

**2007 Jr7 DRAFTING REQUEST**

**Senate Substitute Amendment (SSA-SB1)**

Received: **01/22/2007**

Received By: **jkuesel**

Wanted: **Today**

Identical to LRB:

For: **Fred Risser (608) 266-1627**

By/Representing: **Terry Tuschen**

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

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Risser@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

SSA to SB-1

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**Instructions:**

Per LRBs0002/3, with permission of Steve Knudson, Rep. Gundrum's office (p/c, 1/19/07).

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 01/22/2007	csicilia 01/22/2007		_____			
/1			jfrantze 01/22/2007	_____	sbasford 01/22/2007	sbasford 01/22/2007	

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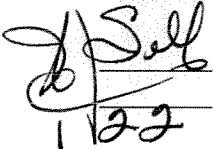
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1/1	jkuesel 1/22/07	↑ gjs	1/22 07				

FE Sent For:

<END>

NOTE

2007 - 2008 LEGISLATURE

50065/1  
LRB0002/3

January 2007 Special Session

JTK:cx:nn&rs

Wanted Mon 1/22 - 1 PM stays

SENATE  
ASSEMBLY SUBSTITUTE AMENDMENT,  
SENATE  
TO ASSEMBLY BILL 1

Reser cat

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 and 978.05 (1) and (2); **to repeal and recreate** 15.07 (1)  
17 (a) 2., 19.47 (title) and 20.005 (3) (schedule) 20.511; and **to create** 5.05 (1e), 5.05  
18 (1m), 5.05 (2m), (2s) and (2w), 5.05 (3g), 5.05 (5f) (title), 5.05 (5s) (title), (d) and  
19 (e), 5.05 (5s) (f) 2. c., 5.051, 5.052, 5.054, 8.30 (2m), 12.13 (5), 12.60 (1) (bm),  
20 15.07 (2) (b), 15.07 (5) (m), 15.60, 15.603, 19.471, 19.851, 20.511 (intro.) and (1)  
21 (title) and (a), 20.511 (1) (h) and (i), 20.923 (4) (f) 3j., 230.08 (2) (e) 4h., 230.08  
22 (2) (on), 758.19 (9), 801.50 (5t), 971.19 (12) and 971.225 (1m) of the statutes;  
23 **relating to:** creation of a Government Accountability Board, enforcement of  
24 elections, ethics, and lobbying regulation laws, venue for prosecution of certain

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

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***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.

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

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

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) (j), 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.