

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

January 23, 2007 – Offered by COMMITTEE ON ETHICS REFORM AND GOVERNMENT OPERATIONS.

1 **AN ACT to repeal** 5.05 (1) (a), 5.05 (3), 5.05 (5), 5.05 (6), 7.21 (2m), 11.38 (5), 13.69
2 (8), 15.07 (5) (k), 15.07 (5) (n), 15.61, 15.62, 19.42 (10) (a), 19.47 (1) and (2), 19.47
3 (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** 19.47 (3),
9 19.47 (6), 19.49 (1m), 19.50 (4) and (5), 19.51 (2), 19.579, 20.510 (1) (b), 20.510
10 (1) (bm), 20.510 (1) (c), 20.510 (1) (d), 20.510 (1) (g), 20.510 (1) (j), 20.510 (1) (q),
11 20.510 (1) (t) and 20.510 (1) (x); **to renumber and amend** 15.617, 19.46 (2),
12 19.47 (5), 19.49 (2), 19.49 (5), 19.50 (intro.) and (1), 19.50 (3), 19.51 (1) (intro.),
13 19.53 (6), 19.55 (2) (a), 19.55 (2) (b), 20.521 (1) (b) and 20.521 (1) (h); **to amend**

1 5.02 (1s), 5.05 (title), 5.05 (1) (intro.), 5.05 (1) (b), 5.05 (1) (c), 5.05 (1) (e), 5.05
2 (9), 5.05 (11), 5.055, 5.056, 5.08, 5.09, 5.40 (7), 5.62 (4) (b), 6.26 (2) (b), 6.26 (2)
3 (c), 6.36 (2) (a), 6.56 (3) to (5), 7.08 (title), 7.08 (7), 7.15 (1) (g), 7.31 (5), 7.60 (4)
4 (a), 7.60 (5), 7.70 (1), 7.70 (5), 8.05 (1) (j) 3., 8.10 (5), 8.15 (4) (b), 8.18 (2), 8.20
5 (6), 8.50 (3) (a), 8.50 (3) (e), 9.01 (1) (a) 1., 9.01 (1) (ag) 4., 9.01 (1) (ar) 2., 9.01
6 (10), 10.06 (1) (title), 11.21 (title), 11.21 (7) (intro.), 11.22 (4), 11.60 (4), 11.60 (5),
7 11.61 (2), 13.123 (3) (b) 2., 13.23, 13.62 (4), 13.685 (title), 13.94 (1) (k), 14.58 (20),
8 15.07 (1) (cm), 15.07 (4), 16.753 (2), 16.79 (2), 16.96 (3) (b), 16.973 (6), 17.17 (1),
9 17.17 (4), 19.42 (3), 19.43 (4), 19.43 (5), 19.45 (6), 19.46 (1) (intro.), 19.55 (1),
10 19.55 (2) (c), 19.579 (title), 19.59 (1) (g) 8., 19.85 (1) (h), 20.455 (1) (b), 20.930,
11 46.95 (4), 59.605 (3) (a) 3., 67.05 (3) (b), 67.05 (6), 71.10 (3) (b), 73.0301 (1) (d)
12 13., 73.0301 (1) (e), 85.61 (1), 117.20 (2), 117.27 (2) (b) (intro.), 121.91 (3) (c),
13 125.05 (1) (b) 10., 165.25 (1), 165.25 (3r), 165.25 (8), 165.25 (8m), 165.93 (4),
14 198.08 (10), 200.09 (11) (am) 2. and 3., 227.03 (6), 227.45 (1), 227.46 (1) (intro.),
15 227.52 (6), 230.08 (4) (a), 234.02 (3m) (c), 301.03 (20m), 343.11 (2m), 560.04
16 (2m), 778.135, 801.52, 971.225 (1) (intro.) and 978.05 (1) and (2); **to repeal and**
17 **recreate** 15.07 (1) (a) 2., 19.47 (title) and 20.005 (3) (schedule) 20.511; and **to**
18 **create** 5.05 (1e), 5.05 (1m), 5.05 (2m), (2s) and (2w), 5.05 (3g), 5.05 (5f) (title),
19 5.05 (5s) (title), (d) and (e), 5.05 (5s) (f) 2. c., 5.051, 5.052, 5.054, 8.30 (2m), 12.13
20 (5), 12.60 (1) (bm), 15.07 (2) (b), 15.07 (5) (m), 15.60, 15.603, 19.471, 19.851,
21 20.511 (intro.) and (1) (title) and (a), 20.511 (1) (h) and (i), 20.923 (4) (f) 3j.,
22 230.08 (2) (e) 4h., 230.08 (2) (on), 758.19 (9), 801.50 (5t), 971.19 (12) and 971.223
23 of the statutes; **relating to:** creation of a Government Accountability Board,
24 enforcement of elections, ethics, and lobbying regulation laws, venue for

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

Analysis by the Legislative Reference Bureau

This substitute amendment 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.

This substitute amendment abolishes both boards and replaces them with a Government Accountability Board. Under the substitute amendment, the board is composed of six members serving for staggered six-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 substitute amendment 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 an individual who formerly served as a judge of a court of record in this state and 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 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, 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. 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 substitute amendment 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 substitute amendment prescribes certain other statutory responsibilities for this officer.

The substitute amendment 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 substitute amendment prescribes certain statutory responsibilities for the administrators.

The substitute amendment does not authorize any new positions for the administrators. The substitute amendment transfers all authorized FTE positions of the Elections Board and Ethics Board to the Government Accountability Board. The substitute amendment also transfers all incumbent employees in the positions, except the executive directors of the boards. Under the substitute amendment, 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, 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 substitute amendment 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 substitute amendment 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 substitute amendment 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 substitute amendment, 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 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 substitute amendment 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 substitute amendment, 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 substitute amendment 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 substitute amendment provides that no individual who serves as legal counsel to the board or as a division administrator for the board may have been a lobbyist, and no such individual may have served in, or have been a candidate for, a partisan state or local office. The substitute amendment also provides that no employee of the board may, while so employed, become a candidate for a state or partisan local office and no individual who is retained to serve as a special investigator or special counsel for the board may, during such service, become a candidate for any state or local elective office. In addition, under the substitute amendment, 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 and prosecutorial responsibility

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 substitute amendment 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 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 and except that the substitute amendment requires that a civil or criminal trial be moved to a county where the offense is alleged to have been committed (if different than the defendant's county of residence), as determined by the court, if the defendant so requests. Under the substitute amendment, 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 substitute amendment 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 substitute amendment 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 substitute amendment, 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 substitute amendment 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 the 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. Currently, the Ethics Board may authorize its executive director issue opinions on its behalf.

This substitute amendment makes all opinions issued by the Government Accountability Board relating to campaign finance ethics, and lobbying regulation closed to public inspection, subject to the current exceptions for opinions issued by the Ethics Board. The substitute amendment also permits the Government Accountability Board to authorize an employee of the board to issue informal opinions on its behalf. The substitute amendment requires every opinion issued by the staff to be consistent with applicable opinions of the Government Accountability Board. The substitute amendment 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 substitute amendment, 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 substitute amendment 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. The bill directs the board, promptly upon issuance of each advisory opinion, to publish a summary of the opinion that does not reveal the identity of the requester, except where disclosure is authorized or required under the substitute amendment.

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 substitute amendment 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 substitute amendment 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 substitute amendment 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 substitute amendment 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 substitute amendment provides for the substitute amendment 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 substitute amendment. Under the substitute amendment, the Government Accountability Board may not exercise administrative or enforcement authority until that date. The substitute amendment also provides that the director of the Legislative Council Staff shall provide such administrative support to the Government Accountability Board as the board may require, without additional compensation, until the initial legal counsel to the Government Accountability Board is appointed and qualified, and may exercise all of the administrative functions of the legal counsel to the Government Accountability Board, the divisions within the board, and the administrators of the divisions.

The substitute amendment 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 first day of the seventh month beginning after publication or the act resulting from enactment of the substitute amendment or the date on which the Government Accountability Board hires individuals to initially fill the positions of legal counsel and administrator of each of the board's statutory divisions (the "initiation date"), whichever is later. The substitute amendment 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 initiation date. Similarly, the substitute amendment 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 substitute amendment also provides that every rule promulgated and every order issued by the Elections Board or the Ethics Board that is in effect on the initiation date shall expire on its specified expiration date or 365 days after the initiation date, 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 substitute amendment provides that every formal opinion issued by the Elections Board or the Ethics Board that has not been withdrawn or modified on the initiation date remains in effect until the end of the 365-day period beginning on that date 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 substitute amendment 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 initiation date 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 substitute amendment 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 substitute amendment also directs the Government Accountability Board, within one year after the initiation date, to review all internal operating procedures of the Ethics Board and the Elections Board in effect on that date 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 substitute amendment 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 connection with an investigation are specifically exempted from public access.

This substitute amendment 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 substitute amendment, except as specifically authorized by law, an investigator, prosecutor, employee of an investigator or prosecutor, or member or employee of the board who 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 substitute amendment provides that the Government Accountability Board must convene in closed session for the purpose of deliberating concerning any investigation of a violation of the law relating to campaign finance, ethics, or lobbying regulation. 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. Pursuant to current law, the board may also convene in closed session to discuss the investigation of charges against specific persons in connection with elections administration.

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 substitute amendment provides that if any part of the act resulting from enactment of the substitute amendment is found by a court to be invalid, then all parts of the act are void. If the act resulting from enactment of the substitute amendment is invalidated, the substitute amendment provides that the Elections Board and the Ethics Board are reconstituted under the laws that were in effect before the substitute amendment became law. Under a reconstitution, the prior members of the Elections Board and Ethics Board do not reassume their offices but the designating and appointing authorities under current law may immediately appoint new members to the boards. The incumbent administrators of the Elections Division and the Ethics and Accountability Division of the Government Accountability Board become the executive directors of the Elections Board and Ethics Board, respectively, until the boards otherwise determine. The assets, liabilities, positions, employees, property, contracts, orders, and rules of the Government Accountability Board are transferred to the Elections Board and the Ethics Board in a manner determined by the secretary of administration, except that the secretary may not authorize expenditures by the Elections Board or the Ethics Board for a period of more than 30 days without concurrence of the Joint Committee on Finance.

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

- 1 **SECTION 1.** 5.02 (1s) of the statutes is amended to read:
- 2 5.02 (1s) “Board” means the elections government accountability board.
- 3 **SECTION 2.** 5.05 (title) of the statutes is amended to read:
- 4 **5.05** (title) **Elections Government accountability board; powers and**
- 5 **duties.**

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

2 5.05 (1) **GENERAL AUTHORITY.** (intro.) ~~The elections~~ government accountability
3 board shall have the responsibility for the administration of chs. 5 to 12 ~~and~~, other
4 laws relating to elections and election campaigns, subch. III of ch. 13, and subch. III
5 of ch. 19. Pursuant to such responsibility, the board may:

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

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

8 5.05 (1) (b) In the discharge of its duties and ~~upon~~ after providing notice to the
9 any party or parties being investigated who is the subject of an investigation,
10 subpoena and bring before it any person ~~in the state~~ and require the production of
11 any papers, books, or other records relevant to an investigation. Notwithstanding
12 s. 885.01 (4), the issuance of a subpoena requires action by the board at a meeting
13 of the board. A circuit court may by order permit the inspection and copying of the
14 accounts and the depositor's and loan records at any financial institution, as defined
15 in s. 705.01 (3), doing business in the state to obtain evidence of any violation of ch.
16 11 upon showing by the board of probable cause to believe there is a violation and that
17 such accounts and records may have a substantial relation to the violation. In the
18 discharge of its duties, the board may cause the deposition of witnesses to be taken
19 in the manner prescribed for taking depositions in civil actions in circuit court.

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

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

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

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

2 5.05 **(1)** (e) Delegate to its ~~executive director~~ its legal counsel the authority to
3 ~~issue a subpoena under par. (b), apply for a search warrant under par. (b), commence~~
4 ~~an action under par. (d),~~ intervene in an a civil action or proceeding under sub. (9),
5 issue an order under s. 5.06, exempt a polling place from accessibility requirements
6 under s. 5.25 (4) (a), exempt a municipality from the requirement to use voting
7 machines or an electronic voting system under s. 5.40 (5m), approve an electronic
8 data recording system for maintaining poll lists under s. 6.79, or authorize
9 nonappointment of an individual who is nominated to serve as an election official
10 under s. 7.30 (4) (e), subject to such limitations as the board deems appropriate.

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

12 5.05 **(1e)** ACTIONS BY THE BOARD. Any action by the board requires the
13 affirmative vote of at least 4 members.

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

15 5.05 **(1m)** LEGAL COUNSEL. The board shall employ outside the classified service
16 an individual to serve as legal counsel who shall perform legal and administrative
17 functions for the board.

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

19 5.05 **(2m)** ENFORCEMENT. (a) The board shall investigate violations of laws
20 administered by the board and may prosecute alleged civil violations of those laws,
21 directly or through its agents under this subsection, pursuant to all statutes granting
22 or assigning that authority or responsibility to the board. Prosecution of alleged
23 criminal violations investigated by the board may be brought only as provided in par.
24 (c) 11., 14., 15., and 16. and s. 978.05 (1).

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

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

1 circuit court to issue a search warrant. The board may grant the request by
2 approving a motion to that effect at a meeting of the board if the board finds that such
3 action is legally appropriate.

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

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

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

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

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

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

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

23 8. Upon employment of any individual to serve as special counsel or as a special
24 investigator for the board, the administrator of the ethics and accountability division
25 shall certify the maximum amount provided in the employment contract to the

1 secretary of administration, and direct the department of administration to pay bills
2 of the special counsel or special investigator related to that case within the certified
3 amount.

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

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

18 13. If a special investigator or the administrator of the ethics and
19 accountability division, in the course of an investigation authorized by the board,
20 discovers evidence that a violation under subd. 2. that was not within the scope of
21 the authorized investigation has occurred or is occurring, the special investigator or
22 the administrator may present that evidence to the board. If the board finds that
23 there is a reasonable suspicion that a violation under subd. 2. that is not within the
24 scope of the authorized investigation has occurred or is occurring, the board may
25 authorize the special investigator or the administrator to investigate the alleged

1 violation or may elect to authorize a separate investigation of the alleged violation
2 as provided in subd. 4.

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

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

24 16. Except as provided in subd. 17., if the board refers a matter to a district
25 attorney under subd. 15. for prosecution of a potential violation under subd. 2. or 14.

1 and the district attorney informs the board that he or she declines to prosecute any
2 alleged civil or criminal violation related to any matter referred to the district
3 attorney by the board, or the district attorney fails to commence a prosecution of any
4 civil or criminal violation related to any matter referred to the district attorney by
5 the board within 60 days of the date of the board's referral, the board may refer the
6 matter to the attorney general. The attorney general may then commence a civil or
7 criminal prosecution relating to the matter.

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

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

19 (d) 1. No individual who serves as the legal counsel to the board or as a division
20 administrator for the board may have been a lobbyist, as defined in s. 13.62 (11). No
21 such individual may have served in, or have been a candidate, as defined in s. 11.01
22 (1), for, a partisan state or local office.

23 2. No employee of the board, while so employed, may become a candidate, as
24 defined in s. 11.01 (1), for a state or partisan local office. No individual who is
25 retained by the board to serve as a special investigator or as special counsel may,

1 while so retained become a candidate, as defined in s. 11.01 (1), for any state or local
2 office. A filing officer shall decline to accept nomination papers or a declaration of
3 candidacy from any individual who does not qualify to become a candidate under this
4 paragraph.

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

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

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

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 (5f) (title) of the statutes is created to read:

15 5.05 **(5f)** (title) ADVICE TO BOARD.

16 **SECTION 15.** 5.05 (5s) (title), (d) and (e) of the statutes are created to read:

17 5.05 **(5s)** (title) ACCESS TO RECORDS.

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

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

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

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

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

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

9 **SECTION 16.** 5.05 (5s) (f) 2. c. of the statutes is created to read:

10 5.05 (5s) (f) 2. c. The board shall make public advisory opinions and records
11 obtained in connection with requests for advisory opinions relating to matters under
12 the jurisdiction of the elections division.

13 **SECTION 17.** 5.05 (6) of the statutes is repealed.

14 **SECTION 18.** 5.05 (9) of the statutes is amended to read:

15 5.05 (9) STANDING. The board has standing to commence or intervene in an any
16 civil action or proceeding for the purpose of enforcing the laws regulating the conduct
17 of elections or election campaigns or ensuring their proper administration. If the
18 board delegates authority to the executive director its legal counsel under sub. (1) (e)
19 to act in its stead, the ~~executive director~~ legal counsel has standing to commence or
20 intervene in such an action or proceeding.

21 **SECTION 19.** 5.05 (11) of the statutes is amended to read:

22 5.05 (11) AIDS TO COUNTIES AND MUNICIPALITIES. From the appropriations under
23 s. ~~20.510~~ 20.511 (1) (t) and (x), the board may provide financial assistance to eligible
24 counties and municipalities for election administration costs in accordance with the
25 plan adopted under sub. (10). As a condition precedent to receipt of assistance under

1 this subsection, the board shall enter into an agreement with the county or
2 municipality receiving the assistance specifying the intended use of the assistance
3 and shall ensure compliance with the terms of the agreement. Each agreement shall
4 provide that if the federal government objects to the use of any assistance moneys
5 provided to the county or municipality under the agreement, the county or
6 municipality shall repay the amount of the assistance provided to the board.

7 **SECTION 20.** 5.051 of the statutes is created to read:

8 **5.051 Reconstitution of the elections board. (1)** In this section,
9 “secretary” means the secretary of administration.

10 **(2)** If a court invalidates any part of 2007 Wisconsin Act (this act), and the
11 statutes in effect on the date of publication of that act are revived as provided in 2007
12 Wisconsin Act (this act), section 210 (8), the elections board, as it was constituted
13 on the date of publication of 2007 Wisconsin Act (this act), is reconstituted, but
14 the members who were in office on that date do not reassume office. The designating
15 authorities under s. 15.61, 2005 stats., shall immediately designate, and the
16 governor shall immediately appoint, replacement members. Notwithstanding s.
17 15.61, 2005 stats., the replacement members shall serve for initial terms expiring on
18 May 1 of the next odd-numbered year following the day after publication of 2007
19 Wisconsin Act (this act).

20 **(3)** If there is an incumbent administrator of the elections division of the
21 government accountability board at the time of the reconstitution under sub. (2), the
22 incumbent shall become the interim executive director of the elections board and
23 shall serve until the elections board appoints a successor. The executive director is
24 vested with full authority to act on behalf of the elections board until the
25 reconstituted board meets and exercises its authority under the law.

1 **(4)** If any statute in chs. 5 to 10 or ch. 12, or any other law affecting the
2 administration of elections, other than campaign finance, has been created or
3 treated during the period beginning on the day after publication of 2007 Wisconsin
4 Act (this act), and ending on the date of the court decision under sub. (2) in a
5 manner inconsistent with the reconstitution under sub. (2), the interim executive
6 director of the elections board shall within 21 days of assuming office under this
7 section submit to the appropriate standing committees of the legislature under s.
8 13.172 (3) a proposal to change that statute to conform to the reconstituted statutes.
9 The proposal shall not include substantive changes to the text of any statute at the
10 time of the court decision other than changes required to effect the reconstitution
11 under sub. (2).

12 **(5)** On the effective date of the reconstitution under sub. (2), all assets and
13 liabilities of the government accountability board relating to elections
14 administration, as determined by the secretary, shall become assets and liabilities
15 of the elections board. As part of any asset allocation determination under this
16 subsection, the secretary may transfer the amounts required for the elections board
17 to resume operation for a period of not more than 30 days from the unencumbered
18 balance in any sum certain appropriation of the government accountability board to
19 a corresponding appropriation of the elections board. Prior to implementing a
20 determination under this subsection for the period beginning 31 days after the
21 effective date of the reconstitution, the secretary shall submit a specific description
22 of his or her proposed determination to the cochairpersons of the joint committee on
23 finance. If the cochairpersons notify the secretary that the committee will not meet
24 to review the proposed determination, or if the cochairpersons do not notify the
25 committee that the committee will meet to review the determination within 14 days

1 of the secretary’s submittal, the proposed determination takes effect. If within 14
2 days of the secretary’s submittal the cochairpersons notify the secretary that the
3 committee will meet to review the proposed determination, the determination,
4 together with any modifications approved by the committee, takes effect upon
5 approval by the committee.

6 **(6)** On the effective date of the reconstitution under sub. (2), all full-time
7 equivalent positions in the government accountability board having duties primarily
8 related to elections administration, as determined by the secretary, and the
9 incumbent employees holding those positions, are transferred to the elections board.
10 Employees transferred under this subsection have all the rights and the same status
11 under subch. V of ch. 111 and ch. 230 in the elections board that they enjoyed in the
12 government accountability board immediately before the transfer. Notwithstanding
13 ch. 230, any employee so transferred who has attained permanent status in class is
14 not required to serve a probationary period.

15 **(7)** On the effective date of the reconstitution under sub. (2), all tangible
16 personal property, including records, of the government accountability board that
17 are primarily related to elections administration, as determined by the secretary, are
18 transferred to the elections board.

19 **(8)** All contracts entered into by the government accountability board in effect
20 on the effective date of the reconstitution under sub. (2) that are primarily related
21 to elections administration, as determined by the secretary, are transferred to the
22 elections board. The elections board shall carry out the obligations under any such
23 contracts until modified or rescinded by the elections board to the extent allowed
24 under the contracts.

1 **(9)** All rules promulgated by the government accountability board that are in
2 effect on the effective date of the reconstitution under sub. (2) and that are primarily
3 related to elections administration, as determined by the secretary, remain in effect
4 until their specified expiration dates or until amended or repealed by the elections
5 board. All orders issued by the government accountability board that are in effect
6 on the effective date of the reconstitution under sub. (2) and that are primarily
7 related to elections administration, as determined by the secretary, remain in effect
8 until their specified expiration dates or until modified or rescinded by the elections
9 board.

10 **(10)** Any matter pending with the government accountability board on the
11 effective date of the reconstitution under sub. (2) that is primarily related to elections
12 administration, as determined by the secretary, is transferred to the elections board,
13 and all materials submitted or actions taken by the government accountability board
14 with respect to the pending matter are considered as having been submitted to or
15 taken by the elections board.

16 **SECTION 21.** 5.052 of the statutes is created to read:

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

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

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

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

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

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

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

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

5 **(4)** If a nominee dies or withdraws, or if a nomination of the governor is
6 withdrawn by the governor or rejected by the senate, the committee shall submit an
7 additional nominee to the governor.

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

9 **5.054 Duties of the legal counsel.** The board's legal counsel shall:

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

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

14 **SECTION 23.** 5.055 of the statutes is amended to read:

15 **5.055 Election assistance commission standards board.** The executive
16 ~~director of~~ administrator of the elections division of the board shall, in consultation
17 with the board, appoint an individual to represent this state as a member of the
18 federal election assistance commission standards board. The ~~executive director~~
19 administrator shall also conduct and supervise a process for the selection of an
20 election official by county and municipal clerks and boards of election commissioners
21 to represent local election officials of this state as a member of the federal election
22 assistance commission standards board. The ~~executive director~~ administrator shall
23 ensure that the members of the federal election assistance commission standards
24 board representing this state shall at no time be members of the same political party.
25 Upon appointment or election of any new member of the federal election assistance

1 commission standards board representing this state, the ~~executive director~~
2 administrator shall transmit a notice of that member's appointment or election to the
3 officer or agency designated by federal law.

4 **SECTION 24.** 5.056 of the statutes is amended to read:

5 **5.056 Matching program with secretary of transportation.** The
6 ~~executive director~~ administrator of the elections division of the board shall enter into
7 the agreement with the secretary of transportation specified under s. 85.61 (1) to
8 match personally identifiable information on the official registration list maintained
9 by the board under s. 6.36 (1) with personally identifiable information maintained
10 by the department of transportation.

11 **SECTION 25.** 5.08 of the statutes is amended to read:

12 **5.08 Petition for enforcement.** Any In addition to or in lieu of filing a
13 complaint, any elector may file a verified petition alleging such facts as are within
14 his or her knowledge to indicate that an election official has failed or is failing to
15 comply with any law regulating the conduct of elections or election campaigns or
16 proposes to act in a manner inconsistent with such a law, and requesting that an
17 action be commenced for injunctive relief, a writ of mandamus or prohibition or other
18 such legal or equitable relief as may be appropriate to compel compliance with the
19 law. The petition shall be filed with the district attorney of for the county where the
20 ~~violation or proposed action inconsistent with this chapter occurs or is proposed to~~
21 ~~occur~~ having jurisdiction to prosecute the alleged failure to comply under s. 978.05
22 (1) and (2). The district attorney may then commence the action or dismiss the
23 petition. If the district attorney declines to act upon the petition or if the district
24 attorney fails to act upon the petition within 15 days of the date of filing, the

1 petitioner may file the same petition with the attorney general, who may then
2 commence the action.

3 **SECTION 26.** 5.09 of the statutes is amended to read:

4 **5.09 Certification of documents.** Whenever the board is authorized or
5 required to make a certification of any document in the custody of the board, and the
6 authority to make the certification is lawfully delegated to the ~~executive director, the~~
7 ~~executive director~~ board's legal counsel, the legal counsel may, personally or through
8 an employee authorized by the ~~director~~ legal counsel, affix his or her signature by
9 means of a stamp, machine impression, reproduction print or similar process. This
10 section does not apply to certificates of election.

11 **SECTION 27.** 5.40 (7) of the statutes is amended to read:

12 **5.40 (7)** Whenever a municipality adopts and purchases voting machines or an
13 electronic voting system, or adopts and purchases a different type of voting machine
14 or electronic voting system from the type it was previously using, the municipal clerk
15 or executive director of the municipal board of election commissioners shall promptly
16 notify the county clerk or executive director of the county board of election
17 commissioners and the ~~executive director of the elections~~ administrator of the
18 elections division of the board in writing.

19 **SECTION 28.** 5.62 (4) (b) of the statutes is amended to read:

20 **5.62 (4) (b)** The county board of election commissioners in counties having a
21 population of more than 500,000 shall prepare the official primary ballot. The
22 commissioners shall arrange the names of all candidates for each office whose
23 nomination papers are filed at the county level, using the same method as that used
24 by the ~~elections~~ government accountability board under s. 5.60 (1) (b).

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

1 6.26 (2) (b) The municipal clerk, board of election commissioners, or ~~elections~~
2 government accountability board may appoint any applicant who qualifies under
3 this subsection, unless the applicant's appointment has been revoked by a
4 municipality or by the board for cause. The municipal clerk, board of election
5 commissioners, or ~~elections~~ government accountability board may revoke an
6 appointment made by the clerk, board of election commissioners, or ~~elections~~
7 government accountability board for cause at any time.

8 **SECTION 30.** 6.26 (2) (c) of the statutes is amended to read:

9 6.26 (2) (c) No individual may serve as a special registration deputy in a
10 municipality unless the individual is appointed by the municipal clerk or board of
11 election commissioners of the municipality or the individual is appointed by the
12 ~~elections~~ government accountability board to serve all municipalities and the
13 individual completes training required under s. 7.315.

14 **SECTION 31.** 6.36 (2) (a) of the statutes is amended to read:

15 6.36 (2) (a) Except as provided in par. (b), each registration list prepared for use
16 as a poll list at a polling place or for purposes of canvassing absentee ballots at an
17 election shall contain the full name and address of each registered elector; a blank
18 column for the entry of the serial number of the electors when they vote or the poll
19 list number used by the municipal board of absentee ballot canvassers in canvassing
20 absentee ballots; an indication next to the name of each elector for whom proof of
21 residence under s. 6.34 is required; and a form of certificate bearing the certification
22 of the ~~executive director~~ administrator of the elections division of the board stating
23 that the list is a true and complete registration list of the municipality or the ward
24 or wards for which the list is prepared.

25 **SECTION 32.** 6.56 (3) to (5) of the statutes are amended to read:

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

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

1 s. 301.03 (20m) has been added to the registration list, the board shall enter on the
2 list the information transmitted to the board under ~~s. 301.03 (20)~~ s. 301.03 (20m) and
3 shall notify the district attorney for the county where the polling place is located that
4 the person appears to have voted illegally at the election.

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

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

24 **SECTION 33.** 7.08 (title) of the statutes is amended to read:

25 **7.08** (title) **Elections Government accountability board.**

1 **SECTION 34.** 7.08 (7) of the statutes is amended to read:

2 7.08 (7) VOTING SYSTEM TRANSITIONAL ASSISTANCE. From the appropriation under
3 s. ~~20.510 (1) (e)~~ 20.511 (1) (c), provide assistance to municipalities that used punch
4 card electronic voting systems at the 2001 spring election to enable the
5 municipalities to employ another type of electronic voting system, and provide
6 training for election officials in the use of replacement systems.

7 **SECTION 35.** 7.15 (1) (g) of the statutes is amended to read:

8 7.15 (1) (g) Report suspected election frauds, irregularities or violations of
9 which the clerk has knowledge to the district attorney for the county where the
10 suspected activity occurs and to the board.

11 **SECTION 36.** 7.21 (2m) of the statutes is repealed.

12 **SECTION 37.** 7.31 (5) of the statutes is amended to read:

13 7.31 (5) The board shall conduct regular training programs to ensure that
14 individuals who are certified by the board under this section are knowledgeable
15 concerning their authority and responsibilities. The board shall pay all costs
16 required to conduct the training programs from the appropriation under s. ~~20.510 (1)~~
17 ~~(bm)~~ 20.511 (1) (bm).

18 **SECTION 38.** 7.60 (4) (a) of the statutes is amended to read:

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

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

14 **SECTION 39.** 7.60 (5) of the statutes is amended to read:

15 7.60 (5) REPORTING. (a) Immediately following the canvass, the county clerk
16 shall deliver or send to the ~~elections~~ government accountability board, by 1st class
17 mail, a certified copy of each statement of the county board of canvassers for
18 president and vice president, state officials, senators and representatives in
19 congress, state legislators, justice, court of appeals judge, circuit judge, district
20 attorney, and metropolitan sewerage commissioners, if the commissioners are
21 elected under s. 200.09 (11) (am). The statement shall record the returns for each
22 office or referendum by ward, unless combined returns are authorized under s. 5.15
23 (6) (b) in which case the statement shall record the returns for each group of
24 combined wards. Following primaries the county clerk shall enclose on forms
25 prescribed by the ~~elections~~ government accountability board the names, party or

1 principle designation, if any, and number of votes received by each candidate
2 recorded in the same manner. The county clerk shall deliver or transmit the certified
3 statement to the ~~elections~~ government accountability board no later than 7 days
4 after each primary except the September primary, no later than 10 days after the
5 September primary and any other election except the general election, and no later
6 than 14 days after the general election. The board of canvassers shall deliver or
7 transmit a certified copy of each statement for any technical college district
8 referendum to the secretary of the technical college district board.

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

21 **SECTION 40.** 7.70 (1) of the statutes is amended to read:

22 **7.70 (1) RECORDING AND PRESERVING RETURNS.** (a) Upon receipt of the certified
23 statements from the county clerks, the ~~elections~~ board shall record the election
24 results by counties and file and carefully preserve the statements.

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

7 **SECTION 41.** 7.70 (5) of the statutes is amended to read:

8 **7.70 (5) CERTIFICATES OF ELECTION.** (a) The board shall record in its office each
9 certified statement and determination made by the chairperson of the board or the
10 chairperson's designee. Immediately after the expiration of the time allowed to file
11 a petition for recount, the board shall make and transmit to each person declared
12 elected a certificate of election under the seal of the board. It shall also prepare
13 similar certificates, attested by the ~~executive director~~ administrator of the elections
14 division of the board, addressed to the U.S. house of representatives, stating the
15 names of those persons elected as representatives to the congress from this state.
16 In the case of U.S. senators, the board shall prepare a certificate of election for the
17 governor's signature, and the governor shall sign and affix the great seal of the state
18 and transmit the certificate to the president of the U.S. senate. The certificate shall
19 be countersigned by the secretary of state. If a person elected was elected to fill a
20 vacancy, the certificate shall so state. When a valid petition for recount is filed, the
21 chairperson of the board or the chairperson's designee may not certify a nomination,
22 and the governor or board may not issue a certificate of election until the recount has
23 been completed and the time allowed for filing an appeal has passed, or if appealed
24 until the appeal is decided.

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

8 **SECTION 42.** 8.05 (1) (j) 3. of the statutes is amended to read:

9 8.05 (1) (j) 3. A candidate for municipal judge shall, in addition to making the
10 filings required under subd. 2., file a statement of economic interests with the ethics
11 board under s. 19.43 (4) no later than 4:30 p.m. on the 5th day after notification of
12 nomination is mailed or personally delivered to the candidate, or no later than
13 4:30 p.m. on the next business day after the last day for filing a declaration of
14 candidacy whenever that candidate is granted an extension of time for filing a
15 declaration of candidacy under subd. 2.

16 **SECTION 43.** 8.10 (5) of the statutes is amended to read:

17 8.10 (5) Nomination papers shall be accompanied by a declaration of candidacy
18 under s. 8.21. If a candidate has not filed a registration statement under s. 11.05 at
19 the time he or she files nomination papers, the candidate shall file the statement
20 with the papers. A candidate for state office or municipal judge shall also file a
21 statement of economic interests with the ethics board under s. 19.43 (4) no later than
22 4:30 p.m. on the 3rd day following the last day for filing nomination papers under
23 sub. (2) (a), or no later than 4:30 p.m. on the next business day after the last day
24 whenever that candidate is granted an extension of time for filing nomination papers
25 under sub. (2) (a).

1 **SECTION 44.** 8.15 (4) (b) of the statutes is amended to read:

2 8.15 **(4)** (b) Nomination papers shall be accompanied by a declaration of
3 candidacy under s. 8.21. If a candidate for state or local office has not filed a
4 registration statement under s. 11.05 at the time he or she files nomination papers,
5 the candidate shall file the statement with the papers. A candidate for state office
6 shall also file a statement of economic interests with the ethics board under s. 19.43
7 (4) no later than 4:30 p.m. on the 3rd day following the last day for filing nomination
8 papers under sub. (1), or no later than 4:30 p.m. on the next business day after the
9 last day whenever that candidate is granted an extension of time for filing
10 nomination papers under sub. (1).

11 **SECTION 45.** 8.18 (2) of the statutes is amended to read:

12 8.18 **(2)** The purpose of the convention is to nominate one presidential elector
13 from each congressional district and 2 electors from the state at large. The names
14 of the nominees shall be certified immediately by the chairperson of the state
15 committee of each party to the chairperson of the elections board.

16 **SECTION 46.** 8.20 (6) of the statutes is amended to read:

17 8.20 **(6)** Nomination papers shall be accompanied by a declaration of candidacy
18 under s. 8.21. If a candidate for state or local office has not filed a registration
19 statement under s. 11.05 at the time he or she files nomination papers, the candidate
20 shall file the statement with the papers. A candidate for state office shall also file
21 a statement of economic interests with the ethics board under s. 19.43 (4) no later
22 than 4:30 p.m. on the 3rd day following the last day for filing nomination papers
23 under sub. (8) (a), or no later than 4:30 p.m. on the next business day after the last
24 day whenever that candidate is granted an extension of time for filing nomination
25 papers under sub. (8) (a).

1 **SECTION 47.** 8.30 (2m) of the statutes is created to read:

2 **8.30 (2m)** The official or agency with whom nomination papers and
3 declarations of candidacy are required to be filed shall not place a candidate's name
4 on the ballot if the candidate's name is ineligible for ballot placement under s. 15.60
5 (6).

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

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

22 **SECTION 49.** 8.50 (3) (e) of the statutes is amended to read:

23 **8.50 (3) (e)** In a special election for a state or national office, the county clerk
24 or board of election commissioners shall transmit the statement of the county board

1 of canvassers to the ~~elections~~ government accountability board no later than 7 days
2 after the special primary and 13 days after the special election.

3 **SECTION 50.** 9.01 (1) (a) 1. of the statutes is amended to read:

4 9.01 (1) (a) 1. Any candidate voted for at any election or any elector who voted
5 upon any referendum question at any election may petition for a recount. The
6 petitioner shall file a verified petition or petitions with the proper clerk or body under
7 par. (ar) not earlier than the time of completion of the canvass and not later than 5
8 p.m. on the 3rd business day following the last meeting day of the municipal or
9 county board of canvassers determining the election for that office or on that
10 referendum question prior to issuance of any amended return under s. 6.221 (6) (b)
11 or, if more than one board of canvassers makes the determination, not later than 5
12 p.m. on the 3rd business day following the last meeting day of the last board of
13 canvassers which makes a determination prior to issuance of any amended return
14 under s. 6.221 (6) (b). If the chairperson of the board or chairperson's designee makes
15 the determination for the office or the referendum question, the petitioner shall file
16 the petition not earlier than the last meeting day of the last county board of
17 canvassers to make a statement in the election or referendum and not later than 5
18 p.m. on the 3rd business day following the day on which the ~~elections~~ government
19 accountability board receives the last statement from a county board of canvassers
20 for the election or referendum.

21 **SECTION 51.** 9.01 (1) (ag) 4. of the statutes is amended to read:

22 9.01 (1) (ag) 4. The board shall deposit all moneys received by it into the account
23 under s. ~~20.510~~ 20.511 (1) (g), and shall pay the fees required for each recount to the
24 county clerks of the counties in which the recount is to be held. The county clerk shall

1 deposit fees received by him or her with the county treasurer. The municipal clerk
2 shall deposit fees received by him or her with the municipal treasurer.

3 **SECTION 52.** 9.01 (1) (ar) 2. of the statutes is amended to read:

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

7 **SECTION 53.** 9.01 (10) of the statutes is amended to read:

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

15 **SECTION 54.** 10.06 (1) (title) of the statutes is amended to read:

16 10.06 (1) (title) ELECTIONS GOVERNMENT ACCOUNTABILITY BOARD.

17 **SECTION 55.** 11.21 (title) of the statutes is amended to read:

18 **11.21 (title) Duties of the elections government accountability board.**

19 **SECTION 56.** 11.21 (7) (intro.) of the statutes is amended to read:

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

22 **SECTION 57.** 11.22 (4) of the statutes is amended to read:

23 11.22 (4) Notify the board and the district attorney, or the attorney general
24 where appropriate under ~~ss. 11.60 (4) and 11.61 (2)~~ s. 5.05 (2m) (i), in writing, of any
25 facts within the filing officer's knowledge or evidence in the officer's possession,

1 including errors or discrepancies in reports or statements and delinquencies in filing
2 which may be grounds for civil action or criminal prosecution. The filing officer shall
3 transmit a copy of such notification to the board. The board and the district attorney
4 or the attorney general shall advise the filing officer in writing at the end of each
5 30-day period of the status of such matter until the time of disposition. ~~The district~~
6 ~~attorney or attorney general shall transmit a copy of each such notice to the board.~~

7 **SECTION 58.** 11.38 (5) of the statutes is repealed.

8 **SECTION 59.** 11.60 (4) of the statutes is amended to read:

9 11.60 (4) Actions Except as otherwise provided in ss. 5.05 (2m) (c) 15. and 16.
10 and (h), 5.08, and 5.081, actions under this section arising out of an election for state
11 office or a statewide referendum may be brought by the board or by the district
12 attorney of for the county where the defendant resides or, if the defendant is a
13 nonresident, by the district attorney for the county where the violation is alleged to
14 have occurred, except as specified in s. 11.38. Actions under this section arising out
15 of an election for local office or a local referendum may be brought by the district
16 attorney of the county where the violation is alleged to have occurred. Actions under
17 this section arising out of an election for county office or a county referendum may
18 be brought by the county board of election commissioners of the county wherein the
19 violation is alleged to have occurred. If a violation concerns a district attorney or
20 circuit judge or candidate for such offices, the action shall be brought by the attorney
21 general. If a violation concerns the attorney general or a candidate for such office,
22 the governor may appoint special counsel under s. 14.11 (2) to bring suit in behalf of
23 the state. The counsel shall be independent of the attorney general and need not be
24 a state employee at the time of appointment. For purposes of this subsection, a

1 person other than a natural person resides within a county if the person's principal
2 place of operation is located within that county.

3 **SECTION 60.** 11.60 (5) of the statutes is amended to read:

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

10 **SECTION 61.** 11.61 (2) of the statutes is amended to read:

11 11.61 (2) Except as otherwise provided in s. ~~11.38 (5)~~ ss. 5.05 (2m) (c) 15. and
12 16. and (i), 5.08, and 5.081, all prosecutions under this section shall be conducted by
13 the district attorney of for the county where the defendant resides or, if the defendant
14 is a nonresident, by the district attorney for the county where the violation is alleged
15 to have occurred. If the district attorney refuses to act upon a sworn complaint, or
16 fails to act upon such a complaint within 60 days of the date on which the complaint
17 is received, the attorney general may then conduct the prosecution under this
18 section. If a violation concerns a district attorney or circuit judge or candidate for
19 such offices, the prosecution shall be conducted by the attorney general. If a violation
20 concerns the attorney general or a candidate for such office, the governor may
21 appoint a special prosecutor under s. 14.11 (2) to conduct the prosecution in behalf
22 of the state. The prosecutor shall be independent of the attorney general and need
23 not be a state employee at the time of appointment For purposes of this subsection,
24 a person other than a natural person resides within a county if the person's principal
25 place of operation is located within that county.

1 **SECTION 62.** 12.13 (5) of the statutes is created to read:

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

11 **SECTION 63.** 12.60 (1) (bm) of the statutes is created to read:

12 12.60 (1) (bm) Whoever violates s. 12.13 (5) may be fined not more than \$10,000
13 or imprisoned for not more than 9 months or both.

14 **SECTION 64.** 13.123 (3) (b) 2. of the statutes is amended to read:

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

19 **SECTION 65.** 13.23 of the statutes is amended to read:

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

1 meeting of the legislature. The ~~elections~~ government accountability board shall then
2 send a copy of s. 13.24 to both contestants. If any contestant fails to so file a copy of
3 such notice, the contestant shall not be entitled to any mileage or salary in case
4 payment has been made therefor to the sitting member.

5 **SECTION 66.** 13.62 (4) of the statutes is amended to read:

6 13.62 (4) “Board” means the ~~ethics~~ government accountability board.

7 **SECTION 67.** 13.685 (title) of the statutes is amended to read:

8 **13.685** (title) **Duties of the ~~ethics~~ government accountability board.**

9 **SECTION 68.** 13.69 (8) of the statutes is repealed.

10 **SECTION 69.** 13.94 (1) (k) of the statutes is amended to read:

11 13.94 (1) (k) Provide auditing services at the direction of the ~~elections~~
12 government accountability board under s. 5.05 (2).

13 **SECTION 70.** 14.58 (20) of the statutes is amended to read:

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

17 **SECTION 71.** 15.07 (1) (a) 2. of the statutes is repealed and recreated to read:

18 15.07 (1) (a) 2. Members of the government accountability board shall be
19 nominated by the governor, and with the advice and consent of two-thirds of the
20 members of the senate present and voting shall be appointed, to serve for terms
21 prescribed by law.

22 **SECTION 72.** 15.07 (1) (cm) of the statutes is amended to read:

23 15.07 (1) (cm) The term of one member of the ~~ethics~~ government accountability
24 board shall expire on each May 1. The terms of 3 members of the development
25 finance board appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of every

1 even-numbered year and the terms of the other 3 members appointed under s.
2 15.155 (1) (a) 6. shall expire on May 1 of every odd-numbered year. The terms of the
3 3 members of the land and water conservation board appointed under s. 15.135 (4)
4 (b) 2. shall expire on January 1. The term of the member of the land and water
5 conservation board appointed under s. 15.135 (4) (b) 2m. shall expire on May 1 of an
6 even-numbered year. The terms of members of the real estate board shall expire on
7 July 1. The terms of the appraiser members of the real estate appraisers board and
8 the terms of the auctioneer and auction company representative members of the
9 auctioneer board shall expire on May 1 in an even-numbered year. The terms of the
10 members of the cemetery board shall expire on July 1 in an even-numbered year.
11 The term of the student member of the Board of Regents of the University of
12 Wisconsin System who is at least 24 years old shall expire on May 1 of every
13 even-numbered year.

14 **SECTION 73.** 15.07 (2) (b) of the statutes is created to read:

15 15.07 (2) (b) The chairperson of the governmental accountability board shall
16 be chosen by lot by the current chairperson of the board at the first meeting of the
17 board in January of each year.

18 **SECTION 74.** 15.07 (4) of the statutes is amended to read:

19 15.07 (4) QUORUM. A majority of the membership of a board constitutes a
20 quorum to do business and, unless a more restrictive provision is adopted by the
21 board, a majority of a quorum may act in any matter within the jurisdiction of the
22 board. This subsection does not apply to actions of the ethics government
23 accountability board or the school district boundary appeal board as provided in ss.
24 19.47 (4) 5.05 (1e) and 117.05 (2) (a).

25 **SECTION 75.** 15.07 (5) (k) of the statutes is repealed.

1 **SECTION 76.** 15.07 (5) (m) of the statutes is created to read:

2 15.07 **(5)** (m) Members of the government accountability board, a per diem
3 equal to the amount prescribed under s. 753.075 (3) (a) for reserve judges sitting in
4 circuit court.

5 **SECTION 77.** 15.07 (5) (n) of the statutes is repealed.

6 **SECTION 78.** 15.60 of the statutes is created to read:

7 **15.60 Government accountability board; creation. (1)** There is created
8 a government accountability board consisting of 6 persons. Members shall serve for
9 6–year terms.

10 **(2)** All members of the board shall be appointed from nominations submitted
11 to the governor by a nominating committee to be called the governmental
12 accountability candidate committee, which shall consist of one court of appeals judge
13 from each of the court of appeals districts. The members of the committee shall serve
14 for 2–year terms expiring on March 1. The court of appeals judges shall be chosen
15 as members by lot by the chief justice of the supreme court in the presence of the other
16 justices of the supreme court. Service on the committee is mandatory except as
17 provided in s. 758.19 (9).

18 **(3)** Each member of the board shall be an individual who formerly served as
19 a judge of a court of record in this state and who was elected to the position in which
20 he or she served.

21 **(4)** No member may hold another office or position that is a state public office
22 or a local public office, as defined in s. 19.42, except the office of circuit judge or court
23 of appeals judge under s. 753.075.

24 **(5)** No member, for one year immediately prior to the date of nomination may
25 have been, or while serving on the board may become, a member of a political party,

1 an officer or member of a committee in any partisan political club or organization,
2 or an officer or employee of a registrant under s. 11.05.

3 **(6)** No member, while serving on the board, may become a candidate, as defined
4 in s. 11.01 (1), for state office or local office, as defined in s. 5.02.

5 **(7)** No member, while serving on the board, may make a contribution, as
6 defined in s. 11.01 (6), to a candidate, as defined in s. 11.01 (1) for state office or local
7 office, as defined in s. 5.02. No individual who serves as a member of the board, for
8 12 months prior to beginning that service, may have made a contribution, as defined
9 in s. 11.01 (6), to a candidate for a partisan state or local office, as defined in s. 5.02.

10 **(8)** No member may be a lobbyist, as defined in s. 13.62 (11), or an employee
11 of a principal, as defined in s. 13.62 (12), except that a member may serve as a circuit
12 judge or court of appeals judge under s. 753.075.

13 **SECTION 79.** 15.603 of the statutes is created to read:

14 **15.603 Same; specified divisions. (1) ETHICS AND ACCOUNTABILITY DIVISION.**
15 There is created in the government accountability board an ethics and accountability
16 division. The ethics and accountability division shall be under the direction and
17 supervision of an administrator, who shall be appointed by the board.

18 **(2) ELECTIONS DIVISION.** There is created in the government accountability
19 board an elections division. The elections division shall be under the direction and
20 supervision of an administrator, who shall be appointed by the board.

21 **SECTION 80.** 15.61 of the statutes is repealed.

22 **SECTION 81.** 15.617 of the statutes is renumbered 15.607, and 15.607 (1) of the
23 statutes, as renumbered, is amended to read:

24 15.607 **(1) ELECTION ADMINISTRATION COUNCIL.** There is created in the elections
25 government accountability board an election administration council consisting of

1 members appointed by the ~~executive director of the elections~~ administrator of the
2 elections division of the government accountability board, including the clerk or
3 executive director of the board of election commissioners of the 2 counties or
4 municipalities in this state having the largest population, one or more election
5 officials of other counties or municipalities, representatives of organizations that
6 advocate for the interests of individuals with disabilities and organizations that
7 advocate for the interests of the voting public, and other electors of this state.

8 **SECTION 82.** 15.62 of the statutes is repealed.

9 **SECTION 83.** 16.753 (2) of the statutes is amended to read:

10 16.753 (2) Except as otherwise expressly provided, each agency shall provide
11 to the ~~ethics~~ government accountability board for posting on the Internet a list
12 identifying each solicitation for bids or competitive sealed proposals and each
13 proposed order or contract of the agency for which bids or competitive sealed
14 proposals will not be solicited that involves a major expenditure, together with all
15 information required under sub. (4).

16 **SECTION 84.** 16.79 (2) of the statutes is amended to read:

17 16.79 (2) The department shall distribute in pamphlet form copies of the
18 constitution and such laws as may be required to meet the public demand, including
19 the election laws. The department shall distribute election manuals, forms, and
20 supplies specified by the ~~elections~~ government accountability board. The laws,
21 manuals, forms, and supplies shall be sold by the department at cost, including
22 distribution cost as determined under s. 35.80. The ~~elections~~ government
23 accountability board shall inform the department in writing as to which election
24 manuals, forms, and supplies shall be offered for distribution under this subsection.

25 **SECTION 85.** 16.96 (3) (b) of the statutes is amended to read:

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

5 **SECTION 86.** 16.973 (6) of the statutes is amended to read:

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

10 **SECTION 87.** 17.17 (1) of the statutes is amended to read:

11 17.17 (1) SENATORS AND MEMBERS OF CONGRESS. In the office of United States
12 senator or member of congress from this state, by the county clerk of the county
13 wherein such officer resided at the time of election, to the ~~elections~~ government
14 accountability board.

15 **SECTION 88.** 17.17 (4) of the statutes is amended to read:

16 17.17 (4) JUSTICES AND JUDGES. In the office of justice of the supreme court, court
17 of appeals judge, or judge of a circuit court, by the director of state courts to the
18 governor and the ~~elections~~ government accountability board.

19 **SECTION 89.** 19.42 (3) of the statutes is amended to read:

20 19.42 (3) “Board” means the ~~ethics~~ government accountability board.

21 **SECTION 90.** 19.42 (10) (a) of the statutes is repealed.

22 **SECTION 91.** 19.43 (4) of the statutes is amended to read:

23 19.43 (4) A candidate for state public office shall file with the board a statement
24 of economic interests meeting each of the requirements of s. 19.44 (1) no later than
25 4:30 p.m. on the 3rd day following the last day for filing nomination papers for the

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

17 **SECTION 92.** 19.43 (5) of the statutes is amended to read:

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

1 economic interest made during the quarter for which the report is filed and
2 disclosure of which would be required by s. 19.44 if a statement of economic interests
3 were being filed.

4 **SECTION 93.** 19.45 (6) of the statutes is amended to read:

5 19.45 (6) No state public official, member of a state public official's immediate
6 family, nor any organization with which the state public official or a member of the
7 official's immediate family owns or controls at least 10% of the outstanding equity,
8 voting rights, or outstanding indebtedness may enter into any contract or lease
9 involving a payment or payments of more than \$3,000 within a 12-month period, in
10 whole or in part derived from state funds, unless the state public official has first
11 made written disclosure of the nature and extent of such relationship or interest to
12 the board and to the department acting for the state in regard to such contract or
13 lease. Any contract or lease entered into in violation of this subsection may be voided
14 by the state in an action commenced within 3 years of the date on which the ethics
15 board, or the department or officer acting for the state in regard to the allocation of
16 state funds from which such payment is derived, knew or should have known that
17 a violation of this subsection had occurred. This subsection does not affect the
18 application of s. 946.13.

19 **SECTION 94.** 19.46 (1) (intro.) of the statutes is amended to read:

20 19.46 (1) (intro.) Except in accordance with the board's advice under sub. (2)
21 s. 5.05 (6a) and except as otherwise provided in sub. (3), no state public official may:

22 **SECTION 95.** 19.46 (2) of the statutes is renumbered 5.05 (6a) and amended to
23 read:

24 5.05 (6a) ADVISORY OPINIONS. Any individual, either personally or on behalf of
25 an organization or governmental body, may make a written or electronic request of

1 the board for an advisory opinion regarding the propriety under chs. 5 to 12, subch.
2 III of ch. 13, or subch. III of ch. 19 of any matter to which the person is or may become
3 a party; and any appointing officer, with the consent of a prospective appointee, may
4 request of the board an advisory opinion regarding the propriety under chs. 5 to 12,
5 subch. III of ch. 13, or subch. III of ch. 19 of any matter to which the prospective
6 appointee is or may become a party. The board shall review a request for an advisory
7 opinion and may advise ~~issue a formal written or electronic advisory opinion to the~~
8 person making the request. ~~Advisory opinions and requests therefor shall be in~~
9 writing. The ~~Except as authorized or required for opinions specified in sub. (5s) (f)~~
10 2., the board's deliberations and actions upon such requests shall be in meetings not
11 open to the public. It is prima facie evidence of intent to comply with this subchapter
12 or subch. III of ch. 13 when a person refers a matter to the board and abides by the
13 board's advisory opinion ~~No person acting in good faith upon an advisory opinion~~
14 issued by the board is subject to criminal or civil prosecution for so acting, if the
15 material facts are as stated in the opinion request. ~~To have legal force and effect, each~~
16 advisory opinion issued by the board must be supported by specific legal authority
17 under a statute or other law, or by specific case or common law authority. Each
18 advisory opinion shall include a citation to each statute or other law and each case
19 or common law authority upon which the opinion is based, and shall specifically
20 articulate or explain which parts of the cited authority are relevant to the board's
21 conclusion and why they are relevant. The board may authorize the executive
22 director ~~its legal counsel~~ to act in its stead in instances where delay is of substantial
23 inconvenience or detriment to the requesting party. ~~No issue an informal written~~
24 advisory opinion or to transmit an informal advisory opinion electronically on behalf
25 of the board, subject to such limitations as the board deems appropriate. Every

1 informal advisory opinion shall be consistent with applicable formal advisory
2 opinions issued by the board. If the board disagrees with an informal advisory
3 opinion that has been issued on behalf of the board, the board may withdraw the
4 opinion or issue a revised advisory opinion and no person acting after the date of the
5 withdrawal or issuance of the revised advisory opinion is exempted from prosecution
6 under this subsection if the opinion upon which the person's action is based has been
7 withdrawn or revised in relevant degree. Except as authorized or required under
8 sub. (5s) (f) 2., no member or employee of the board may make public the identity of
9 the individual requesting an a formal or informal advisory opinion or of individuals
10 or organizations mentioned in the opinion. Any person receiving a formal or informal
11 advisory opinion under this subsection who disagrees with the opinion may request
12 a public or private hearing before the board to discuss the opinion. The board shall
13 grant a request for a public or private hearing under this subsection. After hearing
14 the matter, the board may reconsider its opinion and may issue a revised opinion to
15 the person. Promptly upon issuance of each formal advisory opinion that is not open
16 to public access, the board shall publish a summary of the opinion that is consistent
17 with applicable requirements under sub. (5s) (f).

18 **SECTION 96.** 19.47 (title) of the statutes is repealed and recreated to read:

19 **19.47 (title) Statements of economic interests.**

20 **SECTION 97.** 19.47 (1) and (2) of the statutes are repealed.

21 **SECTION 98.** 19.47 (3) of the statutes is renumbered 19.47.

22 **SECTION 99.** 19.47 (4) of the statutes is repealed.

23 **SECTION 100.** 19.47 (5) of the statutes is renumbered 5.05 (5e) and amended

24 to read:

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

13 **SECTION 101.** 19.47 (6) of the statutes is renumbered 5.05 (5f).

14 **SECTION 102.** 19.471 of the statutes is created to read:

15 **19.471 Reconstitution of the ethics board. (1)** In this section, “secretary”
16 means the secretary of administration.

17 **(2)** If a court invalidates any part of 2007 Wisconsin Act (this act), and the
18 statutes in effect on the date of publication of that act are revived as provided in 2007
19 Wisconsin Act (this act), section 210 (8), the ethics board, as it was constituted on
20 the date of publication of 2007 Wisconsin Act (this act), is reconstituted, but the
21 members who were in office on that date do not reassume office. The governor shall
22 immediately appoint replacement members. Notwithstanding s. 15.62, 2005 stats.,
23 in making the appointment of replacement members, the governor shall designate
24 one member who shall serve for an initial term expiring on May 1 of each of the 6
25 years following the day after publication of 2007 Wisconsin Act (this act).

1 **(3)** If there is an incumbent administrator of the ethics and accountability
2 division of the government accountability board at the time of the reconstitution
3 under sub. (2), the incumbent shall become the interim executive director of the
4 ethics board and shall serve until the ethics board appoints a successor. The
5 executive director is vested with full authority to act on behalf of the ethics board
6 until the reconstituted board meets and exercises its authority under the law.

7 **(4)** If any statute in ch. 11, subd. III of ch. 13, or subch. IV of ch. 19 has been
8 created or treated during the period beginning on the day after publication of 2007
9 Wisconsin Act (this act), and ending on the date of the court decision under sub.
10 (2) in a manner inconsistent with the reconstitution under sub. (2), the interim
11 executive director of the ethics board shall within 21 days of assuming office under
12 this section submit to the appropriate standing committees of the legislature under
13 s. 13.172 (3) a proposal to change that statute to conform to the reconstituted
14 statutes. The proposal shall not include substantive changes to the text of any
15 statute at the time of the court decision other than changes required to effect the
16 reconstitution under sub. (2).

17 **(5)** On the effective date of the reconstitution under sub. (2), all assets and
18 liabilities of the government accountability board relating to the administration of
19 campaign finance, ethics, and lobbying regulation laws, as determined by the
20 secretary, shall become assets and liabilities of the ethics board. As a part of any
21 asset allocation determination under this subsection, the secretary may transfer the
22 amounts required for the ethics board to resume operation for a period of not more
23 than 30 days from the unencumbered balance in any sum certain appropriation of
24 the government accountability board to a corresponding appropriation of the ethics
25 board. Prior to implementing a determination under this subsection for the period

1 beginning 31 days after the effective date of the reconstitution, the secretary shall
2 submit a specific description of his or her proposed determination to the
3 cochairpersons of the joint committee on finance. If the cochairpersons notify the
4 secretary that the committee will not meet to review the proposed determination, or
5 if the cochairpersons do not notify the committee that the committee will meet to
6 review the determination within 14 days of the secretary's submittal, the proposed
7 determination takes effect. If within 14 days of the secretary's submittal the
8 cochairpersons notify the secretary that the committee will meet to review the
9 proposed determination, the determination, together with any modifications
10 approved by the committee, takes effect upon approval by the committee.

11 (6) On the effective date of the reconstitution under sub. (2), all full-time
12 equivalent positions in the government accountability board having duties primarily
13 related to the administration of campaign finance, ethics, and lobbying regulation
14 laws, as determined by the secretary, and the incumbent employees holding those
15 positions, are transferred to the ethics board. Employees transferred under this
16 subsection have all the rights and the same status under subch. V of ch. 111 and ch.
17 230 in the ethics board that they enjoyed in the government accountability board
18 immediately before the transfer. Notwithstanding ch. 230, any employee so
19 transferred who has attained permanent status in class is not required to serve a
20 probationary period.

21 (7) On the effective date of the reconstitution under sub. (2), all tangible
22 personal property, including records, of the government accountability board that
23 are primarily related to administration of campaign finance, ethics, and lobbying
24 regulation laws, as determined by the secretary, are transferred to the ethics board.

1 **(8)** All contracts entered into by the government accountability board in effect
2 on the effective date of the reconstitution under sub. (2) that are primarily related
3 to administration of campaign finance, ethics, and lobbying regulation laws, as
4 determined by the secretary, are transferred to the ethics board. The ethics board
5 shall carry out the obligations under any such contracts until modified or rescinded
6 by the ethics board to the extent allowed under the contracts.

7 **(9)** All rules promulgated by the government accountability board that are in
8 effect on the effective date of the reconstitution under sub. (2) and that are primarily
9 related to administration of campaign finance, ethics, and lobbying regulation laws,
10 as determined by the secretary, remain in effect until their specified expiration dates
11 or until amended or repealed by the ethics board. All orders issued by the
12 government accountability board that are in effect on the effective date of the
13 reconstitution under sub. (2) and that are primarily related to administration of
14 campaign finance, ethics, and lobbying regulation laws, as determined by the
15 secretary, remain in effect until their specified expiration dates or until modified or
16 rescinded by the ethics board.

17 **(10)** Any matter pending with the government accountability board on the
18 effective date of the reconstitution under sub. (2) that is primarily related to
19 administration of campaign finance, ethics, and lobbying regulation laws, as
20 determined by the secretary, is transferred to the ethics board, and all materials
21 submitted or actions taken by the government accountability board with respect to
22 the pending matter are considered as having been submitted to or taken by the ethics
23 board.

24 **SECTION 103.** 19.49 (title) of the statutes is repealed.

25 **SECTION 104.** 19.49 (1) of the statutes is repealed.

1 **SECTION 105.** 19.49 (1m) of the statutes is renumbered 5.05 (2m) (c) 2. b.

2 **SECTION 106.** 19.49 (2) of the statutes is renumbered 5.05 (2m) (c) 3. and
3 amended to read:

4 5.05 **(2m)** (c) 3. Any person to whom ~~this subchapter or~~ subch. III of ch. 13 or
5 subch. III of ch. 19 may have application may request the board to make an
6 investigation of his or her own conduct or of allegations made by other persons as to
7 his or her conduct. Such a request shall be made in writing and shall set forth in
8 detail the reasons therefor.

9 **SECTION 107.** 19.49 (3) of the statutes is repealed.

10 **SECTION 108.** 19.49 (4) of the statutes is repealed.

11 **SECTION 109.** 19.49 (5) of the statutes is renumbered 5.05 (2m) (g) and amended
12 to read:

13 5.05 **(2m)** (g) 1. Except as provided in ~~par. (b) subd. 2.,~~ no action may be taken
14 on any complaint that is filed later than 3 years after a violation of ~~this subchapter~~
15 ~~or~~ subch. III of ch. 13 or subch. III of ch. 19 is alleged to have occurred.

16 2. The period of limitation under ~~par. (a) subd. 1.~~ is tolled for a complaint
17 alleging a violation of s. 19.45 (13) or 19.59 (1) (br) for the period during which such
18 a complaint may not be filed under ~~s. 19.49 (1m) par. (c) 2. b.~~ or s. 19.59 (8) (cm).

19 **SECTION 110.** 19.50 (title) of the statutes is repealed.

20 **SECTION 111.** 19.50 (intro.) and (1) of the statutes are renumbered 5.05 (2m)
21 (f) (intro.) and 1. and amended to read:

22 5.05 **(2m)** (f) (intro.) Pursuant to any investigation authorized under ~~s. 19.49~~
23 ~~(3) or any hearing conducted under this subchapter or subch. III of ch. 13 par. (c),~~ the
24 board has the power:

1 1. To require any person to submit in writing such reports and answers to
2 questions relevant to the proceedings ~~conducted under this subchapter or subch. III~~
3 ~~of ch. 13~~ as the board may prescribe, such submission to be made within such period
4 and under oath or otherwise as the board may determine.

5 **SECTION 112.** 19.50 (2) of the statutes is repealed.

6 **SECTION 113.** 19.50 (3) of the statutes is renumbered 5.05 (2m) (f) 2. and
7 amended to read:

8 5.05 **(2m)** (f) 2. To order testimony to be taken by deposition before any
9 individual who is designated by the board and has the power to administer oaths,
10 and, in such instances, to compel testimony and the production of evidence in the
11 same manner as authorized by sub. ~~(2)~~ (1) (b).

12 **SECTION 114.** 19.50 (4) and (5) of the statutes are renumbered 5.05 (2m) (f) 4.
13 and 5.

14 **SECTION 115.** 19.51 (title) of the statutes is repealed.

15 **SECTION 116.** 19.51 (1) (intro.) of the statutes is renumbered 5.05 (2m) (c) 9. and
16 amended to read:

17 5.05 **(2m)** (c) 9. At the conclusion of its investigation, the board shall, in
18 preliminary written findings of fact and conclusions based thereon, make a
19 determination of whether or not probable cause exists to believe that a violation of
20 ~~this subchapter or subch. III of ch. 13~~ under subd. 2. has occurred or is occurring.
21 If the board determines that no probable cause exists, it shall dismiss the complaint.
22 Whenever the board dismisses a complaint or a complaint is deemed to be dismissed
23 under subd. 5., the board shall immediately send written notice of such
24 determination the dismissal to the accused and to the party who made the complaint.
25 ~~If the board determines that there is probable cause for believing that a violation of~~

1 ~~this subchapter or subch. III of ch. 13 has been committed, its preliminary findings~~
2 ~~of fact and conclusions may contain:~~

3 **SECTION 117.** 19.51 (1) (a) and (b) of the statutes are repealed.

4 **SECTION 118.** 19.51 (2) of the statutes is renumbered 5.05 (2m) (c) 10.

5 **SECTION 119.** 19.51 (3) of the statutes is repealed.

6 **SECTION 120.** 19.52 of the statutes is repealed.

7 **SECTION 121.** 19.53 (intro.) of the statutes is repealed.

8 **SECTION 122.** 19.53 (1) to (5) of the statutes are repealed.

9 **SECTION 123.** 19.53 (6) of the statutes is renumbered 19.579 (1) and amended
10 to read:

11 ~~19.579 (1) An order requiring the accused~~ Except as provided in sub. (2), any
12 person who violates this subchapter may be required to forfeit not more than \$500
13 for each violation of s. 19.43, 19.44, or 19.56 (2) or not more than \$5,000 for each
14 violation of any other provision of this subchapter, ~~or not more than the applicable~~
15 ~~amount specified in s. 13.69 for each violation of subch. III of ch. 13.~~ If the board court
16 determines that the accused has realized economic gain as a result of the violation,
17 the board court may, in addition, order the accused to forfeit the amount gained as
18 a result of the violation. In addition, if the board court determines that a state public
19 official has violated s. 19.45 (13), the board court may order the official to forfeit an
20 amount equal to the amount or value of any political contribution, service, or other
21 thing of value that was wrongfully obtained. If the board court determines that a
22 state public official has violated s. 19.45 (13) and no political contribution, service or
23 other thing of value was obtained, the board court may order the official to forfeit an
24 amount equal to the maximum contribution authorized under s. 11.26 (1) for the
25 office held or sought by the official, whichever amount is greater. The attorney

1 general, when so requested by the board, shall institute proceedings to recover any
2 forfeiture incurred under this section ~~or s. 19.545~~ which is not paid by the person
3 against whom it is assessed.

4 **SECTION 124.** 19.53 (7) and (8) of the statutes are repealed.

5 **SECTION 125.** 19.535 of the statutes is repealed.

6 **SECTION 126.** 19.54 of the statutes is repealed.

7 **SECTION 127.** 19.545 of the statutes is repealed.

8 **SECTION 128.** 19.55 (1) of the statutes is amended to read:

9 19.55 (1) Except as provided in sub. (2) and s. 5.05 (5s), all records under this
10 subchapter or subch. III of ch. 13 in the possession of the board are open to public
11 inspection at all reasonable times. The board shall require an individual wishing to
12 examine a statement of economic interests or the list of persons who inspect any
13 statements which are in the board's possession to provide his or her full name and
14 address, and if the individual is representing another person, the full name and
15 address of the person which he or she represents. Such identification may be
16 provided in writing or in person. The board shall record and retain for at least 3 years
17 information obtained by it pursuant to this subsection. No individual may use a
18 fictitious name or address or fail to identify a principal in making any request for
19 inspection.

20 **SECTION 129.** 19.55 (2) (a) of the statutes is renumbered 5.05 (5s) (f) 1. and
21 amended to read:

22 5.05 (5s) (f) 1. ~~Records~~ Except as authorized or required under subd. 2., records
23 obtained in connection with a request for an advisory opinion issued under s. 5.05
24 (6a), other than summaries of advisory opinions that do not disclose the identity of
25 individuals requesting such opinions or organizations on whose behalf they are

1 requested, are not subject to the right of inspection and copying under s. 19.35 (1).
2 Except as authorized or required under subd. 2., the board shall make sufficient
3 alterations in the summaries to prevent disclosing the identities of individuals or
4 organizations involved in the opinions.

5 2. a. The board may, ~~however,~~ make such records under subd. 1. public with the
6 consent of the individual requesting the advisory opinion or the organization or
7 governmental body on whose behalf it is requested.

8 b. A person who makes or purports to make public the substance of or any
9 portion of an advisory opinion requested by or on behalf of the person is deemed to
10 have waived the confidentiality of the request for an advisory opinion and of any
11 records obtained or prepared by the board in connection with the request for an
12 advisory opinion.

13 **SECTION 130.** 19.55 (2) (b) of the statutes is renumbered 5.05 (5s) (intro.) and
14 amended to read:

15 5.05 (5s) (intro.) Records obtained or prepared by the board in connection with
16 an investigation, including the full text of any complaint received by the board, are
17 not subject to the right of inspection and copying under s. 19.35 (1), except as
18 provided in pars. (d) and (e) and except that the:

19 (a) The board shall permit inspection of records that are ~~made public~~
20 distributed or discussed in the course of a meeting or hearing by the board to
21 ~~determine if a violation of this subchapter or subch. III of ch. 13 has occurred.~~
22 ~~Whenever the board refers such investigation and hearing records to a district~~
23 ~~attorney or to the attorney general, they~~ in open session.

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

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

8 **SECTION 131.** 19.55 (2) (c) of the statutes is amended to read:

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

16 **SECTION 132.** 19.579 (title) of the statutes is amended to read:

17 **19.579** (title) **Civil penalty penalties.**

18 **SECTION 133.** 19.579 of the statutes is renumbered 19.579 (2).

19 **SECTION 134.** 19.59 (1) (g) 8. of the statutes is amended to read:

20 19.59 **(1)** (g) 8. No district board member, member of a district board member's
21 immediate family, nor any organization with which the district board member or a
22 member of the district board member's immediate family owns or controls at least
23 10% of the outstanding equity, voting rights, or outstanding indebtedness may enter
24 into any contract or lease involving a payment or payments of more than \$3,000
25 within a 12-month period, in whole or in part derived from district funds unless the

1 district board member has first made written disclosure of the nature and extent of
2 such relationship or interest to the ethics government accountability board and to
3 the district. Any contract or lease entered into in violation of this subdivision may
4 be voided by the district in an action commenced within 3 years of the date on which
5 the ethics government accountability board, or the district, knew or should have
6 known that a violation of this subdivision had occurred. This subdivision does not
7 affect the application of s. 946.13.

8 **SECTION 135.** 19.85 (1) (h) of the statutes is amended to read:

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

12 **SECTION 136.** 19.851 of the statutes is created to read:

13 **19.851 Closed sessions by government accountability board.** The
14 government accountability board shall hold each meeting of the board for the
15 purpose of deliberating concerning an investigation of any violation of the law under
16 the jurisdiction of the ethics and accountability division of the board in closed session
17 under this section. Prior to convening under this section, the government
18 accountability board shall vote to convene in closed session in the manner provided
19 in s. 19.85 (1). No business may be conducted by the government accountability
20 board at any closed session under this section except that which relates to the
21 purposes of the session as authorized in this section or as authorized in s. 19.85 (1).

22 **SECTION 137.** 20.005 (3) (schedule) of the statutes: at the appropriate place,
23 insert the following amounts for the purposes indicated:

1 **2007–08** **2008–09**

2 **20.511 Government accountability board**

3 (1) ADMINISTRATION OF ELECTIONS, ETHICS, AND
4 LOBBYING LAWS

5 (h) Materials and services PR A 35,200 35,200

6 (i) General program operations;
7 program revenue PR A 448,700 448,700

8 **SECTION 138.** 20.005 (3) (schedule) 20.511 of the statutes is repealed and
9 recreated to read:

10 **2007–08** **2008–09**

11 **20.511 Government accountability board**

12 (1) ADMINISTRATION OF ELECTIONS, ETHICS, AND
13 LOBBYING LAWS

14 (a) General program operations;
15 general purpose revenue GPR B 1,338,200 1,340,300

16 **SECTION 139.** 20.455 (1) (b) of the statutes is amended to read:

17 20.455 (1) (b) *Special counsel.* A sum sufficient, subject to the ~~procedure~~
18 procedures established in s. 5.05 (2m) (c) and 14.11 (2) (c), for the compensation
19 of special counsel appointed as provided in ss. 5.05 (2m) (c) and 14.11 (2) and 21.13.

20 **SECTION 140.** 20.510 (intro.) of the statutes is repealed.

21 **SECTION 141.** 20.510 (1) (title) of the statutes is repealed.

22 **SECTION 142.** 20.510 (1) (a) of the statutes is repealed.

23 **SECTION 143.** 20.510 (1) (b) of the statutes is renumbered 20.511 (1) (b).

1 **SECTION 144.** 20.510 (1) (bm) of the statutes is renumbered 20.511 (1) (bm).

2 **SECTION 145.** 20.510 (1) (c) of the statutes is renumbered 20.511 (1) (c).

3 **SECTION 146.** 20.510 (1) (d) of the statutes is renumbered 20.511 (1) (d).

4 **SECTION 147.** 20.510 (1) (g) of the statutes is renumbered 20.511 (1) (g).

5 **SECTION 148.** 20.510 (1) (gm) of the statutes is repealed.

6 **SECTION 149.** 20.510 (1) (h) of the statutes is repealed.

7 **SECTION 150.** 20.510 (1) (i) of the statutes is repealed.

8 **SECTION 151.** 20.510 (1) (j) of the statutes is renumbered 20.511 (1) (j).

9 **SECTION 152.** 20.510 (1) (q) of the statutes is renumbered 20.511 (1) (q).

10 **SECTION 153.** 20.510 (1) (t) of the statutes is renumbered 20.511 (1) (t).

11 **SECTION 154.** 20.510 (1) (x) of the statutes is renumbered 20.511 (1) (x).

12 **SECTION 155.** 20.511 (intro.) and (1) (title) and (a) of the statutes are created
13 to read.

14 **20.511 Government accountability board.** (intro.) There is appropriated
15 from the general fund, except where otherwise indicated, to the government
16 accountability board for the following programs:

17 **(1)** (title) ADMINISTRATION OF ELECTION, ETHICS, AND LOBBYING LAWS.

18 **(a)** *General program operations; general purpose revenue.* Biennially, the
19 amounts in the schedule for general program operations of the board, including the
20 printing of forms, materials, manuals, and election laws under ss. 7.08 (1) (b), (3), and
21 (4) and 11.21 (3) and (14), and the training of election officials under s. 5.05 (7).

22 **SECTION 156.** 20.511 (1) (c) of the statutes, as affected by 2007 Wisconsin Act
23 (this act), is repealed.

24 **SECTION 157.** 20.511 (1) (h) and (i) of the statutes are created to read:

1 20.511 (1) (h) *Materials and services*. The amounts in the schedule for the costs
2 of publishing documents, locating and copying records, and conducting programs
3 under s. 19.48 (9) and administrative meetings and conferences, for compiling,
4 disseminating, and making available information prepared by and filed with the
5 board under s. 19.48 (10), and for supplies, postage, and shipping. All moneys
6 received by the board from collections for sales of publications, copies of records, and
7 supplies, for postage, for shipping and records location fees, from fees assessed under
8 s. 19.48 (9) and (10), and for charges assessed to participants in administrative
9 meetings and conferences shall be credited to this appropriation account.

10 (i) *General program operations; program revenue*. The amounts in the schedule
11 for general program operations of the board. All moneys received from fees imposed
12 under ss. 11.055 (1) and 13.75 shall be credited to this appropriation account.

13 **SECTION 158.** 20.521 (intro.) of the statutes is repealed.

14 **SECTION 159.** 20.521 (1) (title) of the statutes is repealed.

15 **SECTION 160.** 20.521 (1) (a) of the statutes is repealed.

16 **SECTION 161.** 20.521 (1) (b) of the statutes is renumbered 20.511 (1) (be) and
17 amended to read:

18 20.511 (1) (be) ~~*Code of ethics investigations*~~ *Investigations*. Biennially, the
19 ~~amounts in the schedule~~ A sum sufficient for the purpose of financing the costs of
20 investigations authorized by the board of potential violations of the code of ethics for
21 ~~state public officials and employees under chs. 5 to 12, subch. III of ch. 13, and subch.~~
22 III of ch. 19.

23 **SECTION 162.** 20.521 (1) (g) of the statutes is repealed.

24 **SECTION 163.** 20.521 (1) (h) of the statutes is renumbered 20.511 (1) (jm) and
25 amended to read:

1 20.511 (1) (jm) *Gifts and grants*. All moneys received by the board from gifts,
2 grants, and bequests ~~and devises~~ to carry out the purposes, not inconsistent with
3 ~~subch. III of ch. 13 or subch. III of ch. 19~~ the law, for which made or received.

4 **SECTION 164.** 20.521 (1) (i) of the statutes is repealed.

5 **SECTION 165.** 20.923 (4) (d) 3. of the statutes is repealed.

6 **SECTION 166.** 20.923 (4) (d) 4. of the statutes is repealed.

7 **SECTION 167.** 20.923 (4) (f) 3j. of the statutes is created to read:

8 20.923 (4) (f) 3j. Government accountability board: legal counsel.

9 **SECTION 168.** 20.930 of the statutes is amended to read:

10 **20.930 Attorney fees.** Except as provided in ss. 5.05 (2m) (c) 7., 46.27 (7g) (h),
11 49.496 (3) (f) and 49.682 (6), no state agency in the executive branch may employ any
12 attorney until such employment has been approved by the governor.

13 **SECTION 169.** 46.95 (4) of the statutes is amended to read:

14 46.95 (4) LIST OF ELIGIBLE ORGANIZATIONS. The department shall certify to the
15 ~~elections~~ government accountability board, on a continuous basis, a list containing
16 the name and address of each organization that is eligible to receive grants under
17 sub. (2).

18 **SECTION 170.** 59.605 (3) (a) 3. of the statutes is amended to read:

19 59.605 (3) (a) 3. The referendum shall be held in accordance with chs. 5 to 12.
20 The governing body shall provide the election officials with all necessary election
21 supplies. The form of the ballot shall correspond substantially with the standard
22 form for referendum ballots prescribed by the ~~elections~~ government accountability
23 board under ss. 5.64 (2) and 7.08 (1) (a). If the resolution under subd. 1. specifies the
24 operating levy rate, the question shall be submitted as follows: “Under state law, the
25 operating levy rate for the (name of county), for the tax to be imposed for the year

1 (year), is limited to \$.... per \$1,000 of equalized value. Shall the (name of
2 county) be allowed to exceed this rate limit for (a specified number of years) (an
3 indefinite period) by \$.... per \$1,000 of equalized value that results in an operating
4 levy rate of \$.... per \$1,000 of equalized value?” If the resolution under subd. 1.
5 specifies the operating levy, the question shall be submitted as follows: “Under state
6 law, the operating levy rate for the (name of county), for the tax to be imposed for
7 the year (year), is limited to \$.... per \$1,000 of equalized value. Notwithstanding
8 the operating levy rate limit, shall the (name of county) be allowed to levy an
9 amount not to exceed \$.... (operating levy) for operating purposes for the year
10 (year), which may increase the operating levy rate for (a specified number of
11 years) (an indefinite period)? This would allow a% increase above the levy of \$....
12 (preceding year operating levy) for the year (preceding year).”

13 **SECTION 171.** 67.05 (3) (b) of the statutes is amended to read:

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

22 **SECTION 172.** 67.05 (6) of the statutes is amended to read:

23 67.05 (6) REFERENDUM IN OTHER CASES. Whenever an initial resolution has been
24 adopted by the governing body of any municipality other than a county, a town, a city,
25 a village, a technical college district, a metropolitan sewerage district created under

1 ss. 200.01 to 200.15 or 200.21 to 200.65, a town sanitary district, a public inland lake
2 protection and rehabilitation district, or a board of park commissioners, the clerk of
3 such municipality shall immediately record the resolution and call a special meeting
4 for the purpose of submitting it to the electors of the municipality for ratification or
5 rejection. The calling and conduct of the meeting shall be governed by those statutes,
6 so far as applicable, which govern the calling and conduct of special meetings in
7 general. The notice of the meeting, which shall be publicly read before the balloting
8 shall commence, and the ballot used, shall embody a copy of the resolution; the form
9 of the ballot shall correspond with the form prescribed by the ~~elections~~ government
10 accountability board under ss. 5.64 (2) and 7.08 (1) (a); and the question submitted
11 shall be whether the resolution shall be approved.

12 **SECTION 173.** 71.10 (3) (b) of the statutes is amended to read:

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

22 **SECTION 174.** 73.0301 (1) (d) 13. of the statutes is amended to read:

23 73.0301 (1) (d) 13. A license issued by the ~~ethics~~ government accountability
24 board under s. 13.63 (1).

25 **SECTION 175.** 73.0301 (1) (e) of the statutes is amended to read:

1 73.0301 (1) (e) “Licensing department” means the department of
2 administration; the board of commissioners of public lands; the department of
3 commerce; the ~~ethics~~ government accountability board; the department of financial
4 institutions; the department of health and family services; the department of natural
5 resources; the department of public instruction; the department of regulation and
6 licensing; the department of workforce development; the office of the commissioner
7 of insurance; or the department of transportation.

8 **SECTION 176.** 85.61 (1) of the statutes is amended to read:

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

19 **SECTION 177.** 117.20 (2) of the statutes is amended to read:

20 117.20 (2) The clerk of each affected school district shall publish notice, as
21 required under s. 8.55, in the territory of that school district. The procedures for
22 school board elections under s. 120.06 (9), (11), (13), and (14) apply to a referendum
23 held under this section. The school board and school district clerk of each affected
24 school district shall each perform, for that school district, the functions assigned to
25 the school board and the school district clerk, respectively, under those subsections.

1 The form of the ballot shall correspond to the form prescribed by the elections
2 government accountability board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each
3 affected school district shall file with the secretary of the board a certified statement
4 prepared by the school district board of canvassers of the results of the referendum
5 in that school district.

6 **SECTION 178.** 117.27 (2) (b) (intro.) of the statutes is amended to read:

7 117.27 (2) (b) (intro.) The school district clerk shall include in the notice of the
8 spring election a statement that the election ballot will include a question on the
9 change requested by the petition. The form of the ballot shall correspond to the form
10 prescribed by the elections government accountability board under ss. 5.64 (2) and
11 7.08 (1) (a) and the question on the ballot shall be:

12 **SECTION 179.** 121.91 (3) (c) of the statutes is amended to read:

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

24 **SECTION 180.** 125.05 (1) (b) 10. of the statutes is amended to read:

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

4 **SECTION 181.** 165.25 (1) of the statutes is amended to read:

5 165.25 (1) REPRESENT STATE IN APPEALS AND ON REMAND. Except as provided in
6 s. ss. 5.05 (2m) (a) and 978.05 (5), appear for the state and prosecute or defend all
7 actions and proceedings, civil or criminal, in the court of appeals and the supreme
8 court, in which the state is interested or a party, and attend to and prosecute or
9 defend all civil cases sent or remanded to any circuit court in which the state is a
10 party; and, if. Nothing in this subsection deprives or relieves the attorney general
11 or the department of justice of any authority or duty under this chapter.

12 (1m) REPRESENT STATE IN OTHER MATTERS. If requested by the governor or either
13 house of the legislature, appear for and represent the state, any state department,
14 agency, official, employee or agent, whether required to appear as a party or witness
15 in any civil or criminal matter, and prosecute or defend in any court or before any
16 officer, any cause or matter, civil or criminal, in which the state or the people of this
17 state may be interested. The public service commission may request under s.
18 196.497 (7) that the attorney general intervene in federal proceedings. All expenses
19 of the proceedings shall be paid from the appropriation under s. 20.455 (1) (d).

20 **SECTION 182.** 165.25 (3r) of the statutes is amended to read:

21 165.25 (3r) **AVOID CONFLICT OF INTEREST.** Require that attorneys in different
22 organizational subunits in the department prosecute violations of chs. 562 to 569 or
23 Indian gaming compacts entered into under s. 14.035 and defend any department,
24 agency, official, employee or agent under subs. (1), (1m), (4) (a) and (6).

25 **SECTION 183.** 165.25 (8) of the statutes is amended to read:

1 165.25 **(8)** HISTORICAL SOCIETY CONTRACTS. In subs. (1), (1m), (6) and (6m), treat
2 any nonprofit corporation operating a museum under a lease agreement with the
3 state historical society as a department of state government and any official,
4 employee or agent of such a corporation as a state official, employee or agent.

5 **SECTION 184.** 165.25 (8m) of the statutes is amended to read:

6 165.25 **(8m)** LOCAL EMERGENCY PLANNING COMMITTEES. In subs. (1), (1m), (6) and
7 (6m), treat any local emergency planning committee appointed by a county board
8 under s. 59.54 (8) (a) as a department of state government and any member of such
9 a committee as a state official, employee or agent.

10 **SECTION 185.** 165.93 (4) of the statutes is amended to read:

11 165.93 **(4)** LIST OF ELIGIBLE ORGANIZATIONS. The department shall certify to the
12 ~~elections~~ government accountability board, on a continuous basis, a list containing
13 the name and address of each organization that is eligible to receive grants under
14 sub. (2).

15 **SECTION 186.** 198.08 (10) of the statutes is amended to read:

16 198.08 **(10)** ELECTION STATISTICS. The clerk of the district shall seasonably
17 obtain, compile, and file in his or her office, for the information of the public, a
18 statement showing the total number of votes cast for the office of governor in the last
19 preceding general election in each subdistrict of the district. The clerk of every
20 municipality and the ~~elections~~ government accountability board shall furnish such
21 information so far as obtainable from their records, duly certified, to the clerk of the
22 district upon request therefor by the clerk of the district. If the total number of votes
23 cast in any subdistrict for the office of governor in the last preceding election cannot,
24 because of an intervening change of boundaries of election wards or for any reason,

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

3 **SECTION 187.** 200.09 (11) (am) 2. and 3. of the statutes are amended to read:

4 200.09 (11) (am) 2. No resolution passed under subd. 1. may authorize election
5 of commissioners sooner than 6 months after the date of passage. The commission
6 shall immediately notify the ~~elections~~ government accountability board under s. 5.05
7 upon passage of a resolution under subd. 1.

8 3. If the governing bodies of each city, town, and village comprising the district
9 pass a resolution to discontinue election of commissioners, each commissioner may
10 hold office until a successor is appointed and qualified. The commission shall
11 immediately notify the ~~elections~~ government accountability board under s. 5.05 upon
12 passage of a resolution under this subdivision.

13 **SECTION 188.** 227.03 (6) of the statutes is amended to read:

14 227.03 (6) Orders of the ~~elections~~ government accountability board under s.
15 5.06 (6) are not subject to this chapter.

16 **SECTION 189.** 227.45 (1) of the statutes is amended to read:

17 227.45 (1) Except as provided in ~~ss. 19.52 (3) and s.~~ 901.05, an agency or
18 hearing examiner shall not be bound by common law or statutory rules of evidence.
19 The agency or hearing examiner shall admit all testimony having reasonable
20 probative value, but shall exclude immaterial, irrelevant or unduly repetitious
21 testimony or evidence that is inadmissible under s. 901.05. The agency or hearing
22 examiner shall give effect to the rules of privilege recognized by law. Basic principles
23 of relevancy, materiality and probative force shall govern the proof of all questions
24 of fact. Objections to evidentiary offers and offers of proof of evidence not admitted
25 may be made and shall be noted in the record.

1 **SECTION 190.** 227.46 (1) (intro.) of the statutes is amended to read:

2 227.46 **(1)** (intro.) Except as provided under s. 227.43 (1), an agency may
3 designate an official of the agency or an employee on its staff or borrowed from
4 another agency under s. 20.901 or 230.047 as a hearing examiner to preside over any
5 contested case. ~~In hearings under s. 19.52, a reserve judge shall be appointed.~~
6 Subject to rules of the agency, examiners presiding at hearings may:

7 **SECTION 191.** 227.52 (6) of the statutes is amended to read:

8 227.52 **(6)** Decisions of the chairperson of the elections government
9 accountability board or the chairperson’s designee.

10 **SECTION 192.** 230.08 (2) (e) 4h. of the statutes is created to read:

11 230.08 **(2)** (e) 4h. Government accountability board — 2.

12 **SECTION 193.** 230.08 (2) (om) of the statutes is repealed.

13 **SECTION 194.** 230.08 (2) (on) of the statutes is created to read:

14 230.08 **(2)** (on) The legal counsel to the government accountability board.

15 **SECTION 195.** 230.08 (2) (wm) of the statutes is repealed.

16 **SECTION 196.** 230.08 (4) (a) of the statutes is amended to read:

17 230.08 **(4)** (a) The number of administrator positions specified in sub. (2) (e)
18 includes all administrator positions specifically authorized by law to be employed
19 outside the classified service in each department, board or commission and the
20 historical society. In this paragraph, “department” has the meaning given under s.
21 15.01 (5), “board” means the educational communications board, government
22 accountability board, investment board, public defender board and technical college
23 system board and “commission” means the public service commission.
24 Notwithstanding sub. (2) (z), no division administrator position exceeding the
25 number authorized in sub. (2) (e) may be created in the unclassified service.

1 **SECTION 197.** 234.02 (3m) (c) of the statutes is amended to read:

2 234.02 **(3m)** (c) The authority shall, with the advice of the ethics government
3 accountability board, adopt and enforce ethics guidelines applicable to its paid
4 consultants which are similar to subch. III of ch. 19, except that the authority may
5 not require its paid consultants to file financial disclosure statements.

6 **SECTION 198.** 301.03 (20m) of the statutes is amended to read:

7 301.03 **(20m)** Transmit to the ~~elections~~ government accountability board, on
8 a continuous basis, a list containing the name of each living person who has been
9 convicted of a felony under the laws of this state and whose civil rights have not been
10 restored, together with his or her residential address and the date on which the
11 department expects his or her civil rights to be restored.

12 **SECTION 199.** 343.11 (2m) of the statutes is amended to read:

13 343.11 **(2m)** Within 30 days following surrender of a license under sub. (1), the
14 department shall provide notice to the ~~elections~~ government accountability board of
15 the person's name and address, the name of the jurisdiction issuing the surrendered
16 license, and the date on which the license was surrendered.

17 **SECTION 200.** 560.04 (2m) of the statutes is amended to read:

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

1 government units other than the state and directing those requests to the
2 appropriate division of the department of administration.

3 **SECTION 201.** 758.19 (9) of the statutes is created to read:

4 758.19 (9) If a court of appeals judge is appointed to serve as a member of the
5 governmental accountability candidate committee and the judge has good cause for
6 declining to serve, the director of state courts shall accept from the judge a written
7 communication setting forth the reasons why the judge cannot or should not serve
8 and the judge shall then be excused from service. Upon receipt of the communication,
9 the director shall notify the chief justice and the vacancy shall then be filled as
10 provided in ss. 15.60 (2) and 17.20 (1).

11 **SECTION 202.** 778.135 of the statutes is amended to read:

12 **778.135 Campaign finance, lobbying, and ethics forfeitures; how**
13 **recovered.** Notwithstanding s. 778.13, whenever any action or proposed action by
14 the ~~elections~~ government accountability board under s. 5.05 (1) (c) is settled as a
15 result of agreement between the parties without approval of the court, the moneys
16 accruing to the state on account of such settlement shall be paid to the board and
17 deposited with the secretary of administration. ~~Whenever any proposed action by~~
18 ~~a county board of election commissioners under s. 7.21 (2m) (a) is settled as a result~~
19 ~~of agreement between the parties, the moneys accruing to the county on account of~~
20 ~~such settlement shall be paid to the board of election commissioners and deposited~~
21 ~~with the county treasurer in the same manner as provided for forfeitures under s.~~
22 ~~778.13.~~

23 **SECTION 203.** 778.136 of the statutes is repealed.

24 **SECTION 204.** 801.50 (5t) of the statutes is created to read:

1 **801.50 (5t)** Except as otherwise provided in ss. 801.52 and 971.223 (1) and (2),
2 venue in a civil action to impose a forfeiture upon a resident of this state for a
3 violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, or for a violation
4 of any other law arising from or in relation to the official functions of the subject of
5 the investigation or any matter that involves elections, ethics, or lobbying regulation
6 under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, shall be in circuit court
7 for the county where the defendant resides. For purposes of this subsection, a person
8 other than a natural person resides within a county if the person's principal place of
9 operation is located within that county. This subsection does not affect which
10 prosecutor has responsibility under s. 978.05 (2) to prosecute civil actions arising
11 from violations under s. 971.223 (1).

12 **SECTION 205.** 801.52 of the statutes is amended to read:

13 **801.52 Discretionary change of venue.** The court may at any time, upon
14 its own motion, the motion of a party or the stipulation of the parties, change the
15 venue to any county in the interest of justice or for the convenience of the parties or
16 witnesses, except that venue in a civil action to impose forfeiture for a violation of chs.
17 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 or for a violation of any other law
18 arising from or in relation to the official functions of the subject of the investigation
19 or any matter that involves elections, ethics, or lobbying regulation under chs. 5 to
20 12, subch. III of ch. 13, or subch. III of ch. 19, may be changed only as provided in s.
21 971.223 (1) and (2) or in the same manner that is authorized for a change in the venue
22 of a criminal trial under s. 971.22. This section does not apply to proceedings under
23 ch. 980.

24 **SECTION 206.** 971.19 (12) of the statutes is created to read:

1 971.19 **(12)** Except as provided in s. 971.223, in an action for a violation of chs.
2 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, or for a violation of any other law
3 arising from or in relation to the official functions of the subject of the investigation
4 or any matter that involves elections, ethics, or lobbying regulation under subch. 5
5 to 12, subch. III of ch. 13, or subch. III of ch. 19 a defendant who is a resident of this
6 state shall be tried in circuit court for the county where the defendant resides. For
7 purposes of this subsection, a person other than a natural person resides within a
8 county if the person's principal place of operation is located within that county.

9 **SECTION 207.** 971.223 of the statutes is created to read:

10 **971.223 Change of Place of Trial for Certain Violations. (1)** In an action
11 for a violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, or for a
12 violation of any other law arising from or in relation to the official functions of the
13 subject of the investigation or any matter that involves elections, ethics, or lobbying
14 regulation under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, a defendant
15 who is a resident of this state may move to change the place of trial to the county
16 where the offense was committed. The motion shall be in writing.

17 **(2)** The court shall grant a motion under this section if the court determines
18 that the county where the offense was committed is different than the county where
19 the defendant resides. If there is more than one county where the offense was
20 committed, the court shall determine which of the counties where the offense was
21 committed will be the place of trial. The judge who orders the change in the place
22 of trial shall preside at the trial and the jury shall be chosen from the county where
23 the trial will be held. Preliminary matters prior to trial may be conducted in either
24 county at the discretion of the court. The judge shall determine where the record
25 shall be kept and, if the defendant is in custody, where the defendant shall be held.

1 **(3)** This section does not affect which prosecutor has responsibility under s.
2 978.05 (1) to prosecute criminal actions arising from violations under sub. (1).

3 **(4)** This section does not affect the application of s. 971.22. In actions under
4 sub. (1), the court may enter an order under s. 971.225 only if the order is agreed to
5 by the defendant.

6 **SECTION 208.** 971.225 (1) (intro.) of the statutes is amended to read:

7 971.225 **(1)** (intro.) In lieu of changing the place of trial under s. 971.22 (3) or
8 971.223, the court may require the selection of a jury under sub. (2) if:

9 **SECTION 209.** 978.05 (1) and (2) of the statutes are amended to read:

10 978.05 **(1)** CRIMINAL ACTIONS. Except as otherwise provided by law, prosecute
11 all criminal actions before any court within his or her prosecutorial unit and have
12 sole responsibility for prosecution of all criminal actions arising from violations of
13 chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 and from violations of other
14 laws arising from or in relation to the official functions of the subject of the
15 investigation or any matter that involves elections, ethics, or lobbying regulation
16 under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, that are alleged to be
17 committed by a resident of his or her prosecutorial unit, or if alleged to be committed
18 by a nonresident of this state, that are alleged to occur in his or her prosecutorial unit
19 unless another prosecutor is substituted under s. 5.05 (2m) (i) or this chapter or by
20 referral of the government accountability board under s. 5.05 (2m) (c) 15. or 16. For
21 purposes of this subsection, a person other than a natural person is a resident of a
22 prosecutorial unit if the person's principal place of operation is located in that
23 prosecutorial unit.

24 **(2)** FORFEITURES. Except as otherwise provided by law, prosecute all state
25 forfeiture actions, county traffic actions and actions concerning violations of county

1 ordinances which are in conformity with state criminal laws in the courts within his
2 or her prosecutorial unit and have joint responsibility, together with the government
3 accountability board, for prosecution of all forfeiture actions arising from violations
4 of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 and from violations of other
5 laws arising from or in relation to the official functions of the subject of the
6 investigation or any matter that involves elections, ethics, or lobbying regulation
7 under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 that are alleged to be
8 committed by a resident of his or her prosecutorial unit, or if alleged to be committed
9 by a nonresident of this state, that are alleged to occur within his or her prosecutorial
10 unit unless another prosecutor is substituted under s. 5.05 (2m) (h) or this chapter
11 or by referral of the government accountability board under s. 5.05 (2m) (c) 15. or 16.
12 For purposes of this subsection, a person other than a natural person is a resident
13 of a prosecutorial unit if the person's principal place of operation is located in that
14 prosecutorial unit.

15 **SECTION 210. Nonstatutory provisions.**

16 (1) INITIATION DATE. In this section, “initiation date” means the first day of the
17 7th month beginning after publication of this act, or the 31st day beginning after the
18 date on which the government accountability board has given final approval to the
19 hiring of individuals to initially fill the positions of legal counsel to the board,
20 administrator of the ethics and integrity division of the board, and administrator of
21 the elections division of the board, whichever is later.

22 (2) TRANSFER OF ELECTIONS BOARD.

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

1 (b) *Positions and employees.*

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

4 2. All incumbent employees holding positions in the elections board on the
5 effective date of this subdivision, except the incumbent employee holding the
6 position of executive director, are transferred on the effective date of this subdivision
7 to the government accountability board.

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

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

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

23 (e) *Rules and orders.* Within one year after the initiation date, the board shall
24 hold one or more public hearings on the question of reaffirmation of each rule that
25 has been promulgated and each order that has been issued by the elections board and

1 that is in effect on that date. Except as authorized in this paragraph, every rule
2 promulgated by the elections board that is in effect on the effective date of this
3 paragraph remains in effect until its specified expiration date or until the end of the
4 365–day period beginning on the initiation date, whichever is earlier, unless that
5 board repeals or amends the rule, effective on an earlier date, or unless that board
6 specifically votes to reaffirm the rule. Except as authorized in this paragraph, every
7 order issued by the elections board that is in effect on the effective date of this
8 paragraph remains in effect until its specified expiration date or until the end of the
9 365–day period beginning on the initiation date, whichever is earlier, unless that
10 board modifies or rescinds the order, effective on an earlier date, or unless that board
11 specifically votes to reaffirm the order. Any action by the board to amend or repeal
12 a rule shall be in accordance with subchapter II of chapter 227 of the statutes. The
13 board may extend the expiration date of any rule or order under this paragraph for
14 not more than 3 months in order to afford time for additional review, but no such
15 extension or renewal of an extension may extend the expiration date of any rule or
16 order by more than 6 months in all.

17 (f) *Formal opinions.* Within one year after the initiation date, the board shall
18 hold one or more public hearings on the question of reaffirmation of each formal
19 opinion that has been issued by the elections board and that has not been withdrawn
20 or modified. Except as authorized in this paragraph, every formal opinion issued by
21 the elections board that has not been withdrawn or modified on the initiation date
22 remains in effect until the end of the 365–day period beginning on the initiation date
23 unless that board withdraws or modifies the opinion on an earlier date, or unless that
24 board specifically votes to reaffirm the opinion on an earlier date. The board may
25 extend the period of effectiveness of any formal opinion under this paragraph for not

1 more than 3 months in order to afford time for additional review, but no such
2 extension or renewal of an extension may extend the period of effectiveness of any
3 opinion by more than 6 months in all.

4 (g) *Review of internal operating procedures.* During the 365–day period
5 beginning on the initiation date, the board shall review all internal operating
6 procedures of the elections board in effect on the initiation date that affect the
7 manner in which the board interrelates with persons who are not employees of the
8 board. The review shall specifically address the degree to which employees are
9 authorized to perform their functions without direct supervision of or approval of the
10 board. During the pendency of the review, no employee of the government
11 accountability board may make any change in an internal operating procedure
12 described in this paragraph unless that board first holds a public hearing concerning
13 the proposed change and that board specifically approves the change.

14 (h) *Pending matters.* Any matter pending with the elections board on the
15 effective date of this paragraph is transferred to the government accountability
16 board, and all materials submitted to or actions taken by the elections board with
17 respect to the pending matter are considered as having been submitted to or taken
18 by the government accountability board.

19 (3) TRANSFER OF ETHICS BOARD.

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

23 (b) *Positions and employees.*

24 1. On the effective date of this subdivision, all full–time equivalent positions
25 in the ethics board are transferred to the government accountability board.

1 2. All incumbent employees holding positions in the ethics board on the
2 effective date of this subdivision, except the incumbent employee holding the
3 position of executive director, are transferred on the effective date of this subdivision
4 to the government accountability board.

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

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

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

19 (e) *Rules and orders.* Within one year after the initiation date, the board shall
20 hold one or more public hearings on the question of reaffirmation of each rule that
21 has been promulgated and each order that has been issued by the ethics board and
22 that is in effect on that date. Except as authorized in this paragraph, every rule
23 promulgated by the ethics board that is in effect on the effective date of this
24 paragraph remains in effect until its specified expiration date or until the end of the
25 365-day period beginning on the initiation date, whichever is earlier, unless that

1 board amends or repeals the rule, effective on an earlier date, or unless that board
2 specifically votes to reaffirm the rule. Except as authorized in this paragraph, every
3 order issued by the ethics board that is in effect on the effective date of this paragraph
4 remains in effect until its specified expiration date or until the end of the 365–day
5 period beginning on the initiation date, whichever is earlier, unless that board
6 modifies or rescinds the order, effective on an earlier date, or unless that board
7 specifically votes to reaffirm the order. Any action by the board to amend or repeal
8 a rule shall be in accordance with subchapter II of chapter 227 of the statutes. The
9 board may extend the expiration date of any rule or order under this paragraph for
10 not more than 3 months in order to afford time for additional review, but no such
11 extension or renewal of an extension may extend the expiration date of any rule or
12 order by more than 6 months in all.

13 (f) *Formal opinions.* Within one year after the initiation date, the board shall
14 hold one or more public hearings on the question of reaffirmation of each formal
15 opinion that has been issued by the ethics board and that has not been withdrawn
16 or modified. If the formal opinion is confidential, the board shall hold the hearing
17 on the question of reaffirmation of the summary of the opinion that has been
18 published. Except as authorized in this paragraph, every formal opinion issued by
19 the ethics board or by the executive director of the ethics board acting in its stead that
20 has not been withdrawn or modified on the initiation date remains in effect until the
21 end of the 365–day period beginning on the initiation date unless that board
22 withdraws or modifies the opinion on an earlier date, or unless that board specifically
23 votes to reaffirm the opinion on an earlier date. The board may extend the period
24 of effectiveness of any formal opinion under this paragraph for not more than 3
25 months in order to afford time for additional review, but no such extension or renewal

1 of an extension may extend the period of effectiveness of an opinion by more than 6
2 months in all.

3 (g) *Review of guidelines.* Within one year after the initiation date, the board
4 shall hold one or more public hearings for the purpose of reviewing the question of
5 reaffirmation of each current guideline that has been issued by the ethics board. The
6 review shall address the extent to which the guidelines are consistent with relevant
7 law. Except as authorized in this paragraph, the government accountability board
8 shall withdraw each guideline identified in this paragraph at the end of the 365–day
9 period beginning on the initiation date, unless the board chooses to withdraw or
10 revise the guideline at an earlier date or unless the board specifically votes to
11 reaffirm the current text of the guideline as issued prior to the end of that period.
12 The board may extend the circulation period of any guideline identified in this
13 paragraph for not more than 3 months in order to afford time for additional review,
14 but no such extension or renewal of an extension may extend the circulation period
15 of a guideline by more than 6 months in all.

16 (h) *Review of internal operating procedures.* During the 365–day period
17 beginning on the initiation date, the board shall review all internal operating
18 procedures of the ethics board in effect on the initiation date that affect the manner
19 in which the board interrelates with persons who are not employees of the board. The
20 review shall specifically address the degree to which employees are authorized to
21 perform their functions without direct supervision of or approval of the board.
22 During the pendency of the review, no employee of the government accountability
23 board may make any change in an internal operating procedure described in this
24 paragraph unless that board first holds a public hearing concerning the proposed
25 change and that board specifically approves the change.

1 (i) *Pending matters.* Any matter pending with the ethics board on the effective
2 date of this paragraph is transferred to the government accountability board, and all
3 materials submitted to or actions taken by the ethics board with respect to the
4 pending matter are considered as having been submitted to or taken by the
5 government accountability board.

6 (4) CONFIRMATION OF PERSONS NOMINATED TO INITIALLY FILL POSITIONS ON THE
7 BOARD. Notwithstanding section 15.07 (1) (a) 2. of the statutes, as affected by this act,
8 the governor shall submit the names of the nominees to initially fill 3 of the positions
9 as members of the government accountability board to the assembly and shall
10 submit the names of the nominees to initially fill 3 of the positions as members of the
11 government accountability board to the senate, and the nominees to initially fill
12 those positions are subject to confirmation solely by a majority of the members
13 present and voting on a nomination in the house to which their names are submitted.
14 Notwithstanding section 5.052 (4) of the statutes, as created by this act, if a nominee
15 of the governor to initially fill a position as a member of the government
16 accountability board dies or withdraws, or if such a nomination is withdrawn by the
17 governor or rejected by the house to which submitted under this subsection, the
18 government accountability candidate committee shall submit an additional nominee
19 to the governor for appointment to the board, subject to confirmation by the same
20 house in accordance with this subsection.

21 (5) BOARD TRANSITIONS; INITIAL TERMS.

22 (a) Notwithstanding section 15.61, 2005 stats., section 15.62, 2005 stats., and
23 section 15.07 (1) (c) of the statutes, the terms of office of all members of the elections
24 board and all members of the ethics board holding office shall expire on the initiation
25 date.

1 (b) Each member of the government accountability board who is appointed as
2 provided in paragraph (c) and qualified to take office shall take office on the effective
3 date of this paragraph, or upon qualification to take office, whichever is later.
4 Notwithstanding section 15.07 (4) of the statutes, as affected by this act, the board
5 does not have a quorum for transaction of business at its initial meeting until 6
6 members have initially been appointed and qualify to serve.

7 (c) The government accountability candidate committee shall submit to the
8 governor the names of at least 8 qualified individuals to fill the initial positions as
9 members of the government accountability board. In making nominations to
10 initially fill positions as members of the government accountability board, the
11 government accountability candidate committee shall draw lots at a meeting of the
12 committee to assign a numerical sequence to each nomination, beginning with the
13 number one. Notwithstanding section 15.60 (1) of the statutes, as created by this act,
14 from the nominations submitted, the governor shall nominate the nominee who is
15 assigned the lowest number to serve for a term expiring on May 1, 2013; the nominee
16 having the next highest number to serve for a term expiring on May 1, 2012; the
17 nominee having the next highest number to serve for a term expiring on May 1, 2011;
18 the nominee having the next highest number to serve for a term expiring on May 1,
19 2010; the nominee having the next highest number to serve for a term expiring on
20 May 1, 2009; and the nominee having the next highest number to serve for a term
21 expiring on May 1, 2008.

22 (d) Notwithstanding section 15.60 (2) of the statutes, as created by this act, the
23 initial members of the governmental accountability candidate committee shall serve
24 for terms expiring on March 1, 2009.

25 (6) IMPLEMENTATION.

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

13 (b) Notwithstanding section 15.07 (2) (b) of the statutes, as created by this act,
14 the member of the government accountability board who is first nominated shall
15 choose the initial chairperson of the board at the first meeting of the board in
16 accordance with section 15.07 (2) (b) of the statutes, as created by this act.

17 (c) Prior to the initiation date, the government accountability board may
18 expend moneys from the appropriation under section 20.511 (1) (a) of the statutes,
19 as created by this act, for the purpose of meeting, employing staff, and preparing to
20 assume its full authority and responsibilities on that date.

21 (7) JOINT COMMITTEE ON FINANCE. Of the moneys appropriated to the joint
22 committee on finance under section 20.865 (4) (a) of the statutes for the 2005–07
23 fiscal biennium, \$155,400 is reserved to supplement the appropriation of the
24 government accountability board under section 20.511 (1) (a) of the statutes, as

1 created by this act, in fiscal year 2006–07 for the purposes described in SECTION 211
2 (5) of this act.

3 (8) NONSEVERABILITY. Notwithstanding section 990.01 (11) of the statutes, if a
4 court finds that any portion of this act is unconstitutional, then this entire act is void
5 except for the treatment of sections 5.051 and 19.471 of the statutes. In such case,
6 all sections of the statutes in effect on the date of publication of this act that are
7 repealed or otherwise treated by this act are revived as the text of those statutes read
8 on the date of publication of this act.

9 **SECTION 211. Fiscal changes.**

10 (1) The unencumbered balance in the appropriation account under section
11 20.510 (1) (h) of the statutes is transferred to the appropriation account under section
12 20.511 (1) (h) of the statutes, as created by this act.

13 (2) The unencumbered balance in the appropriation account under section
14 20.510 (1) (i) of the statutes is transferred to the appropriation account under section
15 20.511 (1) (i) of the statutes, as created by this act.

16 (3) The unencumbered balance in the appropriation account under section
17 20.521 (1) (g) of the statutes is transferred to the appropriation account under section
18 20.511 (1) (i) of the statutes, as created by this act.

19 (4) The unencumbered balance in the appropriation account under section
20 20.521 (1) (i) of the statutes is transferred to the appropriation account under section
21 20.511 (1) (h) of the statutes, as created by this act.

22 (5) In the schedule under section 20.005 (3) of the statutes for the appropriation
23 to the joint committee on finance under section 20.865 (4) (a) of the statutes, as
24 affected by the acts of 2005 and 2007, the dollar amount is increased by \$155,400 for
25 fiscal year 2006–07 to provide funding for the government accountability board to

1 hold meetings, employ staff, and prepare to assume its full authority and
2 responsibilities under this act.

3 **SECTION 212. Effective dates.** This act takes effect on the initiation date
4 specified in section 210 (1), except as follows:

5 (1) The treatment of sections 5.051, 5.052, 5.054, 15.07 (1) (a) 2., (2) (b), and (5)
6 (m), 15.60, 15.603, 19.471, 20.511 (intro.) and (1) (title) and (a), 20.923 (4) (f) 3j., and
7 230.08 (2) (e) 4h. and (on) and (4) (a) of the statutes, SECTIONS 210 (5) to (8) and 211
8 (5) of this act take effect on the day after publication.

9 (2) The repeal and recreation of section 20.005 (3) (schedule) 20.511 of the
10 statutes takes effect on July 1, 2007.

11 (3) The repeal of section 20.511 (1) (c) of the statutes takes effect on July 1, 2007.

12 (END)