 20.510 (1) (d) of the statutes is repealed.

16 SECTION 102. 20.510 (1) (g) of the statutes is repealed.

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

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

19 SECTION 105. 20.510 (1) (j) of the statutes is repealed.

20 SECTION 106. 20.510 (1) (q) of the statutes, ~~as affected by 2005 Wisconsin Act~~

21 ~~178~~ is repealed.

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

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

24 SECTION 109. 20.521 (intro.) of the statutes is repealed.

25 SECTION 110. 20.521 (1) (title) of the statutes is repealed.