

**2007 Jr7 DRAFTING REQUEST**

**Bill**

Received: **01/10/2007**

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Michael Huebsch (608) 266-3387**

By/Representing: **Jodi Jensen**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - campaign finance  
Elections - miscellaneous  
Ethics  
Lobbying**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Huebsch@legis.wisconsin.gov**

Carbon copy (CC:) to: **kathy.annen@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Government Accountability Board (S)

**Instructions:**

Per LRB-1444/1.

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 01/10/2007	csicilia 01/10/2007		_____			State
/1			jfrantze 01/10/2007	_____	mbarman 01/10/2007	mbarman 01/10/2007	

FE Sent For: *at intro*  
*1/11/07*

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Table with 8 columns: Vers., Drafted, Reviewed, Typed, Proofed, Submitted, Jacketed, Required. It contains two rows of drafting history data.

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1	jkuesel 01/10/2007	lrb_editor	[Signature]	[Signature]			
			1 cjs 1/10/07	1/10			
						JACKET FOR SENATE	
							<END>

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1/1	jkuesel 1/10/07	1 cjs 1/10 07		_____	JACKET FOR SENATE		

FE Sent For:

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DN 275  
January 2007 Special Session

2007 - 2008 LEGISLATURE

LRB-4444/1

JTK:cs/lk/wj:jf

-1451/1

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slays

D-note

### 2007 BILL

JACKET FOR SEVERAL

Repeal cat

1 AN ACT *to repeal* 5.05 (1) (a), 5.05 (3), 5.05 (5), 5.05 (6), 5.68 (7), 7.21 (2m), 11.38  
2 (5), 13.69 (8), 15.07 (5) (k), 15.07 (5) (n), 15.61, 15.62, 19.42 (10) (a), 19.47 (2),  
3 19.47 (4), 19.49 (title), 19.49 (1), 19.49 (3), 19.49 (4), 19.50 (title), 19.50 (2), 19.51  
4 (title), 19.51 (1) (a) and (b), 19.51 (3), 19.52, 19.53 (intro.), 19.53 (1) to (5), 19.53  
5 (7) and (8), 19.535, 19.54, 19.545, 20.510 (intro.), 20.510 (1) (title), 20.510 (1) (a),  
6 20.510 (1) (gm), 20.510 (1) (h), 20.510 (1) (i), 20.511 (1) (c), 20.521 (intro.), 20.521  
7 (1) (title), 20.521 (1) (a), 20.521 (1) (g), 20.521 (1) (i), 20.923 (4) (d) 3., 20.923 (4)  
8 (d) 4., 230.08 (2) (om), 230.08 (2) (wm) and 778.136; *to renumber* 19.49 (1m),  
9 19.50 (4) and (5), 19.51 (2), 19.579, 20.510 (1) (b), 20.510 (1) (bm), 20.510 (1) (c),  
10 20.510 (1) (d), 20.510 (1) (g), 20.510 (1) (j), 20.510 (1) (q), 20.510 (1) (t) and 20.510  
11 (1) (x); *to renumber and amend* 15.617, 19.46 (2), 19.49 (2), 19.49 (5), 19.50  
12 (intro.) and (1), 19.50 (3), 19.51 (1) (intro.), 19.53 (6), 19.55 (2) (a), 19.55 (2) (b),  
13 20.521 (1) (b) and 20.521 (1) (h); *to amend* 5.02 (1s), 5.05 (title), 5.05 (1) (intro.),  
14 5.05 (1) (b), 5.05 (1) (c), 5.05 (1) (e), 5.05 (9), 5.05 (11), 5.055, 5.056, 5.08, 5.09,

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1 5.40 (7), 5.62 (4) (b), 5.68 (4), 6.26 (2) (b), 6.26 (2) (c), 6.36 (2) (a), 6.56 (3) to (5),  
2 7.08 (title), 7.08 (7), 7.15 (1) (g), 7.31 (5), 7.60 (4) (a), 7.60 (5), 7.70 (1), 7.70 (5),  
3 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  
4 (1) (a) 1., 9.01 (1) (ag) 4., 9.01 (1) (ar) 2., 9.01 (10), 10.06 (1) (title), 11.21 (title),  
5 11.21 (7) (intro.), 11.22 (4), 11.60 (4), 11.60 (5), 11.61 (2), 13.123 (3) (b) 2., 13.23,  
6 13.62 (4), 13.685 (title), 13.94 (1) (k), 14.58 (20), 15.07 (1) (cm), 15.07 (4), 16.753  
7 (2), 16.79 (2), 16.96 (3) (b), 16.973 (6), 17.17 (1), 17.17 (4), 19.42 (3), 19.43 (4),  
8 19.43 (5), 19.45 (6), 19.46 (1) (intro.), 19.47 (5), 19.55 (1), 19.55 (2) (c), 19.579  
9 (title), 19.59 (1) (g) 8., 19.85 (1) (h), 20.455 (1) (b), 20.930, 46.95 (4), 59.605 (3)  
10 (a) 3., 67.05 (3) (b), 67.05 (6), 71.10 (3) (b), 73.0301 (1) (d) 13., 73.0301 (1) (e),  
11 85.61 (1), 117.20 (2), 117.27 (2) (b) (intro.), 121.91 (3) (c), 125.05 (1) (b) 10.,  
12 165.25 (1), 165.93 (4), 198.08 (10), 200.09 (11) (am) 2. and 3., 227.03 (6), 227.45  
13 (1), 227.46 (1) (intro.), 227.52 (6), 230.08 (4) (a), 234.02 (3m) (c), 301.03 (20m),  
14 343.11 (2m), 560.04 (2m), 778.135, 801.52 and 978.05 (1) and (2); **to repeal and**  
15 **recreate** 15.07 (1) (a) 2. and 20.005 (3) (schedule) 20.511; and **to create** 5.05  
16 (1e), 5.05 (1m), 5.05 (2m), (2s) and (2w), 5.05 (3g), 5.05 (5s) (title), (d) and (e),  
17 5.052, 5.054, 8.30 (2m), 12.13 (5), 12.60 (1) (bm), 15.07 (2) (b), 15.07 (5) (m),  
18 15.60, 15.603, 19.851, 20.511 (intro.) and (1) (title) and (a), 20.511 (1) (h) and (i),  
19 20.923 (4) (f) 3j., 230.08 (2) (e) 4h., 230.08 (2) (on), 758.19 (9), 801.50 (5t) and  
20 971.19 (12) of the statutes; **relating to:** creation of a Government  
21 Accountability Board, enforcement of elections, ethics, and lobbying regulation

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- 1 laws, venue for prosecution of certain offenses, granting rule-making  
2 authority, making appropriations, and providing penalties.

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

This bill creates a Government Accountability Board which replaces the current Elections Board and Ethics Board. Significant provisions include:

***Board structure***

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 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. The consent of a majority of the senators present and voting is required to confirm a nominee. All members of the Ethics Board 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. No member, for one year immediately prior to the date of nomination, 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 an officer or employee of a registrant under the campaign finance law. No member, while serving on the board or for 12 months thereafter, may become a candidate for state or local elective office. In addition, no member, while serving on the board, may make a political contribution to a candidate for state or local elective office.

This bill abolishes both boards and replaces them with a Government Accountability Board. Under the bill, the board is composed of six members serving for staggered four-year terms who are nominated by the governor and appointed with the advice and consent of the senate. The consent of two-thirds of the senators present and voting is required to confirm a nominee. However, the bill provides that the governor shall submit three of the nominees to initially fill seats on the board solely to the senate for confirmation by a majority of the senators who are present and voting and shall submit three of the nominees to initially fill seats on the board solely to the assembly for confirmation by a majority of the representatives to the assembly who are present and voting. Each of the members of the Government Accountability Board must be a retired judge of a court of record in this state who was elected to serve in the position that he or she held. Each of the members must be appointed from nominations submitted by a Governmental Accountability

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Candidate Committee, which consists of one court of appeals judge from each of the court of appeals districts who serve for two-year terms. The judges are chosen by lot by the chief justice of the supreme court in the presence of the other justices. A unanimous vote of the committee is required to nominate a candidate. No member of the Government Accountability Board may hold another position that is subject to the code of ethics for state public officials or the code of ethics for local public officials, except that a member may serve as a circuit judge or court of appeals judge if appointed on a reserve basis. No member, for one year immediately prior to the date of nomination, 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 state or local elective office or an officer or employee of a registrant under the campaign finance law. No member may, while serving on the board or for 12 months thereafter, become a candidate for state or local elective office. No member may be a lobbyist or an employee of a principal (person who employs a lobbyist). The chairperson of the board is chosen by lot by the current chairperson at the first meeting of the board in January of each year. The concurrence of at least four members is required for the board to take any action. No member, for 12 months prior to beginning that service, may have made a political contribution to a candidate for a partisan state or local office.

Currently, the Elections Board and the Ethics Board must employ executive directors outside the classified service and the Elections Board must employ legal counsel. This bill directs the Government Accountability Board to employ an individual outside the classified service to serve as legal counsel to the board, who is directed to provide legal and administrative functions for the board. The bill prescribes certain other statutory responsibilities for this officer.

The bill creates two divisions within the Government Accountability Board. The divisions are an Ethics and Accountability Division and an Elections Division. The Ethics and Accountability Division has the responsibility for the administration of the campaign finance law. Each division is headed by a division administrator who is appointed outside the classified service by the board to serve at its pleasure. The bill prescribes certain statutory responsibilities for the administrators.

The bill does not authorize any new positions for the administrators. The bill transfers all authorized FTE positions of the Elections Board and Ethics Board to the Government Accountability Board. The bill also transfers all incumbent employees in the positions, except the executive directors of the boards. Under the bill, the staff members who have civil service rights retain those rights.

***Enforcement procedures***

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 the attorney general; and the district attorneys, and in some cases the attorney general, exercise criminal enforcement authority. Currently, the Elections Board and Ethics Board may investigate violations of the law, with or without complaint, and may enforce their respective laws. The Elections Board may file civil actions to collect forfeitures (civil monetary penalties) for violations of the law and the Ethics Board may, after an administrative hearing,



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assess civil forfeitures or impose certain other remedies for violations of the law. Currently, the Elections Board has an administrative procedure for processing of complaints from electors alleging that an action or failure to act on the part of an election official is contrary to law, or that an official has abused his or her discretion. Under the procedure, the board may order the official to conform his or her conduct to the law or may prosecute the official for a civil violation of the law. If either board finds a criminal violation of the law, it may refer the matter to the appropriate district attorney, or in certain cases the attorney general. Under current law, the attorney general is directed to investigate crimes that are statewide in nature and to represent state agencies and witnesses in court. In addition, under current law, the attorney general has certain limited responsibilities related to administration and enforcement of the elections, ethics, and lobbying regulation laws and may prosecute certain offenses when the Ethics Board so requests or when a district attorney declines or fails to do so.

This bill maintains the current shared enforcement authority between the Government Accountability Board and the district attorneys, but deletes the enforcement authority of county boards of election commissioners. The bill maintains the current responsibilities of the attorney general but modifies the authority of the attorney general to prosecute most offenses under the elections, ethics, and lobbying regulation laws. In addition, the bill creates a new investigatory and prosecution procedure that is uniformly applicable to all investigations and prosecutions of violations of the elections, ethics, and lobbying regulation laws by the Government Accountability Board. Under the bill, the board may investigate any alleged violation of the elections, ethics, or lobbying regulation laws and may prosecute alleged civil violations. The board may also refer suspected civil or criminal violations to the appropriate district attorney. Any person may file a complaint with the board alleging a violation of the elections, ethics, or lobbying regulation laws. If the board reviews a complaint and does not find that there is a reasonable suspicion that a violation has occurred or is occurring, the board must dismiss the complaint. If the board determines that there is a reasonable suspicion that a violation has occurred or is occurring, it may direct the administrator of the ethics and accountability division of the board to submit the names of three qualified individuals to act as special investigators. The board may retain one or more of the special investigators. The board may also authorize the administrator to investigate any matter without retaining an investigator. If the board retains a special investigator, the board may issue a subpoena to a specific person or may authorize the investigator to obtain a search warrant if the board approves that action by motion at a meeting of the board. A special investigator or the administrator must report to the board concerning an investigation at least once every 30 days. The board must meet with the special investigator or administrator at least once every 90 days to review the progress of an investigation. The investigation terminates after 90 days unless the board votes to continue it for an additional period not exceeding 90 days. The board is prohibited from expending more than \$10,000 to finance the cost of an investigation before receiving a report on the progress of the investigation and a recommendation to commit additional resources. The board may

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vote to terminate an investigation at any time. If the board finds that there is probable cause to believe that a violation of the elections, ethics, or lobbying regulation laws has occurred or is occurring, it may authorize the filing of a civil complaint against a person and may, in addition, request the administrator to submit the names of three individuals to act as special counsel. If the board retains special counsel, the bill provides for the counsel to be paid from a sum sufficient appropriation from general purpose revenue. Once retained, the special counsel proceeds with the case in the manner he or she sees fit, with the assistance of the staff of the board if requested. Alternatively, the board may refer the matter to the district attorney for the county having authority to prosecute the matter for potential civil or criminal prosecution or in certain cases to another district attorney or to the attorney general (see below). Under the bill, the only authority of the attorney general to prosecute violations of the elections, ethics, and lobbying regulation laws is upon referral by the Government Accountability Board after two district attorneys have declined or failed to act or in criminal cases involving a district attorney or circuit judge or a candidate for one of those offices.

The bill permits the Government Accountability Board, by rule, to authorize the administrator of the ethics and accountability division to compromise and settle specified categories of offenses in the name of the board without a formal investigation, if the offenses by any given alleged offender do not involve payment of more than \$1,000. The bill provides that no individual who serves as an employee of the board and no individual who is retained to serve as a special investigator or special counsel for the board may, during such service or for 12 months after ceasing to be so employed or retained, become a candidate for a state or local elective office. In addition, under the bill, no such employee or individual, while serving in his or her position, may make a political contribution to a candidate for state or local office, and no such employee or individual, for 12 months prior to becoming so employed or retained, may have made a political contribution to a candidate for a partisan state or local office.

***Venue***

Currently, civil prosecutions for violations of the elections laws are brought by the Elections Board or by a district attorney in circuit court for the county where the violation is alleged to occur. Civil violations of the ethics or lobbying regulation laws may be prosecuted by the Ethics Board in an administrative proceeding. Currently, with limited exceptions, a defendant in a criminal trial is tried in circuit court for the county where the defendant's crime is alleged to have been committed by the district attorney for that county, 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, and except that the district attorney may request the appointment of, or a circuit judge may appoint, another prosecutor. Currently, a defendant in a trial to impose a civil (monetary) forfeiture for most offenses is generally tried in circuit court for the county where the offense is alleged to occur.

This bill provides that if the defendant in a civil or criminal trial for a violation of the elections, ethics, or lobbying regulation laws is a resident of this state, the trial

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must be held in circuit court for the county where the defendant resides, except that a civil or criminal trial may be moved in the same manner as currently provided for criminal trials. Under the bill, with the same limited exceptions, the prosecution is conducted by the district attorney for the county where the trial is required to be held prior to any removal, unless that district attorney requests, or the circuit judge appoints, another prosecutor. The bill provides, however, that if the Government Accountability Board refers any matter to the district attorney for the county in which the alleged violator resides for prosecution and the district attorney informs the board that he or she declines to prosecute any civil or criminal violation related to any matter referred to the district attorney by the board, or the district attorney fails to commence a civil or criminal prosecution related to any such matter within 60 days of the date of referral, the board may then refer the matter to the district attorney for a prosecutorial unit that is contiguous to the prosecutorial unit of the district attorney to whom the matter was originally referred. If there is more than one such prosecutorial unit, the chairperson of the board determines the prosecutorial unit of the district attorney to whom the matter is to be referred by the public drawing of lots at a meeting of the board. The district attorney for the contiguous prosecutorial unit may then commence a civil or criminal prosecution related to any of the alleged violations referred to him or her by the board. The bill provides, in addition, that if the district attorney to whom a matter is rereferred by the board informs the board that he or she declines to prosecute any civil or criminal violation related to any matter referred to the district attorney by the board, or if that district attorney fails to commence any civil or criminal prosecution related to any such matter within 60 days of the date of the referral, the board may then refer the matter to the attorney general, who may then commence a civil or criminal prosecution related to any of the alleged violations referred to him or her by the board. However, the venue for the trial is not altered by the substitution of the prosecutor. Under the bill, if a special prosecutor is appointed in lieu of the district attorney for the county in which the alleged violator resides, the board is not authorized to appoint another prosecutor.

The bill also provides that violations of any civil or criminal laws by a resident of this state arising from or in relation to the official functions of the subject of the investigation or any matter that involves elections, ethics, or lobbying regulation laws shall be prosecuted in circuit court for the county where the defendant resides by the district attorney for that county, subject to the current exceptions.

***Advisory opinions***

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 opinions issued by the Government Accountability Board closed to public inspection, subject to the current exceptions for opinions issued by the Ethics Board. Currently, the Ethics Board may authorize its executive director issue opinions on its behalf.

The bill permits the Government Accountability Board to authorize an employee of the board to issue informal opinions on its behalf. The bill requires every

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opinion issued by the staff to be consistent with applicable opinions of the Government Accountability Board. The bill provides that in order to have legal force and effect, each advisory opinion issued by the board must be supported by specific legal authority under a statute or other law, or case or common law authority. In addition, each opinion must include citations to that authority, and must specifically articulate or explain which parts of the cited authority are relevant to the board's conclusion and why they are relevant. Under the bill, no person acting in good faith upon an opinion of the board is subject to criminal or civil prosecution for so acting, but the board may withdraw or modify opinions and no person is protected from liability unless that person acts in accordance with a current opinion. The bill permits a person who disagrees with an opinion issued to the person to request and receive a public or private hearing before the board on the matter.

***Implementation***

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. Currently, the Ethics Board has a sum certain appropriation to finance the cost of investigations of potential violations of the code of ethics for public officials. This bill creates an appropriation structure for the Government Accountability Board that is similar to the structure that is currently provided for the existing boards, except that the bill appropriates a sum sufficient to finance the costs of investigations of potential violations of the elections, ethics, and lobbying regulation laws by the Government Accountability Board. The bill makes an appropriation to the Joint Committee on Finance to enable the committee to provide transitional funding to the Government Accountability Board during the 2006–07 fiscal year. In addition, the bill creates a budget for the Government Accountability Board for the 2007–09 fiscal biennium. This budget is subject to review and revision as a part of the 2007–09 biennial budget bill.

The bill provides for the bill to become law on the day after publication as an act, after which date the members of the Government Accountability Board may be appointed and take office, and the board may employ staff and expend moneys from its appropriation for general program operations. However, the existing Elections Board and Ethics Board continue in operation until the first day of the seventh month beginning after publication of the act resulting from enactment of the bill. Under the bill, the Government Accountability Board may not exercise administrative or enforcement authority until that date. 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 divisions within the board, and the administrators of the divisions.

The bill directs the Government Accountability Board to hold one or more public hearings on the question of reaffirmation of each rule that has been promulgated and each order that has been issued by the Elections Board or the Ethics Board and that is in effect on the date of the Government Accountability

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Board's initial meeting. The bill further directs the Government Accountability Board to hold one or more public hearings on the question of reaffirmation of each formal opinion that has been issued by the Elections Board or the Ethics Board and that has not been withdrawn or modified on the date of the Government Accountability Board's initial meeting. Similarly, the bill directs the Government Accountability Board to hold one or more public hearings on the question of reaffirmation of each guideline that has been issued by the Ethics Board. The bill also provides that every rule promulgated and every order issued by the Elections Board or the Ethics Board that is in effect on the day of the Government Accountability Board's initial meeting shall expire on its specified expiration date or 365 days after the date of the Government Accountability Board's initial meeting, whichever is earlier, unless the Government Accountability Board repeals or amends the rule, effective on a earlier date, or the Government Accountability Board reaffirms the rule or order before its expiration. In addition, the bill provides that every formal opinion issued by the Elections Board or the Ethics Board that has not been withdrawn or modified on the date of the Government Accountability Board's initial meeting remains in effect until the end of the 365-day period beginning on the date of that meeting unless the Government Accountability Board withdraws or modifies the opinion on an earlier date or the Government Accountability Board reaffirms the opinion on an earlier date. Similarly, the bill provides that every guideline issued by the Ethics Board must be withdrawn by the Government Accountability Board no later than the end of the 365-day period beginning on the date of that board's initial meeting unless that board chooses to withdraw or revise the guideline at an earlier date or unless the board specifically votes to reaffirm the current text of the guideline as issued prior to the end of that period. The bill permits the Government Accountability Board to extend the expiration date, the period of effectiveness, or the circulation period of any rule, order, or formal opinion of either board or any guideline that has been issued by the Ethics Board by not more than three months at a time, but not more than six months in all.

The bill also directs the Government Accountability Board, within one year after the date of the board's initial meeting, to review all internal operating procedures of the Ethics Board and the Elections Board in effect on the date of that meeting that affect the manner in which the board interrelates with persons who are not employees of the Government Accountability Board. The review must specifically address the degree to which employees are authorized to perform their functions without direct supervision or approval of the Government Accountability Board. While the review is underway, the bill provides that no employee of the Government Accountability Board may make any change in such an internal operating procedure unless the board holds a public hearing concerning the proposed change and the board specifically approves the change.

***Records and information***

Currently, except as otherwise provided by law, public records may be examined or copied by any person unless the custodian demonstrates that the public interest in withholding access to a record outweighs the public interest in providing access. With certain exceptions, records obtained and prepared by the Ethics Board in

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connection with an investigation are specifically exempted from public access. This bill provides specifically that investigatory records of the Government Accountability Board are exempted from the right of public access, subject to the current exceptions, except that if the board commences a prosecution of a person as a result of an investigation, the person who is the subject of the investigation may direct the board to provide access to records of the investigation pertaining to that person if the records are available by law to the subject person, and except that records of the board containing a finding that a complaint does not raise a reasonable suspicion that a violation of the law has occurred or records containing a finding that no probable cause exists to believe that a violation of the law has occurred are open to public access. Under the bill, except as specifically authorized by law, an investigator, prosecutor, employee of an investigator or prosecutor, or member or employee of the board who verbally discloses information related to an investigation or prosecution under the elections, ethics, or lobbying regulation laws or other laws arising from or in relation to the official functions of the subject of the investigation or any matter that involves elections, ethics, or lobbying regulation or who provides public access to a record of the investigator, prosecutor, or the board that is not accessible to the public prior to presentation of the information or record in a court of law is guilty of a misdemeanor and may be fined not more than \$10,000 or imprisoned for not more than nine months or both.

***Closed sessions***

Currently, state boards may convene in closed session to discuss the investigation of charges against specific persons. This bill provides that the Government Accountability Board must convene in closed session for the purpose of deliberating concerning any investigation under the board's jurisdiction. If any member of the board knowingly attends a meeting held in violation of this requirement, the member is subject to a forfeiture (civil penalty) of not less than \$25 nor more than \$300 for each offense.

***Nonseverability***

Currently, if any part of an act is found by a court to be invalid, those parts that are valid are severed from the invalid part and the severed parts continue in force. This bill provides that if any part of the act resulting from enactment of the bill is found by a court to be invalid, then all parts of the act are void, except that any such invalidation does not revive any law that is repealed by this bill nor revive any administrative body that was in existence prior to the day this bill becomes law.

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

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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:

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1           5.02 **(1s)** “Board” means the ~~elections~~ government accountability board.

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

3           **5.05** (title) **Elections Government accountability board; powers and**  
4 **duties.**

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

6           5.05 **(1)** GENERAL AUTHORITY. (intro.) The ~~elections~~ government accountability  
7 board shall have the responsibility for the administration of chs. 5 to 12 and, other  
8 laws relating to elections and election campaigns, subch. III of ch. 13, and subch. III  
9 of ch. 19. Pursuant to such responsibility, the board may:

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

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

12           5.05 **(1)** (b) In the discharge of its duties and ~~upon~~ after providing notice to the  
13 any party or parties being investigated who is the subject of an investigation,  
14 subpoena and bring before it any person ~~in the state~~ and require the production of  
15 any papers, books, or other records relevant to an investigation. Notwithstanding  
16 s. 885.01 (4), the issuance of a subpoena requires action by the board at a meeting  
17 of the board. A circuit court may by order permit the inspection and copying of the  
18 accounts and the depositor’s and loan records at any financial institution, as defined  
19 in s. 705.01 (3), doing business in the state to obtain evidence of any violation of ch.  
20 11 upon showing by the board of probable cause to believe there is a violation and that  
21 such accounts and records may have a substantial relation to the violation. In the  
22 discharge of its duties, the board may cause the deposition of witnesses to be taken  
23 in the manner prescribed for taking depositions in civil actions in circuit court.

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



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1           5.05 (1) (c) Bring civil actions to require forfeitures a forfeiture for any violation  
2 of ch. 11 under s. 11.60. ~~Forfeiture actions brought by the board may concern only~~  
3 ~~violations with respect to reports or statements required by law to be filed with it,~~  
4 ~~and other violations arising under elections for state office or statewide referenda~~  
5 ~~chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 or a license revocation for any~~  
6 ~~violation of subch. III of ch. 13 for which the offender is subject to a revocation.~~ The  
7 board may compromise and settle any civil action or potential action brought or  
8 authorized to be brought by it ~~under ch.11~~ which, in the opinion of the board,  
9 constitutes a minor violation, a violation caused by excusable neglect, or which for  
10 other good cause shown, should not in the public interest be prosecuted under such  
11 chapter. Notwithstanding s. 778.06, an a civil action or proposed civil action  
12 authorized under this paragraph may be settled for such sum as may be agreed  
13 between the parties. Any settlement made by the board shall be in such amount as  
14 to deprive the alleged violator of any benefit of his or her wrongdoing and may  
15 contain a penal component to serve as a deterrent to future violations. In settling  
16 civil actions or proposed civil actions, the board shall treat comparable situations in  
17 a comparable manner and shall assure that any settlement bears a reasonable  
18 relationship to the severity of the offense or alleged offense. ~~Forfeiture~~ Except as  
19 otherwise provided in sub. (2m) (c) 15. and 16. and ss. 5.08, 5.081, 19.535, and 19.59  
20 (8), forfeiture and license revocation actions brought by the board shall be brought  
21 in the circuit court for the county where the defendant resides, or if the defendant  
22 is a nonresident of this state, in circuit court for the county wherein the violation is  
23 alleged to occur. For purposes of this paragraph, a person other than a natural  
24 person resides within a county if the person's principal place of operation is located  
25 within that county. Whenever the board enters into a settlement agreement with an



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1 individual who is accused of a civil violation of chs. 5 to 12, subch. III of ch. 13, or  
2 subch. III of ch. 19 or who is investigated by the board for a possible civil violation  
3 of one of those provisions, the board shall reduce the agreement to writing, together  
4 with a statement of the board's findings and reasons for entering into the agreement  
5 and shall retain the agreement and statement in its office for inspection.

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

7 5.05 **(1)** (e) Delegate to its ~~executive director~~ its legal counsel the authority to  
8 issue a subpoena under par. (b), apply for a search warrant under par. (b), commence  
9 an action under par. (d), intervene in an a civil action or proceeding under sub. (9),  
10 issue an order under s. 5.06, exempt a polling place from accessibility requirements  
11 under s. 5.25 (4) (a), exempt a municipality from the requirement to use voting  
12 machines or an electronic voting system under s. 5.40 (5m), approve an electronic  
13 data recording system for maintaining poll lists under s. 6.79, or authorize  
14 nonappointment of an individual who is nominated to serve as an election official  
15 under s. 7.30 (4) (e), subject to such limitations as the board deems appropriate.

16 **SECTION 8.** 5.05 (1e) of the statutes is created to read:

17 5.05 **(1e)** ACTIONS BY THE BOARD. Any action by the board requires the  
18 affirmative vote of at least 4 members.

19 **SECTION 9.** 5.05 (1m) of the statutes is created to read:

20 5.05 **(1m)** LEGAL COUNSEL. The board shall employ outside the classified service  
21 an individual to serve as legal counsel who shall perform legal and administrative  
22 functions for the board.

23 **SECTION 10.** 5.05 (2m), (2s) and (2w) of the statutes are created to read:

24 5.05 **(2m)** ENFORCEMENT. (a) The board shall investigate violations of laws  
25 administered by the board and may prosecute alleged civil violations of those laws,

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1 directly or through its agents under this subsection, pursuant to all statutes granting  
2 or assigning that authority or responsibility to the board. Prosecution of alleged  
3 criminal violations investigated by the board may be brought only as provided in par.  
4 (c) 11., 14., 15., and 16. and s. 978.05 (1).

5 (c) 2. a. Any person may file a complaint with the board alleging a violation of  
6 chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19. If the board finds, by a  
7 preponderance of the evidence, that a complaint is frivolous, the board may order the  
8 complainant to forfeit not more than the greater of \$500 or the expenses incurred by  
9 the division in investigating the complaint.

10 4. If the board reviews a complaint and fails to find that there is a reasonable  
11 suspicion that a violation under subd. 2. has occurred or is occurring, the board shall  
12 dismiss the complaint. If the board believes that there is reasonable suspicion that  
13 a violation under subd. 2. has occurred or is occurring, the board may by resolution  
14 authorize the commencement of an investigation. The resolution shall specifically  
15 set forth any matter that is authorized to be investigated. To assist in the  
16 investigation, the board may elect to retain a special investigator. If the board elects  
17 to retain a special investigator, the administrator of the ethics and accountability  
18 division shall submit to the board the names of 3 qualified individuals to serve as a  
19 special investigator. The board may retain one or more of the individuals. If the  
20 board retains a special investigator to investigate a complaint against a person who  
21 is a resident of this state, the board shall provide to the district attorney for the  
22 county in which the person resides a copy of the complaint and shall notify the  
23 district attorney that it has retained a special investigator to investigate the  
24 complaint. For purposes of this subdivision, a person other than a natural person  
25 resides within a county if the person's principal place of operation is located within

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1 that county. The board shall enter into a written contract with any individual who  
2 is retained as a special investigator setting forth the terms of the engagement. A  
3 special investigator who is retained by the board may request the board to issue a  
4 subpoena to a specific person or to authorize the special investigator to request a  
5 circuit court to issue a search warrant. The board may grant the request by  
6 approving a motion to that effect at a meeting of the board if the board finds that such  
7 action is legally appropriate.

8 5. Each special investigator who is retained by the board shall make periodic  
9 reports to the board, as directed by the board, but in no case may the interval for  
10 reporting exceed 30 days. If the board authorizes the administrator of the ethics and  
11 accountability division to investigate any matter without retaining a special  
12 investigator, the administrator shall make periodic reports to the board, as directed  
13 by the board, but in no case may the reporting interval exceed 30 days. During the  
14 pendency of any investigation, the board shall meet for the purpose of reviewing the  
15 progress of the investigation at least once every 90 days. The special investigator or  
16 the administrator shall report in person to the board at that meeting concerning the  
17 progress of the investigation. If, after receiving a report, the board does not vote to  
18 continue an investigation for an additional period not exceeding 90 days, the  
19 investigation is terminated at the end of the reporting interval. The board shall not  
20 expend more than \$10,000 to finance the cost of an investigation before receiving a  
21 report on the progress of the investigation and recommendation to commit additional  
22 resources. The board may vote to terminate an investigation at any time. If an  
23 investigation is terminated, any complaint from which the investigation arose is  
24 deemed to be dismissed by the board. Unless an investigation is terminated by the

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1 board, at the conclusion of each investigation, the administrator shall present to the  
2 board one of the following:

3 a. A recommendation to make a finding that probable cause exists to believe  
4 that one or more violations under subd. 2. have occurred or are occurring, together  
5 with a recommended course of action.

6 b. A recommendation for further investigation of the matter together with facts  
7 supporting that course of action.

8 c. A recommendation to terminate the investigation due to lack of sufficient  
9 evidence to indicate that a violation under subd. 2 has occurred or is occurring.

10 6. a. If the board finds that there is probable cause to believe that a violation  
11 under subd. 2. has occurred or is occurring, the board may authorize the  
12 administrator of the ethics and accountability division to file a civil complaint  
13 against the alleged violator. In such case, the administrator may request the  
14 assistance of special counsel to prosecute any action brought by the board. If the  
15 administrator requests the assistance of special counsel with respect to any matter,  
16 the administrator shall submit to the board the names of 3 qualified individuals to  
17 serve as special counsel. The board may retain one of the individuals to act as special  
18 counsel. The staff of the board shall provide assistance to the special counsel as may  
19 be required by the counsel to carry out his or her responsibilities.

20 b. The board shall enter into a written contract with any individual who is  
21 retained as special counsel setting forth the terms of the engagement. The contract  
22 shall set forth the compensation to be paid such counsel by the state. The contract  
23 shall be executed on behalf of the state by the board's legal counsel, who shall file the  
24 contract in the office of the secretary of state. The compensation shall be charged to  
25 the appropriation under s. 20.455 (1) (b).

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1           7. No individual who is appointed or retained by the board to serve as special  
2 counsel or as a special investigator is subject to approval under s. 20.930.

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

9           11. If the board finds that there is probable cause to believe that a violation  
10 under subd. 2. has occurred or is occurring, the board may, in lieu of civil prosecution  
11 of any matter by the board, refer the matter to the district attorney for the county  
12 in which the alleged violator resides, or if the alleged violator is a nonresident, to the  
13 district attorney for the county where the matter arises, or if par. (i) applies, to the  
14 attorney general or a special prosecutor. For purposes of this subdivision, a person  
15 other than a natural person resides within a county if the person's principal place of  
16 operation is located within that county.

17           12. The board may, by rule, prescribe categories of civil offenses which the board  
18 will agree to compromise and settle without a formal investigation upon payment of  
19 specified amounts by the alleged offender. The board may authorize the  
20 administrator of the ethics and accountability division to compromise and settle such  
21 alleged offenses in the name of the board if the alleged offenses by an offender, in the  
22 aggregate, do not involve payment of more than \$1,000.

23           13. If a special investigator or the administrator of the ethics and  
24 accountability division, in the course of an investigation authorized by the board,  
25 discovers evidence that a violation under subd. 2. that was not within the scope of

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1 the authorized investigation has occurred or is occurring, the special investigator or  
2 the administrator may present that evidence to the board. If the board finds that  
3 there is a reasonable suspicion that a violation under subd. 2. that is not within the  
4 scope of the authorized investigation has occurred or is occurring, the board may  
5 authorize the special investigator or the administrator to investigate the alleged  
6 violation or may elect to authorize a separate investigation of the alleged violation  
7 as provided in subd. 4.

8 14. If a special investigator or the administrator of the ethics and  
9 accountability division of the board, in the course of an investigation authorized by  
10 the board, discovers evidence of a potential violation of a law that is not administered  
11 by the board arising from or in relation to the official functions of the subject of the  
12 investigation or any matter that involves elections, ethics, or lobbying regulation,  
13 the special investigator or the administrator may present that evidence to the board.  
14 The board may thereupon refer the matter to the appropriate district attorney  
15 specified in subd. 11.

16 15. Except as provided in subd. 17., if the board refers a matter to the district  
17 attorney specified in subd. 11. for prosecution of a potential violation under subd. 2.  
18 or 14. and the district attorney informs the board that he or she declines to prosecute  
19 any alleged civil or criminal violation related to any matter referred to the district  
20 attorney by the board, or the district attorney fails to commence a prosecution of any  
21 civil or criminal violation related to any matter referred to the district attorney by  
22 the board within 60 days of the date of the board's referral, the board may refer the  
23 matter to the district attorney for another prosecutorial unit that is contiguous to the  
24 prosecutorial unit of the district attorney to whom the matter was originally  
25 referred. If there is more than one such prosecutorial unit, the chairperson of the

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1 board shall determine the district attorney to whom the matter shall be referred by  
2 publicly drawing lots at a meeting of the board. The district attorney may then  
3 commence a civil or criminal prosecution relating to the matter.

4 16. Except as provided in subd. 17., if the board refers a matter to a district  
5 attorney under subd. 15. for prosecution of a potential violation under subd. 2. or 14.  
6 and the district attorney informs the board that he or she declines to prosecute any  
7 alleged civil or criminal violation related to any matter referred to the district  
8 attorney by the board, or the district attorney fails to commence a prosecution of any  
9 civil or criminal violation related to any matter referred to the district attorney by  
10 the board within 60 days of the date of the board's referral, the board may refer the  
11 matter to the attorney general. The attorney general may then commence a civil or  
12 criminal prosecution relating to the matter.

13 17. The board is not authorized to act under subd. 15. or 16. if a special  
14 prosecutor is appointed under s. 978.045 in lieu of the district attorney specified in  
15 subd. 11.

16 18. Whenever the board refers a matter to special counsel or to a district  
17 attorney or to the attorney general under this subsection, the special counsel, district  
18 attorney, or attorney general shall report to the board concerning any action taken  
19 regarding the matter. The report shall be transmitted no later than 40 days after the  
20 date of the referral. If the matter is not disposed of during that period, the special  
21 counsel, district attorney, or attorney general shall file a subsequent report at the  
22 end of each 30-day period following the filing of the initial report until final  
23 disposition of the matter.

24 (d) No individual who serves as an employee of the board and no individual who  
25 is retained by the board to serve as a special investigator or as special counsel may,

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1 while so employed or retained or for 12 months after ceasing to be so employed or  
2 retained, may become a candidate, as defined in s. 11.01 (1), for state or local office.

3 A filing officer shall decline to accept nomination papers or a declaration of candidacy  
4 from any individual who does not qualify to become a candidate under this  
5 paragraph.

6 (e) No individual who serves as an employee of the board and no individual who  
7 is retained by the board to serve as a special investigator or a special counsel may,  
8 while so employed or retained, make a contribution, as defined in s. 11.01 (6), to a  
9 candidate for state or local office. No individual who serves as an employee of the  
10 board and no individual who is retained by the board to serve as a special investigator  
11 or as special counsel, for 12 months prior to becoming so employed or retained, may  
12 have made a contribution, as defined in s. 11.01 (6), to a candidate for a partisan state  
13 or local office.

14 (h) If the defendant in an action for a civil violation of chs. 5 to 12, subch. III  
15 of ch. 13, or subch. III of ch. 19 is a district attorney or a circuit judge or a candidate  
16 for either such office, the action shall be brought by the board. If the defendant in  
17 an action for a civil violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch.  
18 19 is the attorney general or a candidate for that office, the board may appoint special  
19 counsel to bring suit on behalf of the state.

20 (i) If the defendant in an action for a criminal violation of chs. 5 to 12, subch.  
21 III of ch. 13, or subch. III of ch. 19 is a district attorney or a circuit judge or a candidate  
22 for either such office, the action shall be brought by the attorney general. If the  
23 defendant in an action for a criminal violation of chs. 5 to 12, subch. III of ch. 13, or  
24 subch. III of ch. 19 is the attorney general or a candidate for that office, the board may  
25 appoint a special prosecutor to conduct the prosecution on behalf of the state.



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1 (j) Any special counsel or prosecutor who is appointed under par. (h) or (i) shall  
2 be independent of the attorney general and need not be a state employee at the time  
3 of his or her appointment.

4 **(2s) ETHICS AND ACCOUNTABILITY DIVISION.** The ethics and accountability  
5 division has the responsibility for administration of ch. 11, subch. III of ch. 13, and  
6 subch. III of ch. 19.

7 **(2w) ELECTIONS DIVISION.** The elections division has the responsibility for the  
8 administration of chs. 5 to 10 and 12.

9 **SECTION 11.** 5.05 (3) of the statutes is repealed.

10 **SECTION 12.** 5.05 (3g) of the statutes is created to read:

11 5.05 **(3g) CHIEF ELECTION OFFICER.** The board shall designate an employee of  
12 the board to serve as the chief election officer of this state.

13 **SECTION 13.** 5.05 (5) of the statutes is repealed.

14 **SECTION 14.** 5.05 (5s) (title), (d) and (e) of the statutes are created to read:

15 5.05 **(5s) (title) ACCESS TO RECORDS.**

16 (d) If the board commences a civil prosecution of a person for an alleged  
17 violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 as the result of an  
18 investigation, the person who is the subject of the investigation may authorize the  
19 board to make available for inspection and copying under s. 19.35 (1) records of the  
20 investigation pertaining to that person if the records are available by law to the  
21 subject person and the board shall then make those records available.

22 (e) The following records of the board are open to public inspection and copying  
23 under s. 19.35 (1):

24 1. Any record of the action of the board authorizing the filing of a civil complaint  
25 under sub. (2m) (c) 6.

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1           2. Any record of the action of the board referring a matter to a district attorney  
2 or other prosecutor for investigation or prosecution.

3           3. Any record containing a finding that a complaint does not raise a reasonable  
4 suspicion that a violation of the law has occurred.

5           4. Any record containing a finding, following an investigation, that no probable  
6 cause exists to believe that a violation of the law has occurred.

7           **SECTION 15.** 5.05 (6) of the statutes is repealed.

8           **SECTION 16.** 5.05 (9) of the statutes is amended to read:

9           5.05 (9) STANDING. The board has standing to commence or intervene in ~~an~~ any  
10 civil action or proceeding for the purpose of enforcing the laws regulating the conduct  
11 of elections or election campaigns or ensuring their proper administration. If the  
12 board delegates authority to ~~the executive director~~ its legal counsel under sub. (1) (e)  
13 to act in its stead, the ~~executive director~~ legal counsel has standing to commence or  
14 intervene in such an action or proceeding.

15           **SECTION 17.** 5.05 (11) of the statutes is amended to read:

16           5.05 (11) AIDS TO COUNTIES AND MUNICIPALITIES. From the appropriations under  
17 s. ~~20.510~~ 20.511 (1) (t) and (x), the board may provide financial assistance to eligible  
18 counties and municipalities for election administration costs in accordance with the  
19 plan adopted under sub. (10). As a condition precedent to receipt of assistance under  
20 this subsection, the board shall enter into an agreement with the county or  
21 municipality receiving the assistance specifying the intended use of the assistance  
22 and shall ensure compliance with the terms of the agreement. Each agreement shall  
23 provide that if the federal government objects to the use of any assistance moneys  
24 provided to the county or municipality under the agreement, the county or  
25 municipality shall repay the amount of the assistance provided to the board.

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1           **SECTION 18.** 5.052 of the statutes is created to read:

2           **5.052 Government accountability candidate committee.** (1) The  
3 government accountability candidate committee shall meet whenever a vacancy  
4 occurs in the membership of the board that requires a nomination to be submitted  
5 to the governor under s. 15.60 (2).

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

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

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

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

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

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

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

15           (4) If a nominee dies or withdraws, or if a nomination of the governor is  
16 withdrawn by the governor or rejected by the senate, the committee shall submit an  
17 additional nominee to the governor.

18           **SECTION 19.** 5.054 of the statutes is created to read:

19           **5.054 Duties of the legal counsel.** The board's legal counsel shall:

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

22           (2) Assist the government accountability candidate committee in the  
23 performance of its functions.

24           **SECTION 20.** 5.055 of the statutes is amended to read:

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1           **5.055 Election assistance commission standards board.** The executive  
2 director of administrator of the elections division of the board shall, in consultation  
3 with the board, appoint an individual to represent this state as a member of the  
4 federal election assistance commission standards board. The executive director  
5 administrator shall also conduct and supervise a process for the selection of an  
6 election official by county and municipal clerks and boards of election commissioners  
7 to represent local election officials of this state as a member of the federal election  
8 assistance commission standards board. The executive director administrator shall  
9 ensure that the members of the federal election assistance commission standards  
10 board representing this state shall at no time be members of the same political party.  
11 Upon appointment or election of any new member of the federal election assistance  
12 commission standards board representing this state, the executive director  
13 administrator shall transmit a notice of that member's appointment or election to the  
14 officer or agency designated by federal law.

15           **SECTION 21.** 5.056 of the statutes is amended to read:

16           **5.056 Matching program with secretary of transportation.** The  
17 executive director administrator of the elections division of the board shall enter into  
18 the agreement with the secretary of transportation specified under s. 85.61 (1) to  
19 match personally identifiable information on the official registration list maintained  
20 by the board under s. 6.36 (1) with personally identifiable information maintained  
21 by the department of transportation.

22           **SECTION 22.** 5.08 of the statutes is amended to read:

23           **5.08 Petition for enforcement.** Any In addition to or in lieu of filing a  
24 complaint, any elector may file a verified petition alleging such facts as are within  
25 his or her knowledge to indicate that an election official has failed or is failing to

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1 comply with any law regulating the conduct of elections or election campaigns or  
2 proposes to act in a manner inconsistent with such a law, and requesting that an  
3 action be commenced for injunctive relief, a writ of mandamus or prohibition or other  
4 such legal or equitable relief as may be appropriate to compel compliance with the  
5 law. The petition shall be filed with the district attorney of for the county where the  
6 ~~violation or proposed action inconsistent with this chapter occurs or is proposed to~~  
7 ~~occur~~ having jurisdiction to prosecute the alleged failure to comply under s. 978.05  
8 (1) and (2). The district attorney may then commence the action or dismiss the  
9 petition. If the district attorney declines to act upon the petition or if the district  
10 attorney fails to act upon the petition within 15 days of the date of filing, the  
11 petitioner may file the same petition with the attorney general, who may then  
12 commence the action.

13 **SECTION 23.** 5.09 of the statutes is amended to read:

14 **5.09 Certification of documents.** Whenever the board is authorized or  
15 required to make a certification of any document in the custody of the board, and the  
16 authority to make the certification is lawfully delegated to the ~~executive director, the~~  
17 ~~executive director~~ board's legal counsel, the legal counsel may, personally or through  
18 an employee authorized by the ~~director~~ legal counsel, affix his or her signature by  
19 means of a stamp, machine impression, reproduction print or similar process. This  
20 section does not apply to certificates of election.

21 **SECTION 24.** 5.40 (7) of the statutes is amended to read:

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

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1 notify the county clerk or executive director of the county board of election  
2 commissioners and the ~~executive director of the elections~~ administrator of the  
3 elections division of the board in writing.

4 **SECTION 25.** 5.62 (4) (b) of the statutes is amended to read:

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

10 **SECTION 26.** 5.68 (4) of the statutes is amended to read:

11 5.68 **(4)** ~~Except as provided under sub. (7), the~~ The cost of compensation of  
12 election officials and trainees shall be borne in the manner provided in s. 7.03.

13 **SECTION 27.** 5.68 (7) of the statutes is repealed.

14 **SECTION 28.** 6.26 (2) (b) of the statutes is amended to read:

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

22 **SECTION 29.** 6.26 (2) (c) of the statutes is amended to read:

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

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1 elections government accountability board to serve all municipalities and the  
2 individual completes training required under s. 7.315.

3 **SECTION 30.** 6.36 (2) (a) of the statutes is amended to read:

4 6.36 (2) (a) Except as provided in par. (b), each registration list prepared for use  
5 as a poll list at a polling place or for purposes of canvassing absentee ballots at an  
6 election shall contain the full name and address of each registered elector; a blank  
7 column for the entry of the serial number of the electors when they vote or the poll  
8 list number used by the municipal board of absentee ballot canvassers in canvassing  
9 absentee ballots; an indication next to the name of each elector for whom proof of  
10 residence under s. 6.34 is required; and a form of certificate bearing the certification  
11 of the ~~executive director~~ administrator of the elections division of the board stating  
12 that the list is a true and complete registration list of the municipality or the ward  
13 or wards for which the list is prepared.

14 **SECTION 31.** 6.56 (3) to (5) of the statutes are amended to read:

15 6.56 (3) Upon receipt of the list under sub. (1), the municipal clerk or board of  
16 election commissioners shall make an audit of all electors registering to vote at the  
17 polling place or other registration location under s. 6.55 (2) and all electors  
18 registering by agent on election day under s. 6.86 (3) (a) 2. unless the clerk or board  
19 of election commissioners receives notice from the board under sub. (7) that the board  
20 will perform the audit. The audit shall be made by 1st class postcard. The postcard  
21 shall be marked in accordance with postal regulations to ensure that it will be  
22 returned to the clerk, board of election commissioners, or elections government  
23 accountability board if the elector does not reside at the address given on the  
24 postcard. If any postcard is returned undelivered, or if the clerk, board of election  
25 commissioners, or elections government accountability board is informed of a

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1 different address than the one specified by the elector which was apparently  
2 improper on the day of the election, the clerk, board of election commissioners, or  
3 elections government accountability board shall change the status of the elector from  
4 eligible to ineligible on the registration list, mail the elector a notice of the change  
5 in status, and provide the name of the elector to the district attorney for the county  
6 where the polling place is located and the government accountability board.

7 **(3m)** As soon as possible after all information relating to registrations after the  
8 close of registration for an election is entered on the registration list following the  
9 election under s. 6.33 (5) (a), the board shall compare the list of new registrants  
10 whose names do not appear on the poll lists for the election because the names were  
11 added after the board certified the poll lists for use at the election with the list  
12 containing the names transmitted to the board by the department of corrections  
13 under ~~s. 301.03 (20)~~ s. 301.03 (20m) as of election day. If the board finds that the  
14 name of any person whose name appears on the list transmitted under ~~s. 301.03 (20)~~  
15 s. 301.03 (20m) has been added to the registration list, the board shall enter on the  
16 list the information transmitted to the board under ~~s. 301.03 (20)~~ s. 301.03 (20m) and  
17 shall notify the district attorney for the county where the polling place is located that  
18 the person appears to have voted illegally at the election.

19 **(4)** After each election, the municipal clerk shall perform an audit to assure  
20 that no person has been allowed to vote more than once. Whenever the municipal  
21 clerk has good reason to believe that a person has voted more than once in an election,  
22 the clerk shall send the person a 1st class letter marked in accordance with postal  
23 regulations to ensure that it will be returned to the clerk if the elector does not reside  
24 at the address given on the letter. The letter shall inform the person that all  
25 registrations relating to that person may be changed from eligible to ineligible status



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1 within 7 days unless the person contacts the office of the clerk to clarify the matter.  
2 A copy of the letter and of any subsequent information received from or about the  
3 addressee shall be sent to the district attorney for the county where the person  
4 resides and the board.

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

13 **SECTION 32.** 7.08 (title) of the statutes is amended to read:

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

15 **SECTION 33.** 7.08 (7) of the statutes is amended to read:

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

21 **SECTION 34.** 7.15 (1) (g) of the statutes is amended to read:

22 7.15 (1) (g) Report suspected election frauds, irregularities or violations of  
23 which the clerk has knowledge to the district attorney for the county where the  
24 suspected activity occurs and to the board.

25 **SECTION 35.** 7.21 (2m) of the statutes is repealed.

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1           **SECTION 36.** 7.31 (5) of the statutes is amended to read:

2           7.31 (5) The board shall conduct regular training programs to ensure that  
3 individuals who are certified by the board under this section are knowledgeable  
4 concerning their authority and responsibilities. The board shall pay all costs  
5 required to conduct the training programs from the appropriation under s. 20.510(1)  
6 ~~(bm)~~ 20.511 (1) (bm).

7           **SECTION 37.** 7.60 (4) (a) of the statutes is amended to read:

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

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1 board, or board of canvassers of any other county and shall file the other statement  
2 in the office of the county clerk or board of election commissioners.

3 **SECTION 38.** 7.60 (5) of the statutes is amended to read:

4 7.60 (5) REPORTING. (a) Immediately following the canvass, the county clerk  
5 shall deliver or send to the elections government accountability board, by 1st class  
6 mail, a certified copy of each statement of the county board of canvassers for  
7 president and vice president, state officials, senators and representatives in  
8 congress, state legislators, justice, court of appeals judge, circuit judge, district  
9 attorney, and metropolitan sewerage commissioners, if the commissioners are  
10 elected under s. 200.09 (11) (am). The statement shall record the returns for each  
11 office or referendum by ward, unless combined returns are authorized under s. 5.15  
12 (6) (b) in which case the statement shall record the returns for each group of  
13 combined wards. Following primaries the county clerk shall enclose on forms  
14 prescribed by the elections government accountability board the names, party or  
15 principle designation, if any, and number of votes received by each candidate  
16 recorded in the same manner. The county clerk shall deliver or transmit the certified  
17 statement to the elections government accountability board no later than 7 days  
18 after each primary except the September primary, no later than 10 days after the  
19 September primary and any other election except the general election, and no later  
20 than 14 days after the general election. The board of canvassers shall deliver or  
21 transmit a certified copy of each statement for any technical college district  
22 referendum to the secretary of the technical college district board.

23 (b) If the board of canvassers becomes aware of a material mistake in the  
24 canvass of an election for state or national office or a statewide or technical college  
25 district referendum prior to the close of business on the day the elections government

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1 accountability board receives returns from the last county board of canvassers with  
2 respect to that canvass, the board of canvassers may petition the elections  
3 government accountability board to reopen and correct the canvass. The elections  
4 government accountability board shall direct the canvass to be reopened and  
5 corrected if it determines that the public interest so requires. If the elections  
6 government accountability board directs the canvass to be reopened, the board of  
7 canvassers shall reconvene and transmit a certified corrected copy of the canvass  
8 statement to the elections government accountability board or secretary of the  
9 technical college district board.

10 **SECTION 39.** 7.70 (1) of the statutes is amended to read:

11 7.70 (1) RECORDING AND PRESERVING RETURNS. (a) Upon receipt of the certified  
12 statements from the county clerks, the elections board shall record the election  
13 results by counties and file and carefully preserve the statements.

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

20 **SECTION 40.** 7.70 (5) of the statutes is amended to read:

21 7.70 (5) CERTIFICATES OF ELECTION. (a) The board shall record in its office each  
22 certified statement and determination made by the chairperson of the board or the  
23 chairperson's designee. Immediately after the expiration of the time allowed to file  
24 a petition for recount, the board shall make and transmit to each person declared  
25 elected a certificate of election under the seal of the board. It shall also prepare

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1 similar certificates, attested by the ~~executive director~~ administrator of the elections  
2 division of the board, addressed to the U.S. house of representatives, stating the  
3 names of those persons elected as representatives to the congress from this state.  
4 In the case of U.S. senators, the board shall prepare a certificate of election for the  
5 governor's signature, and the governor shall sign and affix the great seal of the state  
6 and transmit the certificate to the president of the U.S. senate. The certificate shall  
7 be countersigned by the secretary of state. If a person elected was elected to fill a  
8 vacancy, the certificate shall so state. When a valid petition for recount is filed, the  
9 chairperson of the board or the chairperson's designee may not certify a nomination,  
10 and the governor or board may not issue a certificate of election until the recount has  
11 been completed and the time allowed for filing an appeal has passed, or if appealed  
12 until the appeal is decided.

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

20 **SECTION 41.** 8.05 (1) (j) 3. of the statutes is amended to read:

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

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1 candidacy whenever that candidate is granted an extension of time for filing a  
2 declaration of candidacy under subd. 2.

3 **SECTION 42.** 8.10 (5) of the statutes is amended to read:

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

13 **SECTION 43.** 8.15 (4) (b) of the statutes is amended to read:

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

23 **SECTION 44.** 8.18 (2) of the statutes is amended to read:

24 8.18 (2) The purpose of the convention is to nominate one presidential elector  
25 from each congressional district and 2 electors from the state at large. The names

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1 of the nominees shall be certified immediately by the chairperson of the state  
2 committee of each party to the chairperson of the elections board.

3 **SECTION 45.** 8.20 (6) of the statutes is amended to read:

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

13 **SECTION 46.** 8.30 (2m) of the statutes is created to read:

14 8.30 (2m) The official or agency with whom nomination papers and  
15 declarations of candidacy are required to be filed shall not place a candidate's name  
16 on the ballot if the candidate's name is ineligible for ballot placement under s. 15.60  
17 (6).

18 **SECTION 47.** 8.50 (3) (a) of the statutes is amended to read:

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

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1 papers may be filed in the manner specified in s. 8.10, 8.15, or 8.20. Each candidate  
2 shall file a declaration of candidacy in the manner provided in s. 8.21 no later than  
3 the latest time provided in the order for filing nomination papers. If a candidate for  
4 state or local office has not filed a registration statement under s. 11.05 at the time  
5 he or she files nomination papers, the candidate shall file the statement with the  
6 papers. A candidate for state office shall also file a statement of economic interests  
7 with the ethics board no later than the end of the 3rd day following the last day for  
8 filing nomination papers specified in the order.

9 **SECTION 48.** 8.50 (3) (e) of the statutes is amended to read:

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

14 **SECTION 49.** 9.01 (1) (a) 1. of the statutes is amended to read:

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



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1 the determination for the office or the referendum question, the petitioner shall file  
2 the petition not earlier than the last meeting day of the last county board of  
3 canvassers to make a statement in the election or referendum and not later than 5  
4 p.m. on the 3rd business day following the day on which the elections government  
5 accountability board receives the last statement from a county board of canvassers  
6 for the election or referendum.

7 **SECTION 50.** 9.01 (1) (ag) 4. of the statutes is amended to read:

8 9.01 (1) (ag) 4. The board shall deposit all moneys received by it into the account  
9 under s. ~~20.510~~ 20.511 (1) (g), and shall pay the fees required for each recount to the  
10 county clerks of the counties in which the recount is to be held. The county clerk shall  
11 deposit fees received by him or her with the county treasurer. The municipal clerk  
12 shall deposit fees received by him or her with the municipal treasurer.

13 **SECTION 51.** 9.01 (1) (ar) 2. of the statutes is amended to read:

14 9.01 (1) (ar) 2. In the event of a recount for a referendum, the petition shall be  
15 filed with the clerk of the jurisdiction in which the referendum is called, and, in the  
16 case of the state, with the elections board.

17 **SECTION 52.** 9.01 (10) of the statutes is amended to read:

18 9.01 (10) STANDARD FORMS AND METHODS. The elections government  
19 accountability board shall prescribe standard forms and procedures for the making  
20 of recounts under this section. The procedures prescribed by the elections  
21 government accountability board shall require the boards of canvassers in recounts  
22 involving more than one board of canvassers to consult with the elections  
23 government accountability board staff prior to beginning any recount in order to  
24 ensure that uniform procedures are used, to the extent practicable, in such recounts.

25 **SECTION 53.** 10.06 (1) (title) of the statutes is amended to read:

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

2           **SECTION 54.** 11.21 (title) of the statutes is amended to read:

3           **11.21** (title) **Duties of the elections government accountability board.**

4           **SECTION 55.** 11.21 (7) (intro.) of the statutes is amended to read:

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

7           **SECTION 56.** 11.22 (4) of the statutes is amended to read:

8           11.22 (4) Notify the board and the district attorney, or the attorney general  
9           where appropriate under ss. 11.60 (4) and 11.61 (2) s. 5.05 (2m) (i), in writing, of any  
10          facts within the filing officer's knowledge or evidence in the officer's possession,  
11          including errors or discrepancies in reports or statements and delinquencies in filing  
12          which may be grounds for civil action or criminal prosecution. The filing officer shall  
13          transmit a copy of such notification to the board. The board and the district attorney  
14          or the attorney general shall advise the filing officer in writing at the end of each  
15          30-day period of the status of such matter until the time of disposition. ~~The district~~  
16          ~~attorney or attorney general shall transmit a copy of each such notice to the board.~~

17          **SECTION 57.** 11.38 (5) of the statutes is repealed.

18          **SECTION 58.** 11.60 (4) of the statutes is amended to read:

19          11.60 (4) Actions Except as otherwise provided in ss. 5.05 (2m) (c) 15. and 16.  
20          and (h), 5.08, and 5.081, actions under this section arising out of an election for state  
21          office or a statewide referendum may be brought by the board or by the district  
22          attorney of for the county where the defendant resides or, if the defendant is a  
23          nonresident, by the district attorney for the county where the violation is alleged to  
24          have occurred, except as specified in s. 11.38. Actions under this section arising out  
25          of an election for local office or a local referendum may be brought by the district

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1 attorney of the county where the violation is alleged to have occurred. Actions under  
2 this section arising out of an election for county office or a county referendum may  
3 be brought by the county board of election commissioners of the county wherein the  
4 violation is alleged to have occurred. If a violation concerns a district attorney or  
5 circuit judge or candidate for such offices, the action shall be brought by the attorney  
6 general. If a violation concerns the attorney general or a candidate for such office,  
7 the governor may appoint special counsel under s. 14.11 (2) to bring suit in behalf of  
8 the state. The counsel shall be independent of the attorney general and need not be  
9 a state employee at the time of appointment. For purposes of this subsection, a  
10 person other than a natural person resides within a county if the person's principal  
11 place of operation is located within that county.

12 **SECTION 59.** 11.60 (5) of the statutes is amended to read:

13 11.60 (5) Any elector may file a verified petition with the board, the county  
14 board of election commissioners or the appropriate district attorney or with more  
15 than one of them where their authority is concurrent under sub. (4), requesting that  
16 civil action under this chapter be brought against any person, committee or group.  
17 The petition shall allege such facts as are within the knowledge of the petitioner to  
18 show probable cause that a violation of this chapter has occurred.

19 **SECTION 60.** 11.61 (2) of the statutes is amended to read:

20 11.61 (2) Except as otherwise provided in s. 11.38 (5) ss. 5.05 (2m) (c) 15. and  
21 16. and (i), 5.08, and 5.081, all prosecutions under this section shall be conducted by  
22 the district attorney of for the county where the defendant resides or, if the defendant  
23 is a nonresident, by the district attorney for the county where the violation is alleged  
24 to have occurred. If the district attorney refuses to act upon a sworn complaint, or  
25 fails to act upon such a complaint within 60 days of the date on which the complaint

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1 is received, the attorney general may then conduct the prosecution under this  
2 section. If a violation concerns a district attorney or circuit judge or candidate for  
3 such offices, the prosecution shall be conducted by the attorney general. If a violation  
4 concerns the attorney general or a candidate for such office, the governor may  
5 appoint a special prosecutor under s. 14.11 (2) to conduct the prosecution in behalf  
6 of the state. The prosecutor shall be independent of the attorney general and need  
7 not be a state employee at the time of appointment For purposes of this subsection,  
8 a person other than a natural person resides within a county if the person's principal  
9 place of operation is located within that county.

10 **SECTION 61.** 12.13 (5) of the statutes is created to read:

11 12.13 (5) UNAUTHORIZED RELEASE OF RECORDS OR INVESTIGATORY INFORMATION.  
12 Except as specifically authorized by law, no investigator, prosecutor, employee of an  
13 investigator or prosecutor, or member or employee of the board may verbally disclose  
14 information related to an investigation or prosecution under chs. 5 to 12, subch. III  
15 of ch. 13, or subch. III of ch. 19 or any other law specified in s. 978.05 (1) or (2) or  
16 provide access to any record of the investigator, prosecutor, or the board that is not  
17 subject to access under s. 5.05 (5s) to any person other than an employee or agent of  
18 the prosecutor or investigator or a member, employee, or agent of the board prior to  
19 presentation of the information or record in a court of law.

20 **SECTION 62.** 12.60 (1) (bm) of the statutes is created to read:

21 12.60 (1) (bm) Whoever violates s. 12.13 (5) may be fined not more than \$10,000  
22 or imprisoned for not more than 9 months or both.

23 **SECTION 63.** 13.123 (3) (b) 2. of the statutes is amended to read:

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

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

3 **SECTION 64.** 13.23 of the statutes is amended to read:

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

14 **SECTION 65.** 13.62 (4) of the statutes is amended to read:

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

16 **SECTION 66.** 13.685 (title) of the statutes is amended to read:

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

18 **SECTION 67.** 13.69 (8) of the statutes is repealed.

19 **SECTION 68.** 13.94 (1) (k) of the statutes is amended to read:

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

22 **SECTION 69.** 14.58 (20) of the statutes is amended to read:

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