



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-0224/1 <sup>2</sup>

JTK:wj:JP

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Stays

*wanted by the 12/5 noon*

**2007 BILL**

*Regen*

1 **AN ACT** *to repeal* 5.05 (1) (a), 5.05 (5), 5.05 (6), 5.05 (11), 5.68 (7), 9.01 (1) (ag) 4.,  
2 15.07 (5) (k), 15.07 (5) (n), 15.61, 15.62, 19.42 (10) (a), 19.47 (2), 19.47 (4), 20.510  
3 (intro.), 20.510 (1) (title), 20.510 (1) (a), 20.510 (1) (b), 20.510 (1) (bm), 20.510  
4 (1) (d), 20.510 (1) (g), 20.510 (1) (gm), 20.510 (1) (h), 20.510 (1) (i), 20.510 (1) (j),  
5 20.510 (1) (q), 20.510 (1) (sm), 20.510 (1) (t), 20.510 (1) (x), 20.521 (intro.), 20.521  
6 (1) (title), 20.521 (1) (a), 20.521 (1) (b), 20.521 (1) (g), 20.521 (1) (h), 20.521 (1)  
7 (i), 20.923 (4) (d) 3., 20.923 (4) (d) 4., 230.08 (2) (om) and 230.08 (2) (wm); **to**  
8 **renumber and amend** 15.03, 15.617, 19.46 (2), 19.55 (2) (a) and 19.55 (2) (b);  
9 **to amend** 5.02 (1s), 5.05 (title), 5.05 (1) (intro.), 5.05 (1) (b), 5.05 (1) (c), 5.05 (3)  
10 (a), 5.40 (7), 5.62 (4) (b), 5.68 (4), 6.26 (2) (b), 6.26 (2) (c), 6.56 (3) to (5), 7.08  
11 (title), 7.15 (1) (g), 7.23 (2), 7.31 (5), 7.60 (4) (a), 7.60 (5), 7.70 (1), 7.70 (5) (b),  
12 8.05 (1) (j) 3., 8.10 (5), 8.15 (4) (b), 8.18 (2), 8.20 (6), 8.50 (3) (a), 8.50 (3) (e), 9.01  
13 (1) (a) 1., 9.01 (1) (ar) 2., 9.01 (10), 10.06 (1) (title), 11.21 (title), 11.21 (7) (intro.),  
14 11.22 (4), 11.61 (2), 13.123 (3) (b) 2., 13.23, 13.62 (4), 13.685 (title), 13.94 (1) (k),

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1 14.58 (20), 15.07 (1) (cm), 15.07 (4), 16.753 (2), 16.79 (2), 16.96 (3) (b), 16.973 (6),  
2 17.07 (6), 17.17 (1), 17.17 (4), 19.42 (3), 19.43 (4), 19.43 (5), 19.45 (6), 19.46 (1)  
3 (intro.), 19.47 (5), 19.50 (2), 19.54 (2), 19.55 (1), 19.55 (2) (c), 19.59 (1) (g) 8.,  
4 19.59 (8) (a) and (c), 19.59 (8) (cn), 19.59 (8) (d), 19.85 (1) (h), 20.923 (4) (intro.),  
5 46.95 (4), 59.605 (3) (a) 3., 67.05 (3) (b), 67.05 (6), 71.10 (3) (b), 73.0301 (1) (d)  
6 13., 73.0301 (1) (e), 85.61 (1), 117.20 (2), 117.27 (2) (b) (intro.), 121.91 (3) (c),  
7 125.05 (1) (b) 10., 165.25 (1), 165.93 (4), 198.08 (10), 200.09 (11) (am) 2. and 3.,  
8 227.03 (6), 227.52 (6), 230.08 (4) (a), 234.02 (3m) (c), 301.03 (20m), 343.11 (2m),  
9 560.04 (2m), 778.135 and 778.136; **to repeal and recreate** 11.60 (4), 15.07 (1)  
10 (a) 2. and 19.579; and **to create** 5.05 (1m), 5.05 (2m), 5.05 (3m), 5.05 (5s) (title)  
11 and (d), 5.052, 5.054, 5.066, 15.03 (2), 15.07 (2) (n), 15.07 (5) (m), 15.60, 15.603,  
12 19.85 (1) (fm), 20.923 (4) (e) 2e., 20.923 (4) (f) 3j., 165.25 (4) (e), 227.03 (6m),  
13 230.08 (2) (e) 4h., 230.08 (2) (on), 758.19 (9) and 971.19 (12) of the statutes;  
14 **relating to:** creation of a Government Accountability Board; enforcement of  
15 elections, ethics, lobbying regulation laws; and providing penalties.

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

Currently, the Elections Board consists of eight or 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 (as of November 1, 2006, 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

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appointment, may have been, and no member, while serving on the Ethics Board, may become, a member of a political party, an officer or member of a committee in any partisan political club or organization, or a candidate for any partisan office.

This bill abolishes both boards and replaces them with a Government Accountability Board. Under the bill, 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 bill 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 bill also permits the executive director to appoint up to two other division administrators outside the classified service but the bill does not authorize any new positions for the administrators. The bill transfers all members of the existing staffs of the Elections Board and Ethics Board and their positions to the Government Accountability Board. Under the bill, the staff members who have civil service rights retain those rights. The bill 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 bill, the Enforcement Division has independent authority to investigate

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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 bill 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 bill permits the Enforcement Division to request the board to appoint special counsel to investigate or prosecute violations of the law. Under the bill, 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 retaining 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 bill also permits the Enforcement Division to request investigatory and prosecutorial assistance from the Department of Justice and directs the Department of Justice to provide the assistance upon request. Under the bill, the Enforcement Division is bound by applicable laws, rules, formal opinions, and actions of the board, except that the division may nonacquiesce in any formal opinion of the board by publishing a notice of nonacquiescence in the Wisconsin Administrative Register. Thereafter, the division is not bound by that opinion. The bill 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 bill, 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 bill 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 bill 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 the district attorney receives the notice.

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

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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 bill repeals all appropriations to both boards and does not make any appropriations to the Government Accountability Board. Under the bill, the Government Accountability Board will be unable to operate unless funding is provided for the board by other legislation. The bill 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 bill, 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 bill also permits the division to investigate any violation of the elections, ethics, or lobbying regulation laws on its own initiative or upon direction of the board. The division may order an election official or private person to act in conformity with the 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 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 bill provides that if the defendant in a criminal trial for a violation of the elections, ethics, or lobbying regulation laws is a resident of this state, the trial shall be held in circuit court for the county where the defendant resides, subject to the current exception.

Currently, opinions of the Elections Board are open to public inspection, but opinions of the Ethics Board, with limited exceptions, are closed to public inspection. However, the Ethics Board publishes summaries of its opinions without divulging information that could reveal the identity of the requester. This bill makes all

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opinions issued by the Government Accountability Board closed to public inspection, subject to the current exceptions for opinions issued by the Ethics Board.

The bill provides for the bill to become law on January 1, 2009, 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, 2009, subject to appropriation of money for continued operation of the boards by other legislation. Under the bill, the Government Accountability Board may not exercise administrative or enforcement authority until June 1, 2009. The bill 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 bill 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  
9 laws relating to elections and election campaigns. Pursuant to such responsibility,  
10 the board may:

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

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

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

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

17           5.05 (1) (c) Bring civil or criminal actions to require forfeitures for any violation  
18          of ch. 11 under s. 11.60. ~~Forfeiture actions brought by the board may concern only~~  
19          ~~violations with respect to reports or statements required by law to be filed with it,~~  
20          ~~and other violations arising under elections for state office or statewide referenda~~  
21          chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19. The board may compromise  
22          and settle any civil action or potential action brought or authorized to be brought by  
23          it ~~under ch. 11~~ which, in the opinion of the board, constitutes a minor violation, a  
24          violation caused by excusable neglect, or which for other good cause shown, should  
25          not in the public interest be prosecuted under such chapter. Notwithstanding s.

**BILL****SECTION 6**

1 778.06, ~~an~~ a civil action or proposed civil action authorized under this paragraph may  
2 be settled for such sum as may be agreed between the parties. Any settlement made  
3 by the board shall be in such amount as to deprive the alleged violator of any benefit  
4 of his or her wrongdoing and may contain a penal component to serve as a deterrent  
5 to future violations. In settling actions or proposed actions, the board shall treat  
6 comparable situations in a comparable manner and shall assure that any settlement  
7 bears a reasonable relationship to the severity of the offense or alleged offense.  
8 Forfeiture actions brought by the board shall be brought in the circuit court for the  
9 county wherein the violation is alleged to occur.

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

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

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

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

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

24 (c) 1. The board shall employ at least one full-time attorney and at least one  
25 full-time staff support individual within the enforcement division. The enforcement



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

10 2. Upon opening or concluding an investigation of any alleged violation of chs.  
11 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, the board shall notify the district  
12 attorney for the county wherein the violation is alleged to occur. Upon opening or  
13 concluding an investigation of any alleged violation of chs. 5 to 12, subch. III of ch.  
14 13, or subch. III of ch. 19, a district attorney shall notify the board. Upon request of  
15 the board or a district attorney, the board and district attorney shall each share  
16 information in their possession relating to any alleged violation of chs. 5 to 12, subch.  
17 III of ch. 13, or subch. III of ch. 19. If the board notifies the district attorney for any  
18 county that it has opened an investigation of an alleged violation of chs. 5 to 12,  
19 subch. III of ch. 13, or subch. III of ch. 19 that is prosecutable in circuit court for that  
20 county, the district attorney shall suspend any investigation of the same alleged  
21 violation that the district attorney is conducting until the board notifies the district  
22 attorney that it has concluded its investigation and it will not prosecute the alleged  
23 violation or there elapse 30 days from the date of the board's notification that its  
24 investigation is concluded and the board does not commence a prosecution of the  
25 alleged violation.

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

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

16           5. Each individual who is retained by the board to act as an investigator shall  
17 make periodic reports to the board, as directed by the board, but in no case may the  
18 interval for reporting exceed 90 days. If the administrator of the enforcement  
19 division investigates any matter without retention of an investigator, the  
20 administrator shall make periodic reports to the board, as directed by the board, but  
21 in no case may the reporting interval exceed 90 days. If, after receiving a report, the  
22 board does not terminate the investigation by a vote of at least 4 members of the  
23 board, the investigation is continued.

24           6. Prior to commencing any prosecution with respect to an alleged violation of  
25 chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, a district attorney shall provide

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

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

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

19 9. The enforcement division may file a compliant against any person only upon  
20 authorization by the board. A vote of at least 4 members of the board is required for  
21 authorization.

22 10. Upon employment of any individual to serve as special counsel for the  
23 enforcement division, the administrator of the division shall certify the maximum  
24 amount provided in the employment contract to the secretary of administration, and

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1 direct the department of administration to pay special counsel bills related to that  
2 case within the certified amount.

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

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

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

14 5.05 (3) (a) The board shall upon complaint by any person or on its own motion  
15 investigate violations of the elections laws and shall notify the district attorney of for  
16 the proper county, or the attorney general ~~or the governor~~ where appropriate under  
17 s. 11.60 (4) or 11.61 (2) of any facts within its knowledge or evidence in its possession  
18 which may be grounds for civil action or criminal prosecution.

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

20 5.05 (3m) CHIEF ELECTION OFFICER. The board shall designate an employee of  
21 the board to serve as the chief election officer of this state.

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

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

24 5.05 (5s) (title) ACCESS TO RECORDS.

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

**BILL****SECTION 16**

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.

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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

**BILL****SECTION 17**

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



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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

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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.

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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).

7           **SECTION 20.** 5.68 (4) of the statutes is amended to read:

8           5.68 (4) ~~Except as provided under sub. (7), the~~ The cost of compensation of  
9 election officials and trainees shall be borne in the manner provided in s. 7.03.

10          **SECTION 21.** 5.68 (7) of the statutes is repealed.

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

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

19          **SECTION 23.** 6.26 (2) (c) of the statutes is amended to read:

20          6.26 (2) (c) No individual may serve as a special registration deputy in a  
21 municipality unless the individual is appointed by the municipal clerk or board of  
22 election commissioners of the municipality or the individual is appointed by the  
23 elections government accountability board to serve all municipalities and the  
24 individual completes training required under s. 7.315.

25          **SECTION 24.** 6.56 (3) to (5) of the statutes are amended to read:

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## SECTION 24

1           6.56 (3) Upon receipt of the list under sub. (1), the municipal clerk or board of  
2 election commissioners shall make an audit of all electors registering to vote at the  
3 polling place or other registration location under s. 6.55 (2) and all electors  
4 registering by agent on election day under s. 6.86 (3) (a) 2. unless the clerk or board  
5 of election commissioners receives notice from the board under sub. (7) that the board  
6 will perform the audit. The audit shall be made by 1st class postcard. The postcard  
7 shall be marked in accordance with postal regulations to ensure that it will be  
8 returned to the clerk, board of election commissioners, or ~~elections~~ <sup>government accountability</sup> board if the elector  
9 does not reside at the address given on the postcard. If any postcard is returned  
10 undelivered, or if the clerk, board of election commissioners, or ~~elections~~ <sup>government</sup> board is  
11 informed of a different address than the one specified by the elector which was  
12 apparently improper on the day of the election, the clerk, board of election  
13 commissioners, or ~~elections~~ <sup>government accountability</sup> board shall change the status of the elector from eligible  
14 to ineligible on the registration list, mail the elector a notice of the change in status,  
15 and provide the name of the elector to the district attorney for the county where the  
16 polling place is located ~~and the elections~~ <sup>government accountability</sup> board.

17           (3m) As soon as possible after all information relating to registrations after the  
18 close of registration for an election is entered on the registration list following the  
19 election under s. 6.33 (5) (a), the board shall compare the list of new registrants  
20 whose names do not appear on the poll lists for the election because the names were  
21 added after the board certified the poll lists for use at the election with the list  
22 containing the names transmitted to the board by the department of corrections  
23 under ~~s. 301.03 (20)~~ s. 301.03 (20m) as of election day. If the board finds that the  
24 name of any person whose name appears on the list transmitted under ~~s. 301.03 (20)~~  
25 s. 301.03 (20m) has been added to the registration list, the board shall enter on the

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5030103(20M) ✓  
s. 301.03 (20m)

1 list the information transmitted to the board under s. 301.03 (20) s. 301.03 (20m) and  
2 shall notify the district attorney that the person appears to have voted illegally at  
3 the election.

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

12 A copy of the letter and of any subsequent information received from or about the  
13 addressee shall be sent to the district attorney and the elections board.

*government accountability*

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

*government accountability*

21 **SECTION 25.** 7.08 (title) of the statutes is amended to read:

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

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

24 7.15 (1) (g) Report suspected election frauds, irregularities or violations of  
25 which the clerk has knowledge to the district attorney and the board.

**BILL****SECTION 27**

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

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

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

17           7.31 (5) The board shall conduct regular training programs to ensure that  
18 individuals who are certified by the board under this section are knowledgeable  
19 concerning their authority and responsibilities. ~~The board shall pay all costs~~  
20 ~~required to conduct the training programs from the appropriation under s. 20.510 (1)~~  
21 ~~(bm).~~

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

23           7.60 (4) (a) The board of canvassers shall make separate duplicate statements  
24 showing the numbers of votes cast for the offices of president and vice president; state  
25 officials; U.S. senators and representatives in congress; state legislators; justice;

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

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

19 7.60 (5) REPORTING. (a) Immediately following the canvass, the county clerk  
20 shall deliver or send to the elections government accountability board, by 1st class  
21 mail, a certified copy of each statement of the county board of canvassers for  
22 president and vice president, state officials, senators and representatives in  
23 congress, state legislators, justice, court of appeals judge, circuit judge, district  
24 attorney, and metropolitan sewerage commissioners, if the commissioners are  
25 elected under s. 200.09 (11) (am). The statement shall record the returns for each

**BILL****SECTION 30**

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

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

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



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

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

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

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

18           **SECTION 33.** 8.05 (1) (j) 3. of the statutes is amended to read:

19           8.05 (1) (j) 3. A candidate for municipal judge shall, in addition to making the  
20 filings required under subd. 2., file a statement of economic interests with the ethics  
21 board under s. 19.43 (4) no later than 4:30 p.m. on the 5th day after notification of  
22 nomination is mailed or personally delivered to the candidate, or no later than  
23 4:30 p.m. on the next business day after the last day for filing a declaration of  
24 candidacy whenever that candidate is granted an extension of time for filing a  
25 declaration of candidacy under subd. 2.

**BILL****SECTION 34**

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

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

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

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

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

22           8.18 (2) The purpose of the convention is to nominate one presidential elector  
23 from each congressional district and 2 electors from the state at large. The names  
24 of the nominees shall be certified immediately by the chairperson of the state  
25 committee of each party to the chairperson of the elections board.

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

2           8.20 (6) Nomination papers shall be accompanied by a declaration of candidacy  
3 under s. 8.21. If a candidate for state or local office has not filed a registration  
4 statement under s. 11.05 at the time he or she files nomination papers, the candidate  
5 shall file the statement with the papers. A candidate for state office shall also file  
6 a statement of economic interests with the ethics board under s. 19.43 (4) no later  
7 than 4:30 p.m. on the 3rd day following the last day for filing nomination papers  
8 under sub. (8) (a), or no later than 4:30 p.m. on the next business day after the last  
9 day whenever that candidate is granted an extension of time for filing nomination  
10 papers under sub. (8) (a).

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

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

**BILL****SECTION 38**

1 with the ethics board no later than the end of the 3rd day following the last day for  
2 filing nomination papers specified in the order.

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

4 8.50 (3) (e) In a special election for a state or national office, the county clerk  
5 or board of election commissioners shall transmit the statement of the county board  
6 of canvassers to the elections government accountability board no later than 7 days  
7 after the special primary and 13 days after the special election.

8 **SECTION 40.** 9.01 (1) (a) 1. of the statutes is amended to read:

9 9.01 (1) (a) 1. Any candidate voted for at any election or any elector who voted  
10 upon any referendum question at any election may petition for a recount. The  
11 petitioner shall file a verified petition or petitions with the proper clerk or body under  
12 par. (ar) not earlier than the time of completion of the canvass and not later than 5  
13 p.m. on the 3rd business day following the last meeting day of the municipal or  
14 county board of canvassers determining the election for that office or on that  
15 referendum question prior to issuance of any amended return under s. 6.221 (6) (b)  
16 or, if more than one board of canvassers makes the determination, not later than 5  
17 p.m. on the 3rd business day following the last meeting day of the last board of  
18 canvassers which makes a determination prior to issuance of any amended return  
19 under s. 6.221 (6) (b). If the chairperson of the board or chairperson's designee makes  
20 the determination for the office or the referendum question, the petitioner shall file  
21 the petition not earlier than the last meeting day of the last county board of  
22 canvassers to make a statement in the election or referendum and not later than 5  
23 p.m. on the 3rd business day following the day on which the elections government  
24 accountability board receives the last statement from a county board of canvassers  
25 for the election or referendum.

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

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

3           9.01 (1) (ar) 2. In the event of a recount for a referendum, the petition shall be  
4 filed with the clerk of the jurisdiction in which the referendum is called, and, in the  
5 case of the state, with the elections board.

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

7           9.01 (10) STANDARD FORMS AND METHODS. The elections government  
8 accountability board shall prescribe standard forms and procedures for the making  
9 of recounts under this section. The procedures prescribed by the elections  
10 government accountability board shall require the boards of canvassers in recounts  
11 involving more than one board of canvassers to consult with the elections board staff  
12 prior to beginning any recount in order to ensure that uniform procedures are used,  
13 to the extent practicable, in such recounts.

14           **SECTION 44.** 10.06 (1) (title) of the statutes is amended to read:

15           10.06 (1) (title) ELECTIONS GOVERNMENT ACCOUNTABILITY BOARD.

16           **SECTION 45.** 11.21 (title) of the statutes is amended to read:

17           **11.21 (title) Duties of the elections government accountability board.**

18           **SECTION 46.** 11.21 (7) (intro.) of the statutes is amended to read:

19           11.21 (7) (intro.) Include in its biennial report under s. ~~5.05 (5)~~ 15.04 (1) (d)  
20 compilations of any of the following in its discretion:

21           **SECTION 47.** 11.22 (4) of the statutes is amended to read:

22           11.22 (4) Notify the board, the district attorney, or the attorney general where  
23 appropriate under ss. 11.60 (4) and 11.61 (2), in writing, of any facts within the filing  
24 officer's knowledge or evidence in the officer's possession, including errors or  
25 discrepancies in reports or statements and delinquencies in filing which may be

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1 grounds for civil action or criminal prosecution. The filing officer shall transmit a  
2 copy of such notification to the board. The board, district attorney, or the attorney  
3 general shall advise the filing officer in writing at the end of each 30-day period of  
4 the status of such matter until the time of disposition. The district attorney or  
5 attorney general shall transmit a copy of each any such notice to the board.

6 **SECTION 48.** 11.60 (4) of the statutes is repealed and recreated to read:

7 11.60 (4) Subject to the procedures under s. 5.05 (2m), actions under this  
8 section may be brought by the board or by the district attorney for the county where  
9 the violation is alleged to have occurred, except as specified in s. 11.38. Subject to  
10 the procedures under s. 5.05 (2m), actions under this section arising out of an election  
11 for county office or a county referendum may be brought by the county board of  
12 election commissioners of the county where the violation is alleged to have occurred.  
13 If a violation concerns a district attorney or circuit judge or a candidate for either  
14 such office, the action shall be brought by the board or by the attorney general.

15 **SECTION 49.** 11.61 (2) of the statutes is amended to read:

16 11.61 (2) Except as provided in s. 11.38 (5), all prosecutions under this section  
17 shall be conducted by the board or by district attorney ~~of~~ for the county where the  
18 violation is alleged to have occurred. ~~If the district attorney refuses to act upon a~~  
19 ~~sworn complaint, or fails to act upon such a complaint within 60 days of the date on~~  
20 ~~which the complaint is received, the attorney general may then conduct the~~  
21 ~~prosecution under this section~~ subject to the procedures under s. 5.05 (2m). If a  
22 violation concerns a district attorney or circuit judge or a candidate for ~~such offices~~  
23 either such office, the prosecution shall be conducted by the board or by the attorney  
24 general. ~~If a violation concerns the attorney general or a candidate for such office,~~  
25 ~~the governor may appoint a special prosecutor under s. 14.11 (2) to conduct the~~

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1 ~~prosecution in behalf of the state. The prosecutor shall be independent of the~~  
2 ~~attorney general and need not be a state employee at the time of appointment.~~

3 **SECTION 50.** 13.123 (3) (b) 2. of the statutes is amended to read:

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

8 **SECTION 51.** 13.23 of the statutes is amended to read:

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

19 **SECTION 52.** 13.62 (4) of the statutes is amended to read:

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

21 **SECTION 53.** 13.685 (title) of the statutes is amended to read:

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

23 **SECTION 54.** 13.94 (1) (k) of the statutes is amended to read:

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