

1 **SECTION 111.** 20.521 (1) (a) of the statutes is repealed.

2 **SECTION 112.** 20.521 (1) (b) of the statutes is repealed.

3 **SECTION 113.** 20.521 (1) (g) of the statutes is repealed.

4 **SECTION 114.** 20.521 (1) (h) of the statutes is repealed.

5 **SECTION 115.** 20.521 (1) (i) of the statutes is repealed.

6 **SECTION 116.** 20.923 (4) (intro.) of the statutes is amended to read:

7 20.923 (4) STATE AGENCY POSITIONS. (intro.) State agency heads, the
8 administrator of the division of merit recruitment and selection in the office of state
9 employment relations, the administrator of the enforcement division in the
10 government accountability board, and commission chairpersons and members shall
11 be identified and limited in number in accordance with the standardized
12 nomenclature contained in this subsection, and shall be assigned to the executive
13 salary groups listed in pars. (a) to (i). Except for positions specified in ~~par.~~ pars. (c)
14 3m. and (e) 2e. and sub. (12), all unclassified division administrator positions
15 enumerated under s. 230.08 (2) (e) shall be assigned, when approved by the joint
16 committee on employment relations, by the director of the office of state employment
17 relations to one of 10 executive salary groups. The joint committee on employment
18 relations, by majority vote of the full committee, may amend recommendations for
19 initial position assignments and changes in assignments to the executive salary
20 groups submitted by the director of the office of state employment relations. All
21 division administrator assignments and amendments to assignments of
22 administrator positions approved by the committee shall become part of the
23 compensation plan. Whenever a new unclassified division administrator position is
24 created, the appointing authority may set the salary for the position until the joint
25 committee on employment relations approves assignment of the position to an

1 executive salary group. If the committee approves assignment of the position to an
2 executive salary group having a salary range minimum or maximum inconsistent
3 with the salary paid to the incumbent at the time of such approval, the incumbent's
4 salary shall be adjusted by the appointing authority to conform with the committee's
5 action, effective on the date of that action. Positions are assigned as follows:

6 **SECTION 117.** 20.923 (4) (d) 3. of the statutes is repealed.

7 **SECTION 118.** 20.923 (4) (d) 4. of the statutes is repealed.

8 **SECTION 119.** 20.923 (4) (e) 2e. of the statutes is created to read:

9 20.923 (4) (e) 2e. Government accountability board: administrator of the
10 enforcement division.

11 **SECTION 120.** 20.923 (4) (f) 3j. of the statutes is created to read:

12 20.923 (4) (f) 3j. Government accountability board: executive director.

13 **SECTION 121.** 59.605 (3) (a) 3. of the statutes is amended to read:

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

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1 law, the operating levy rate for the (name of county), for the tax to be imposed for
2 the year (year), is limited to \$.... per \$1,000 of equalized value. Notwithstanding
3 the operating levy rate limit, shall the (name of county) be allowed to levy an
4 amount not to exceed \$.... (operating levy) for operating purposes for the year
5 (year), which may increase the operating levy rate for (a specified number of
6 years) (an indefinite period)? This would allow a% increase above the levy of \$....
7 (preceding year operating levy) for the year (preceding year).”

8 **SECTION 122.** 67.05 (3) (b) of the statutes is amended to read:

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

17 **SECTION 123.** 67.05 (6) of the statutes is amended to read:

18 67.05 (6) REFERENDUM IN OTHER CASES. Whenever an initial resolution has been
19 adopted by the governing body of any municipality other than a county, a town, a city,
20 a village, a technical college district, a metropolitan sewerage district created under
21 ss. 200.01 to 200.15 or 200.21 to 200.65, a town sanitary district, a public inland lake
22 protection and rehabilitation district, or a board of park commissioners, the clerk of
23 such municipality shall immediately record the resolution and call a special meeting
24 for the purpose of submitting it to the electors of the municipality for ratification or
25 rejection. The calling and conduct of the meeting shall be governed by those statutes,

1 so far as applicable, which govern the calling and conduct of special meetings in
2 general. The notice of the meeting, which shall be publicly read before the balloting
3 shall commence, and the ballot used, shall embody a copy of the resolution; the form
4 of the ballot shall correspond with the form prescribed by the elections government
5 accountability board under ss. 5.64 (2) and 7.08 (1) (a); and the question submitted
6 shall be whether the resolution shall be approved.

7 **SECTION 124.** 71.10 (3) (b) of the statutes, as affected by 2005 Wisconsin Acts
8 177 and 178, is amended to read:

9 71.10 (3) (b) The secretary of revenue shall provide a place for those
10 designations on the face of the individual income tax return and shall provide next
11 to that place a statement that a designation will not increase tax liability. Annually
12 on August 15, the secretary of revenue shall certify to the elections government
13 accountability board, the department of administration and the state treasurer
14 under s. 11.50 the total amount of designations made during the preceding fiscal
15 year. If any individual attempts to place any condition or restriction upon a
16 designation, that individual is deemed not to have made a designation on his or her
17 tax return.

18 **SECTION 125.** 73.0301 (1) (d) 13. of the statutes is amended to read:

19 73.0301 (1) (d) 13. A license issued by the ethics government accountability
20 board under s. 13.63 (1).

21 **SECTION 126.** 73.0301 (1) (e) of the statutes is amended to read:

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

1 resources; the department of public instruction; the department of regulation and
2 licensing; the department of workforce development; the office of the commissioner
3 of insurance; or the department of transportation.

4 **SECTION 127.** 85.61 (1) of the statutes is amended to read:

5 85.61 (1) The secretary of transportation and the executive director of the
6 elections government accountability board shall enter into an agreement to match
7 personally identifiable information on the official registration list maintained by the
8 elections government accountability board under s. 6.36 (1) with personally
9 identifiable information in the operating record file database under ch. 343 and
10 vehicle registration records under ch. 341 to the extent required to enable the
11 secretary of transportation and the executive director of the elections government
12 accountability board to verify the accuracy of the information provided for the
13 purpose of voter registration.

14 **SECTION 128.** 117.20 (2) of the statutes is amended to read:

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

1 **SECTION 129.** 117.27 (2) (b) (intro.) of the statutes is amended to read:

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

7 **SECTION 130.** 121.91 (3) (c) of the statutes is amended to read:

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

19 **SECTION 131.** 125.05 (1) (b) 10. of the statutes is amended to read:

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

23 **SECTION 132.** 165.25 (1) of the statutes is amended to read:

24 165.25 **(1)** REPRESENT STATE. Except as provided in s- ss. 5.05 (2m) (c) 1. and
25 978.05 (5), appear for the state and prosecute or defend all actions and proceedings,

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

12 **SECTION 133.** 165.25 (4) (e) of the statutes is created to read:

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

16 **SECTION 134.** 198.08 (10) of the statutes is amended to read:

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

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1 be ascertained from any official record the clerk of the district shall fairly estimate
2 such number for the purposes of such statement to be filed in his or her office.

3 **SECTION 135.** 200.09 (11) (am) ^{board} 3. of the statutes ^{is} amended to read:

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

9 **SECTION 136.** 227.03 (6) of the statutes is amended to read:

10 227.03 (6) Orders of the elections government accountability board under s.
11 5.06 (6) are not subject to this chapter.

12 **SECTION 137.** 227.03 (6m) of the statutes is created to read:

13 227.03 (6m) Cases before the enforcement division of the government
14 accountability board under s. 5.066 are not subject to this chapter.

15 **SECTION 138.** 227.52 (6) of the statutes is amended to read:

16 227.52 (6) Decisions of the chairperson of the elections government
17 accountability board or the chairperson's designee.

18 **SECTION 139.** 230.08 (2) (e) 4h. of the statutes is created to read:

19 230.08 (2) (e) 4h. Government accountability board — 3.

20 **SECTION 140.** 230.08 (2) (om) of the statutes is repealed.

21 **SECTION 141.** 230.08 (2) (on) of the statutes is created to read:

22 230.08 (2) (on) The executive director of the government accountability board.

23 **SECTION 142.** 230.08 (2) (wm) of the statutes is repealed.

24 **SECTION 143.** 230.08 (4) (a) of the statutes is amended to read:

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1 230.08 (4) (a) The number of administrator positions specified in sub. (2) (e)
2 includes all administrator positions specifically authorized by law to be employed
3 outside the classified service in each department, board or commission and the
4 historical society. In this paragraph, “department” has the meaning given under s.
5 15.01 (5), “board” means the educational communications board, government
6 accountability board, investment board, public defender board and technical college
7 system board and “commission” means the public service commission.
8 Notwithstanding sub. (2) (z), no division administrator position exceeding the
9 number authorized in sub. (2) (e) may be created in the unclassified service.

10 **SECTION 144.** 234.02 (3m) (c) of the statutes is amended to read:

11 234.02 (3m) (c) The authority shall, with the advice of the ethics government
12 accountability board, adopt and enforce ethics guidelines applicable to its paid
13 consultants which are similar to subch. III of ch. 19, except that the authority may
14 not require its paid consultants to file financial disclosure statements.

15 **SECTION 145.** 560.04 (2m) of the statutes is amended to read:

16 560.04 (2m) DUTIES. The department may assign one or more full-time
17 equivalent positions to the functions of coordinating the development and scheduling
18 of training programs for local government officials by the University of
19 Wisconsin–Extension, technical college system, department of revenue, elections
20 government accountability board, and other state agencies in order to assure the
21 effective delivery of training programs and to prevent duplication of effort and of
22 coordinating requests for management or personnel consultative services from
23 government units other than the state and directing those requests to the
24 appropriate division of the department of administration.

25 **SECTION 146.** 758.19 (9) of the statutes is created to read:

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1 758.19 (9) The director of state courts shall maintain a register of retired judges
2 of courts of record in this state who are willing to accept appointments under s. 15.60
3 (4).

4 **SECTION 147.** 778.135 of the statutes is amended to read:

5 **778.135 Campaign finance forfeitures; how recovered.** Notwithstanding
6 s. 778.13, whenever any action or proposed action by the elections government
7 accountability board under s. 5.05 (1) (c) is settled as a result of agreement between
8 the parties without approval of the court, the moneys accruing to the state on account
9 of such settlement shall be paid to the board and deposited with the secretary of
10 administration. Whenever any proposed action by a county board of election
11 commissioners under s. 7.21 (2m) (a) is settled as a result of agreement between the
12 parties, the moneys accruing to the county on account of such settlement shall be
13 paid to the board of election commissioners and deposited with the county treasurer
14 in the same manner as provided for forfeitures under s. 778.13.

15 **SECTION 148.** 778.136 of the statutes is amended to read:

16 **778.136 Ethics and lobbying forfeitures; how recovered.**
17 Notwithstanding s. 778.13, whenever any moneys are received by the ethics
18 government accountability board or attorney general in settlement of a civil action
19 or other civil matter for violation of the lobbying law or code of ethics for state public
20 officials and employees under s. 19.545, the moneys shall accrue to the state and be
21 deposited with the secretary of administration.

22 **SECTION 149.** 971.19 (12) of the statutes is created to read:

23 971.19 (12) In an action for a violation of chs. 5 to 12, subch. III of ch. 13, or
24 subch. III of ch. 19, a defendant who is a resident of this state shall be tried in circuit
25 court for the county where the defendant resides.

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SECTION 150. Nonstatutory provisions.

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(1) TRANSFER OF ELECTIONS BOARD.

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

(b) *Positions and employees.*

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

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

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

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

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

1 or rescinded by the government accountability board to the extent allowed under the
2 contract.

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

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

14 (2) TRANSFER OF ETHICS BOARD.

15 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
16 liabilities of the ethics board shall become the assets and liabilities of the government
17 accountability board.

18 (b) *Positions and employees.*

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

21 2. All incumbent employees holding positions in the ethics board are
22 transferred on the effective date of this subdivision to the government accountability
23 board.

24 3. Employees transferred under subdivision 2. have all the rights and the same
25 status under subchapter V of chapter 111 and chapter 230 of the statutes in the

1 government accountability board that they enjoyed in the ethics board immediately
2 before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee
3 so transferred who has attained permanent status in class is required to serve a
4 probationary period.

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

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

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

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

24 (3) BOARD TRANSITIONS; INITIAL TERMS.

1 (a) Notwithstanding section 15.61, ²⁰⁰⁵ ~~2001~~ stats., section 15.62, ²⁰⁰⁵ ~~2003~~ stats., and
2 section 15.07 (1) (c) of the statutes, the terms of office of all members of the elections
3 board and all members of the ethics board holding office shall expire on June 1, ²⁰⁰⁹ ~~2007~~.

4 (b) Each member of the government accountability board who is appointed as
5 provided in paragraph (c) and qualified to take office shall take office on the effective
6 date of this paragraph, or upon qualification to take office, whichever is later.

7 (c) Notwithstanding section 15.60 (1) of the statutes, as created by this act, and
8 section 15.07 (1) (c) of the statutes, of the members of the government accountability
9 board who are initially nominated by the governor, and with the advice and consent
10 of the assembly and the senate appointed, 2 members who have prosecutorial
11 experience and one other member who is not a retired judge of a court of record in
12 this state shall be appointed to serve for terms expiring on May 1, ²⁰¹¹ ~~2009~~, and 2
13 members who have prosecutorial experience and one other member who is not a
14 retired judge of a court of record in this state shall be appointed to serve for terms
15 expiring on May 1, ²⁰¹³ ~~2011~~. Notwithstanding section 15.60 (1) of the statutes, as

16 created by this act, and section 15.07 (1) (c) of the statutes, the initial member of the
17 government accountability board who is a retired judge of a court of record in this
18 state shall serve for a term expiring on May 1, ²⁰¹³ ~~2011~~.

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

22 September 1, ²⁰¹³ ~~2011~~.

23 (4) INITIAL EXECUTIVE DIRECTOR
IMPLEMENTATION.

24 (a) Notwithstanding section 5.05 (1m) and (2m) of the statutes, as created by
25 this act, and section 20.922 (1) of the statutes, the director of the legislative council

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

11 (5) INITIAL NOMINATIONS. The governmental accountability candidate
12 committee under section 15.60 (2) of the statutes, as created by this act, shall submit
13 its initial nominations of individuals to serve as members of the government
14 accountability board no later than November 1, ²⁰⁰⁸~~2006~~.

15 **SECTION 151. Effective dates.** This act takes effect on June 1, ²⁰⁰⁹~~2007~~, except
16 as follows:

17 (1) The treatment of sections 5.052, 5.054, 15.07 (5) (m), 15.60, 15.603, 20.923
18 (4) (intro.), (e) 2e., and (f) 3j., 230.08 (2) (e) 4h. and (on) and (4) (a) of the statutes, the
19 renumbering and amendment of section 15.03 of the statutes, the creation of section
20 15.03 (2) of the statutes, and SECTION 150 (3) (b) to (d), (4), and (5) of this act take
21 effect on January 1, ²⁰⁰⁹~~2007~~.

22 (END)

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Section #. 5.68 (4) of the statutes is amended to read:

5.68 (4) ~~Except as provided under sub. (7), the~~ ^{The} cost of compensation of election officials and trainees shall be borne in the manner provided in s. 7.03.

~~History: 1979 c. 260, 311, 355; 1985 a. 304, 1993 a. 399; 1999 a. 182; 2001 a. 16; 2005 a. 333, 451.~~

SECTION # . RP; 5.68 (7)

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Section #. 6.26 (2) (c) of the statutes is amended to read:

6.26 (2) (c) No individual may serve as a special registration deputy in a municipality unless the individual is appointed by the municipal clerk or board of election commissioners of the municipality or the individual is appointed by the ~~elections~~ ^{government accountability} board to serve all municipalities and the individual completes training required under s. 7.315.

~~History: 1985 a. 304 ss. 50, 52g; 1987 a. 391; 1989 a. 192; 2003 a. 265; 2005 a. 451~~

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Section #. 6.56 (3) of the statutes is amended to read:

6.56 (3) STET

Upon receipt of the list under sub. (1), the municipal clerk or board of election commissioners shall make an audit of all electors registering to vote at the polling place or other registration location under s. 6.55 (2) and all electors registering by agent on election day under s. 6.86 (3) (a) 2. unless the clerk or board of election commissioners receives notice from the board under sub. (7) that the board will perform the audit. The audit shall be made by 1st class postcard. The postcard shall be marked in accordance with postal regulations to ensure that it will be returned to the clerk, board of election commissioners, or elections board if the elector does not reside at the address given on the postcard. If any postcard is returned undelivered, or if the clerk, board of election commissioners, or elections board is informed of a different address than the one specified by the elector which was apparently improper on the day of the election, the clerk, board of election commissioners, or elections board shall change the status of the elector from eligible to ineligible on the registration list, mail the elector a notice of the change in status, and provide the name of the elector to the district attorney for the county where the polling place is located and the elections board

History: 1975 c. 85, 199; 1977 c. 394; 1979 c. 260; 1983 a. 484; 1985 a. 304; 1989 a. 192; 2001 a. 51; 2003 a. 265; 2005 a. 451.

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~~Section #. 6.56 (3m) of the statutes is amended to read:~~

~~6.56~~ (3m) As soon as possible after all information relating to registrations after the close of registration for an election is entered on the registration list following the election under s. 6.33 (5) (a), the board shall compare the list of new registrants whose names do not appear on the poll lists for the election because the names were added after the board certified the poll lists for use at the election with the list containing the names transmitted to the board by the department of corrections under ~~s. 301.03 (20)~~ s. 301.03 (20m) as of election day. If the board finds that the name of any person whose name appears on the list transmitted under ~~s. 301.03 (20)~~ s. 301.03 (20m) has been added to the registration list, the board shall enter on the list the information transmitted to the board under ~~s. 301.03 (20)~~ s. 301.03 (20m) and shall notify the district attorney that the person appears to have voted illegally at the election.

NOTE: The bracketed language indicates the correct cross-reference. Corrective legislation is pending.

History: 1975 c. 85, 199; 1977 c. 394; 1979 c. 260; 1983 a. 484; 1985 a. 304; 1989 a. 192; 2001 a. 51; 2003 a. 265; 2005 a. 451.

JWS 21-13

~~Section # 6.56 (4) and (5) of the statutes are amended to read:~~

~~6.56~~ (4) After each election, the municipal clerk shall perform an audit to assure that no person has been allowed to vote more than once. Whenever the municipal clerk has good reason to believe that a person has voted more than once in an election, the clerk shall send the person a 1st class letter marked in accordance with postal regulations to ensure that it will be returned to the clerk if the elector does not reside at the address given on the letter. The letter shall inform the person that all registrations relating to that person may be changed from eligible to ineligible status within 7 days unless the person contacts the office of the clerk to clarify the matter. A copy of the letter and of any subsequent information received from or about the addressee shall be sent to the district attorney.

History: 1975 c. 85, 199; 1977 c. 394; 1979 c. 260; 1983 a. 484; 1985 a. 304; 1989 a. 192; 2001 a. 51; 2003 a. 265; 2005 a. 451.

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

History: 1975 c. 85, 199; 1977 c. 394; 1979 c. 260; 1983 a. 484; 1985 a. 304; 1989 a. 192; 2001 a. 51; 2003 a. 265; 2005 a. 451.

JWS 23-12

~~Section # 7.60 (5) (a) of the statutes is amended to read:~~

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

History: 1971 c. 304 s. 29 (2); 1973 c. 334 ss. 14, 57; 1975 c. 93, 199; 1977 c. 187, 427, 449; 1979 c. 221, 260, 355; 1981 c. 4; 1983 a. 442, 484, 538; 1985 a. 89, 304, 332; 1987 a. 391; 1989 a. 31; 1991 a. 316; 1993 a. 399; 1999 a. 150 s. 672; 1999 a. 182; 2001 a. 107, 109; 2005 a. 451.

JWS 28-3

~~Section #. 9.01 (1) (a) 1. of the statutes 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 prior to issuance of any amended return under s. 6.221 (6) (b) 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 prior to issuance of any amended return under s. 6.221 (6) (b). 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 ~~election~~ ^{↓ Government accountability} board receives the last statement from a county board of canvassers for the election or referendum.

NOTE: Par. (a) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c).

History: 1971 c. 251; 1971 c. 304 s. 29 (2); 1971 c. 336; 1973 c. 313; 1973 c. 334 ss. 23 to 26, 57; 1975 c. 41, 422; 1977 c. 394 s. 53; 1977 c. 427; 1979 c. 200; 1979 c. 260 ss. 66 to 68, 93; 1979 c. 311, 355; 1983 a. 183; 1983 a. 484 s. 172 (3); 1983 a. 538; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1993 a. 213; 1997 a. 27; 1999 a. 49, 182; 2001 a. 16; 2003 a. 265, 321; 2005 a. 149, 451; s. 13.93 (2) (c).

JWS 28-2311

Section #. 9.01 (10) of the statutes is amended to read:

9.01 (10) STANDARD FORMS AND METHODS. The ~~elections~~ ^{↓ government accountability} board shall prescribe standard forms and procedures for the making of recounts under this section. The procedures prescribed by the ~~elections~~ ^{↓ government accountability} board shall require the boards of canvassers in recounts involving more than one board of canvassers to consult with the elections board staff prior to beginning any recount in order to ensure that uniform procedures are used, to the extent practicable, in such recounts.

History: 1971 c. 251; 1971 c. 304 s. 29 (2); 1971 c. 336; 1973 c. 313; 1973 c. 334 ss. 23 to 26, 57; 1975 c. 41, 422; 1977 c. 394 s. 53; 1977 c. 427; 1979 c. 200; 1979 c. 260 ss. 66 to 68, 93; 1979 c. 311, 355; 1983 a. 183; 1983 a. 484 s. 172 (3); 1983 a. 538; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1993 a. 213; 1997 a. 27; 1999 a. 49, 182; 2001 a. 16; 2003 a. 265, 321; 2005 a. 149, 451; s. 13.93 (2) (c).

INS 28-23:2

Section #. 10.06 (1) (title) of the statutes is amended to read:

10.06 (1) (title) ~~ELECTIONS~~ BOARD. ^(c6) GOVERNMENT ACCOUNTABILITY

History: 1973 c. 280; 1973 c. 334 s. 57; 1975 c. 275, 422; 1977 c. 107, 340, 427; 1979 c. 260, 311; 1983 a. 484; 1985 a. 304, 332; 1987 a. 391; 1989 a. 273; 1995 a. 16 s. 2; 1999 a. 182; 2001 a. 16, 109; 2003 a. 24.

INS 35-20

Section #. 16.753 (2) of the statutes is amended to read:

16.753 (2) Except as otherwise expressly provided, each agency shall provide to the ^{government} ~~ethics~~ board [↑] for posting on the Internet a list identifying each solicitation for bids or competitive sealed proposals and each proposed order or contract of the agency for which bids or competitive sealed proposals will not be solicited that involves a major expenditure, together with all information required under sub. (4).

~~History: 2005 a. 410.~~

JWS 43-22

Section #. 19.59 (1) (g) 8. of the statutes is amended to read:

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

History: ~~1979 c. 120; 1981 c. 149; 1981 c. 335 s. 26; 1983 a. 166 s. 16; 1991 a. 39, 269; 1995 a. 56, 227; 1999 a. 167;~~
2001 a. 109; 2003 a. 39.

JWS 47-12

SECTION # AM; 46095(4)

10. Award a grant of \$563,500 in each fiscal year to the Refugee Family Strengthening Project for providing domestic abuse services to the refugee population. Funding may be used to hire bilingual staff persons, especially those who speak Hmong.

(2m) REPORTING REQUIREMENTS. Any organization that receives a grant under this section shall report all of the following information to the department by February 15 annually:

(a) The total expenditures that the organization made on domestic abuse services in the period for which the grant was provided.

(b) The expenditures specified in par. (a) by general category of domestic abuse services provided.

(c) The number of persons served in the period for which the grant was provided by general type of domestic abuse service.

(d) The number of persons who were in need of domestic abuse services in the period for which the grant was provided but who did not receive the domestic abuse services that they needed.

(3) COUNCIL ON DOMESTIC ABUSE. The council on domestic abuse shall:

(a) Review applications for grants under this section and advise the secretary as to whether the applications should be approved or denied. The council shall consider the criteria under sub. (2) (b) when reviewing the applications.

(b) Advise the secretary and the legislature on matters of domestic abuse policy.

(c) Develop with the judicial conference and provide without cost simplified forms for filing petitions for domestic abuse restraining orders and injunctions under s. 813.12.

46095 (4) LIST OF ELIGIBLE ORGANIZATIONS. The department shall certify to the ^{GOVERNMENT ACCOUNTABILITY} elections board, on a continuous basis, a list containing the name and address of each organization that is eligible to receive grants under sub. (2).

History: 1979 c. 111; 1979 c. 355 s. 241; 1981 c. 20 ss. 792c, 792m, 2202 (20) (s); 1983 a. 27 ss. 997m, 998, 2202 (20); 1983 a. 204; 1985 a. 29; 1987 a. 332, 399; 1989 a. 31; 1991 a. 39, 96; 1993 a. 16, 227, 246, 319, 491; 1995 a. 27 ss. 2337 to 2345, 9116 (5); 1997 a. 27, 292; 1999 a. 9, 162; 2005 a. 25, 278.

Ins 52-15

Section #. 165.93 (4) of the statutes is amended to read:

government
accountability

165.93 (4) LIST OF ELIGIBLE ORGANIZATIONS. The department shall certify to the ~~elections~~ ^{government} board,
on a continuous basis, a list containing the name and address of each organization that is eligible to
receive grants under sub. (2).

~~History: 1993 a. 16, 227; 1995 a. 225; 2005 a. 253, 277, 278.~~

INS 53-3

Section #. 200.09 (11) (am) 2. of the statutes is amended to read:

200.09 (11) (am) 2. No resolution passed under subd. 1. may authorize election of commissioners sooner than 6 months after the date of passage. The commission shall immediately notify the ~~elections~~ ^{↓ government accountability} board under s. 5.05 upon passage of a resolution under subd. 1.

History: 1971 c. 276; 1973 c. 289; 1979 c. 221; 1987 a. 399; 1989 a. 359; 1993 a. 246; 1999 a. 150 s. 319; Stats. 1999 s. 200.09; 2001 a. 103.

ANS 54-15:1

Section #. 301.03 (20m) of the statutes is amended to read:

301.03 (20m) Transmit to the ~~elections~~ ^{↓ government accountability} board, on a continuous basis, a list containing the name of each living person who has been convicted of a felony under the laws of this state and whose civil rights have not been restored, together with his or her residential address and the date on which the department expects his or her civil rights to be restored.

NOTE: Sub. (20m) was created as sub. (20) by 2005 Wis. Act 451 and renumbered by the revisor under s. 13.93

(1) (b).

History: 1989 a. 31, 107, 121, 188, 336; 1991 a. 39; 1993 a. 16, 377, 479; 1995 a. 27 ss. 6355, 6356m, 6356p, 9126 (19); 1995 a. 77, 141; 1997 a. 27, 35, 237, 275, 283, 284; 1999 a. 9, 32; 2001 a. 16, 109; 2003 a. 321; 2005 a. 344, 431, 434, 451; s. 13.93 (1) (b) and (2) (c).

INS 54-15:2

Section #. 343.11 (2m) of the statutes is amended to read:

343.11 (2m) Within 30 days following surrender of a license under sub. (1), the department shall provide notice to the ~~elections~~ ^{↓ government accountability} board of the person's name and address, the name of the jurisdiction issuing the surrendered license, and the date on which the license was surrendered.

~~History: 1971 c. 204; 1975 c. 64; 1977 c. 29 s. 1654 (7) (a); 1977 c. 273; 1989 a. 105; 2003 a. 221; 2005 a. 451.~~

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

- 0224/1dn
LRB-1150/1dn
JTK:jdr
Wj

December 30, 2004

Ⓟ
10 Because under § 10660 (4), ~~as stated~~ as affected by the draft, a county board of election commissioners may investigate and prosecute civil violations of the campaign finance law. I have included reference to the board of election commissioners in proposed § 1005 (2m) which relates to enforcement. Comma

Senator Ellis:

1. This draft is predicated upon the assumption that the bill resulting from its enactment will become law no later than November 1, 2005. If the bill becomes law after November 1, 2005, **it may be inoperative**. If it appears that the bill will become law after November 1, 2005, please contact me and I will prepare an amendment to take account of the revised effective date.
2. For this draft, I have included appropriations but have specified "-0-" for expenditure in fiscal years 2005-06 and 2006-07. When you know the dollar amounts that you need to include in the proposal, contact me and I will either redraft the proposal or draft an amendment, whichever is appropriate. For this purpose, you may wish to request the fiscal estimate prior to introduction or request the Legislative Fiscal Bureau to provide updated dollar figures.
- 20 3. The draft does not specify whether the enforcement division of the Government Accountability Board must bring an enforcement action upon direction of the board if the division does not want to bring that action. You may wish to clarify that point.
3. 4. Proposed SECTION ¹⁵⁰ ~~(4)~~ ^{art. VI} (4), which places the responsibility in the director of the Legislative Council Staff to serve as interim executive director of the Government Accountability Board and to exercise certain authority in that capacity, may raise an issue under the separation-of-powers provisions of the Wisconsin Constitution [art. VI and art. VII, sec. 2] because the draft places administrative and enforcement functions within the legislative branch. While a provision of this type would not be permitted under the constitutions of some states, the Wisconsin Supreme Court has indicated that in this state the separation-of-powers principle will not be applied inflexibly. The test is whether there is an actual and substantial encroachment, rather than a theoretical bridging of the division of power. *J.F. Ahern v. Bldg. Comm.*, 114 Wis.2d 69, 104 (Ct. App., 1983), as quoted in *Martinez v. DILHR*, 165 Wis.2d. 687, 697 (1992). Additionally, in this case, the proposed Government Accountability Board will exercise some authority over all three branches of government. Under the separation of powers doctrine, a statute may not materially impair or practically defeat the proper function of a particular branch of government and the exercise of powers delegated it. *In Matter of E.B.*, 111 Wis. 2d 175, 184 (1983). With respect to a power that is shared between branches, a statute may not unduly burden or substantially interfere with

Procedure
see
proposed
§
1005
(2m)
(4)

150 autoref

another branch's essential role and powers. *State v. Unnamed Defendant*, 150 Wis. 2d 352, 360 (1989). Whether proposed SECTION 141(4) will be viewed as a substantial encroachment by one branch of government upon the proper function of another branch cannot be determined with certainty.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0224/1dn
JTK:wj:jf

October 17, 2006

Senator Ellis:

1. Because under s. 11.60 (4), stats., as affected by this draft, a county board of election commissioners may investigate and prosecute civil violations of the campaign finance law, I have included reference to the board of election commissioners in proposed s. 5.05 (2m), which relates to enforcement procedures. See proposed s. 5.05 (2m) (f).
2. The draft does not specify whether the enforcement division of the Government Accountability Board must bring an enforcement action upon direction of the board if the division does not want to bring that action. You may wish to clarify that point.
3. Proposed SECTION 159 (4), which places the responsibility in the director of the Legislative Council Staff to serve as interim executive director of the Government Accountability Board and to exercise certain authority in that capacity, may raise an issue under the separation-of-powers provisions of the Wisconsin Constitution [art. VI and art. VII, sec. 2] because the draft places administrative and enforcement functions within the legislative branch. While a provision of this type would not be permitted under the constitutions of some states, the Wisconsin Supreme Court has indicated that in this state the separation-of-powers principle will not be applied inflexibly. The test is whether there is an actual and substantial encroachment, rather than a theoretical bridging of the division of power. *J.F. Ahern v. Bldg. Comm.*, 114 Wis.2d 69, 104 (Ct. App., 1983), as quoted in *Martinez v. DILHR*, 165 Wis.2d. 687, 697 (1992). Additionally, in this case, the proposed Government Accountability Board will exercise some authority over all three branches of government. Under the separation of powers doctrine, a statute may not materially impair or practically defeat the proper function of a particular branch of government and the exercise of powers delegated it. *In Matter of E.B.*, 111 Wis. 2d 175, 184 (1983). With respect to a power that is shared between branches, a statute may not unduly burden or substantially interfere with another branch's essential role and powers. *State v. Unnamed Defendant*, 150 Wis. 2d 352, 360 (1989). Whether proposed SECTION 159 (4) will be viewed as a substantial encroachment by one branch of government upon the proper function of another branch cannot be determined with certainty.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

Basford, Sarah

From: Boerger, Michael (Legislature)
Sent: Monday, November 27, 2006 9:45 AM
To: LRB.Legal
Subject: Jacketing request

Please have LRB 0224/1 jacketed for introduction.

Thank you.

Michael Boerger
Legislative Assistant
Sen. Michael Ellis
266-0718

Basford, Sarah

From: Basford, Sarah
Sent: Wednesday, November 29, 2006 8:47 AM
To: Boerger, Michael (Legislature)
Subject: LRB -0224/1 & d-note (attached)

Attachments: 07-0224/1; 07-0224/1dn



07-02241.pdf (207
KB)



07-02241dn.pdf
(13 KB)

Sarah Basford

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