2007 SENATE BILL 2


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

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

Analysis by the Legislative Reference Bureau

Currently, the Elections Board consists of eight or nine members. The governor appoints all of the members of the Elections Board, without confirmation by the senate, to serve for two−year terms as follows: one member is selected by the governor and one member each is designated by the chief justice of the supreme court, the speaker of the assembly, the senate majority leader, the minority leader in each house of the legislature, and the chief officer of each political party qualifying for a separate ballot at the September primary whose candidate for governor at the most recent gubernatorial election received at least 10 percent of the vote (as of November 1, 2006, the Republican, Democratic, and Libertarian parties).

Currently, the Ethics Board consists of six members. Members of the Ethics Board are nominated by the governor, and with the advice and consent of the senate appointed, to serve for staggered six−year terms. All members must be U.S. citizens and residents of this state, and no member may hold any other office or employment in the government of this state or any political subdivision thereof or in any state department. In addition, no member, for one year immediately prior to the date of
SENATE BILL 2

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

This bill abolishes both boards and replaces them with a Government Accountability Board. Under the bill, the board is composed of seven members serving for staggered four-year terms. Four members of the board must have prosecutorial experience. One member of the board is a retired judge of a court of record in this state. All of the members except the retired judge are nominated by the governor and appointed with the advice and consent of the assembly and senate. Each of the members other than the retired judge must be appointed from nominations submitted by a Government Accountability Candidate Committee, which consists of one court of appeals judge from each of the court of appeals districts. The court of appeals judges are chosen by lot by the chief justice of the supreme court in the presence of the other justices. A unanimous vote of the committee is required to nominate a candidate. The retired judge is appointed by the nominating committee on a random basis from a register of retired judges. The retired judge serves as chairperson of the board. No member of the Government Accountability Board may hold another position that is subject to the code of ethics for state public officials or the code of ethics for local public officials. No member, for one year immediately prior to the date of appointment, may have been, and no member while serving on the board may become, a member of a political party, an officer or member of a committee in any partisan political club or organization, a candidate for any partisan office or an officer or employee of a registrant under the campaign finance law. No member may be a lobbyist or an employee of a principal (person who employs a lobbyist).

The bill creates an Enforcement Division within the Government Accountability Board. The Enforcement Division is headed by an administrator who is appointed by the executive director of the board outside the classified service for a term specified by the board of not less than four years nor more than six years, expiring on September 1 of an odd-numbered year. The administrator may not be removed during his or her term except for cause.

The bill also permits the executive director to appoint up to two other division administrators outside the classified service but the bill does not authorize any new positions for the administrators. The bill transfers all members of the existing staffs of the Elections Board and Ethics Board and their positions to the Government Accountability Board. Under the bill, the staff members who have civil service rights retain those rights. The bill does not provide any funding for continued employment of the staff members, however.

The Enforcement Division is empowered to investigate violations and bring civil and criminal actions to enforce the elections, ethics, and lobbying regulation laws. Under current law, the Elections Board and Ethics Board share civil enforcement authority with district attorneys and in some cases with county boards of election commissioners, and with the attorney general; and the district attorneys, and in some cases the attorney general, exercise criminal enforcement authority. Under the bill, the Enforcement Division has independent authority to investigate
violations of the elections, ethics, and lobbying regulation laws without the consent of the Government Accountability Board, except that the division must obtain the concurrence of the board before issuing a subpoena or obtaining a search warrant. The bill requires the Enforcement Division to obtain the approval of the board before commencing a prosecution. The vote of at least four members of the board is required for approval. The bill permits the Enforcement Division to request the board to appoint special counsel to investigate or prosecute violations of the law. Under the bill, the board may retain special counsel to act as an investigator in any matter. The administrator of the Enforcement Division may also investigate any matter without retaining an investigator. An investigator or the administrator must report to the board concerning an investigation at least once every 90 days, after which the investigation may continue unless the board terminates the investigation by a vote of at least four members of the board. The bill also permits the Enforcement Division to request investigatory and prosecutorial assistance from the Department of Justice and directs the Department of Justice to provide the assistance upon request. Under the bill, the Enforcement Division is bound by applicable laws, rules, formal opinions, and actions of the board, except that the division may nonacquiesce in any formal opinion of the board by publishing a notice of nonacquiescence in the Wisconsin Administrative Register. Thereafter, the division is not bound by that opinion. The bill directs the Government Accountability Board and the district attorneys to share investigatory information concerning possible violations of the elections, ethics, and lobbying regulation laws and accords precedence to the board in conducting investigations and prosecutions. Under the bill, a district attorney may refer to the board any matter concerning a possible violation of the elections, ethics, or lobbying regulation laws. If a district attorney refers to the board a matter concerning a possible criminal violation of the elections laws in an election for state or national office or an alleged violation of the ethics or lobbying regulation laws by a state official and the board determines not to commence a criminal prosecution, the bill directs the board to report to the district attorney within 30 days of the referral specifying the reasons why it will not commence a prosecution.

The bill directs a district attorney to notify the Government Accountability Board before commencing a prosecution concerning any violation of the elections, ethics, or lobbying regulation laws. The district attorney is prohibited from commencing a prosecution with respect to a violation of the election laws in an election for state or national office, or a violation of the ethics or lobbying regulation laws by a state official unless the board notifies the district attorney that it will not commence a prosecution, or the board does not commence a prosecution within 30 days after the district attorney receives the notice.

The bill provides that if a district attorney opens an investigation of a possible criminal violation of the elections, ethics, or lobbying regulation laws, the district attorney must report to the Government Accountability Board concerning the status of the investigation no later than the end of each 90-day period until the investigation is concluded. Under the bill, if a district attorney commences a criminal prosecution for a violation of the elections, ethics, or lobbying regulation laws, the district attorney must report to the board concerning the status of the prosecution
no later than the end of each 180–day period until the prosecution is concluded. If the Enforcement Division commences any prosecution for a violation of the elections, ethics, or lobbying regulation laws, the division must report to the board concerning the status of the prosecution no later than the end of each 180–day period until the prosecution is concluded.

Currently, the Elections and Ethics boards have some certain appropriations derived from state general purpose revenue. In addition, both boards finance some of their operations with program revenue. This bill repeals all appropriations to both boards and does not make any appropriations to the Government Accountability Board. Under the bill, the Government Accountability Board will be unable to operate unless funding is provided for the board by other legislation. The bill requires the board to forward the Enforcement Division’s budget requests to the Department of Administration without change, except as concurred in by the division.

Under the bill, any person may file a sworn complaint with the Enforcement Division alleging a violation of the elections, ethics, or lobbying regulation laws. The division must investigate the complaint unless the division finds the complaint to be without merit. The bill also permits the division to investigate any violation of the elections, ethics, or lobbying regulation laws on its own initiative or upon direction of the board. The division may order an election official or private person to act in conformity with the elections, ethics, or lobbying regulation laws or rules of the board, and may impose a forfeiture (civil monetary penalty) for a violation. The decision of the division may be appealed to the board or may be appealed directly to circuit court. In deciding an appeal, the board is not bound by any findings of fact or conclusions of law made by the division with respect to the matter. If the decision of the division is not appealed or if the board does not modify or reverse a decision of the division after hearing an appeal, the decision of the division becomes the decision of the board. Any decision of the board is also subject to judicial review in circuit court. If the board modifies or reverses an action of the division, the division may also seek judicial review of the board’s decision. The procedure does not apply to any alleged violation of the elections, ethics, or lobbying regulation laws by the board or division, nor to any matter arising in connection with a recount.

Currently, a defendant in a criminal trial is tried in the county where the defendant’s crime is alleged to have been committed, except that the defendant may request the judge to move the trial to another county and the judge may grant the request if the judge believes that an impartial trial cannot be had unless the trial is moved. This bill provides that if the defendant in a criminal trial for a violation of the elections, ethics, or lobbying regulation laws is a resident of this state, the trial shall be held in circuit court for the county where the defendant resides, subject to the current exception.

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

The bill provides for the bill to become law on January 1, 2009, after which date the members of the Government Accountability Board may be appointed and take office. However, the existing Elections Board and Ethics Board continue in operation until June 1, 2009, subject to appropriation of money for continued operation of the boards by other legislation. Under the bill, the Government Accountability Board may not exercise administrative or enforcement authority until June 1, 2009. The bill also provides that the director of the Legislative Council Staff shall serve as executive director of the Government Accountability Board, without additional compensation, until the initial executive director of the Government Accountability Board is appointed and qualified, and may exercise all of the functions of the executive director of the Government Accountability Board, the enforcement division, and the administrator of the enforcement division.

Currently, state boards may meet in closed session to discuss the investigation of charges against specific persons. This bill provides specifically that the Government Accountability Board may meet in closed session to deliberate concerning any investigation under the board’s jurisdiction.

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

SECTION 1. 5.02 (1s) of the statutes is amended to read:

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

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

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

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

5.05 (1) General authority. (intro.) The elections government accountability board shall have the responsibility for the administration of chs. 5 to 12 and other laws relating to elections and election campaigns. Pursuant to such responsibility, the board may:

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

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

Section 6. 5.05 (1) (c) of the statutes is amended to read:

5.05 (1) (c) Bring civil or criminal actions to require forfeitures for any violation of ch. 11 under s. 11.60. Forfeiture actions brought by the board may concern only violations with respect to reports or statements required by law to be filed with it, and other violations arising under elections for state office or statewide referenda chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19. The board may compromise and settle any civil action or potential action brought or authorized to be brought by it under ch. 11 which, in the opinion of the board, constitutes a minor violation, a violation caused by excusable neglect, or which for other good cause shown, should not in the public interest be prosecuted under such chapter. Notwithstanding s.
778.06, an a civil action or proposed civil action authorized under this paragraph may be settled for such sum as may be agreed between the parties. Any settlement made by the board shall be in such amount as to deprive the alleged violator of any benefit of his or her wrongdoing and may contain a penal component to serve as a deterrent to future violations. In settling actions or proposed actions, the board shall treat comparable situations in a comparable manner and shall assure that any settlement bears a reasonable relationship to the severity of the offense or alleged offense. Forfeiture actions brought by the board shall be brought in the circuit court for the county wherein the violation is alleged to occur.

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

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

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

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

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

(c) 1. The board shall employ at least one full-time attorney and at least one full-time staff support individual within the enforcement division. The enforcement
division may, with or without approval of the board, investigate any possible civil or
criminal violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 in the name
of the board. The jurisdiction of the enforcement division is concurrent with the
jurisdiction of the board, the district attorneys, and where authorized, the attorney
general to conduct investigations and enforce these laws. The enforcement division
may request authorization of the board to obtain the assistance of special counsel to
conduct investigations or to prosecute violations of these laws. The enforcement
division may also request assistance from the department of justice to conduct
investigations or to prosecute violations of these laws.

2. Upon opening or concluding an investigation of any alleged violation of chs.
5 to 12, subch. III of ch. 13, or subch. III of ch. 19, the board shall notify the district
attorney for the county wherein the violation is alleged to occur. Upon opening or
concluding an investigation of any alleged violation of chs. 5 to 12, subch. III of ch.
13, or subch. III of ch. 19, a district attorney shall notify the board. Upon request of
the board or a district attorney, the board and district attorney shall each share
information in their possession relating to any alleged violation of chs. 5 to 12, subch.
III of ch. 13, or subch. III of ch. 19. If the board notifies the district attorney for any
county that it has opened an investigation of an alleged violation of chs. 5 to 12,
subch. III of ch. 13, or subch. III of ch. 19 that is prosecutable in circuit court for that
county, the district attorney shall suspend any investigation of the same alleged
violation that the district attorney is conducting until the board notifies the district
attorney that it has concluded its investigation and it will not prosecute the alleged
violation or there elapse 30 days from the date of the board’s notification that its
investigation is concluded and the board does not commence a prosecution of the
alleged violation.
3. The district attorney for any county may refer any matter concerning a possible civil or criminal violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 to the board. If the board determines not to commence a prosecution with respect to a matter concerning an alleged criminal violation of chs. 5 to 12 in an election for state or national office, or an alleged violation of subch. III of ch. 13 or subch. III of ch. 19 by an elective state official, as defined in s. 13.62 (6), or a state public official, as defined in s. 19.42 (14), that is referred to the board under this subdivision, the board shall, within 30 days of receipt of the referral, report to the district attorney in writing specifying the reasons why it has determined not to commence a criminal prosecution.

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

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

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

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

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

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

10. Upon employment of any individual to serve as special counsel for the
enforcement division, the administrator of the division shall certify the maximum
amount provided in the employment contract to the secretary of administration, and
direct the department of administration to pay special counsel bills related to that
case within the certified amount.

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

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

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

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

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

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

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

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

5.05 (5s) (title) ACCESS TO RECORDS.
(d) All records of votes taken upon actions by the board are open to public inspection and copying under s. 19.35 (1).

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

**SECTION 14.** 5.05 (11) of the statutes is repealed.

**SECTION 15.** 5.052 of the statutes is created to read:

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

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

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

(a) To fill one vacancy, 2 nominations.

(b) To fill 2 vacancies, 3 nominations.

(c) To fill 3 vacancies, 5 nominations.

(d) To fill 4 vacancies, 6 nominations.

(e) To fill 5 vacancies, 7 nominations.

(f) To fill 6 vacancies, 8 nominations.

(4) If a nomination of the governor is rejected by the senate or the assembly, the committee shall submit an additional nominee to the governor.

**SECTION 16.** 5.054 of the statutes is created to read:

5.054 **Duties of the executive director.** The executive director of the board shall:
(1) Whenever a vacancy occurs on the board, call a meeting of the government accountability candidate committee.

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

SECTION 17. 5.066 of the statutes is created to read:

5.066 Complaints and decision-making procedure. (1) In this section:

(a) “Division” means the enforcement division of the board.

(b) “Election official” includes any board of election commissioners under s. 7.20 or governing body of a local governmental unit that has the responsibility to administer the election laws.

(c) “Local governmental unit” has the meaning given in s. 16.97 (7).

(d) “Working day” has the meaning given in s. 227.01 (14).

(2) Any person may file a verified complaint with the division alleging a violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19. The division shall investigate the complaint unless the division finds the complaint to be without merit. The division may, on its own motion or upon direction of the board, investigate any possible violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 whenever the division has probable cause to believe that a violation has occurred. If the division finds, by a preponderance of evidence, that a complaint is frivolous, the division may order the complainant to forfeit not more than the greater of $500 or the expenses incurred in investigating the complaint. The attorney general, when so requested by the division, shall institute proceedings to recover any forfeiture incurred under this subsection that is not paid by the person against whom it is assessed.
(3) If the complaint concerns a question as to whether an election official or a private person is acting in conformity with the law or rules of the board, the person filing the complaint shall serve a copy of the complaint upon that official or private person and that official or private person shall be a party to the case. An election official or private person may move to dismiss a complaint if it is clearly without merit. If the division finds, in response to a motion, that a complaint is clearly without merit, the division shall dismiss the complaint.

(4) If the division does not dismiss a complaint, the division shall issue a proposed decision, which shall include findings of fact and conclusions of law and may include an order under sub. (5).

(5) The division may order an election official or a private person to act in conformity with chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 or rules of the board, or may, by order, impose a civil penalty under s. 11.60 or 12.60 (1) (c) or (d), 13.69, or 19.579 for any violation of ch. 11 or 12, subch. III of ch. 13, or subch. III of ch. 19 for which a civil penalty is applicable.

(6) Subject to the procedures under this subsection, the division may, in the discharge of its functions under this section and after providing notice to any party who is the subject of an investigation, subpoena and bring before it any person and require the production of any papers, books, or other records relevant to an investigation. Prior to issuing a subpoena or obtaining a search warrant, the division shall submit a written request for this purpose to the board. If the board does not disapprove the request within 10 days of receiving the request, the division may issue the subpoena or obtain the search warrant. A circuit court may by order permit the inspection and copying of the accounts and the depositor’s and loan records at any financial institution, as defined in s. 705.01 (3), doing business in this state to obtain
evidence of any violation of ch. 11 or 12, subch. III of ch. 13, or subch. III of ch. 19
upon a showing by the division of probable cause to believe there is a violation and
that such accounts and records may have a substantial relation to the violation. In
the discharge of its functions under this section, the division may cause the
deposition of witnesses to be taken in the manner prescribed for taking depositions
in civil actions in circuit court.

(7) If the division issues a decision under sub. (4) that contains an order under
sub. (5), the order is effective upon service of the order notwithstanding any appeal
to the board under sub. (8) or to circuit court under sub. (11), except that the division
may stay such an order pending an appeal.

(8) Any party aggrieved by a proposed decision under sub. (4) may appeal the
proposed decision to the board within 20 days after service of a copy of the decision
upon the party. If no appeal is filed within 20 days of service of a copy of a proposed
decision upon each party to the case in which the decision is made, the decision is
final and becomes the decision of the board. In appealing a decision of the division,
the appellant shall indicate in its appeal whether the appellant contests any finding
of fact made by the division. If an appellant does not contest a finding of fact, the
validity of which is reasonably ascertainable to the appellant at the time of the
appeal, that finding is conclusive against the appellant in all subsequent
proceedings.

(9) If a proposed decision of the division is appealed to the board, the board shall
hear the appeal at its next meeting occurring at least 3 working days after the appeal
is received by the board. In reviewing the decision of the division, the board is not
bound by any finding of fact that is contested or any conclusion of law made by the
division. After hearing the appeal, the board may issue a decision, which shall
SENATE BILL 2

include findings of fact and conclusions of law. In its decision, the board may affirm, modify, or reverse an order issued by the division under sub. (5), and may order an election official or a private person to act in conformity with chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 or rules of the board, or may, by order, impose a civil penalty under s. 11.60, 12.60 (1) (c) or (d), 13.69, or 19.579 for any violation of ch. 11 or 12, subch. III of ch. 13, or subch. III of ch. 19 for which a civil penalty is applicable. If the board does not modify or reverse a decision of the division at the meeting at which an appeal of a decision is heard, the decision is affirmed.

(10) If a person aggrieved by a decision issued under sub. (4) that contains an order under sub. (5) appeals the decision to the board and the board modifies the order, the modified order is effective upon service, except that the division may stay such an order pending judicial review under s. 227.57.

(11) The defendant may appeal any decision of the division or the board in a contested case arising under this section as provided in s. 227.57. If the board modifies or reverses an order issued by the division under sub. (5), the division may seek judicial review of the decision. In seeking judicial review of a decision of the division or the board, the appellant shall indicate in its petition for review whether the appellant contests any finding of fact made by the division or the board that is not conclusive against the appellant. If the appellant does not contest any finding of fact made by the division or the board, that finding is conclusive against the appellant.

(12) When the enforcement division issues an order imposing a forfeiture under sub. (2) or s. 11.60, 12.60 (1) (c) or (d), 13.69, or 19.579 that is not appealed in a timely manner under sub. (8) or (11), or when the board issues an order imposing a forfeiture under sub. (2) or s. 11.60, 12.60 (1) (c) or (d), 13.69, or 19.579 and the
period allowed under s. 227.57 for judicial review of the order expires, the division
or board may file a copy of its order with the clerk of circuit court for Dane County.
The clerk shall thereupon enter the order in the judgment and lien docket in the same
manner as provided for entry of civil judgments under s. 806.10. The division or
board may also enter the order on the judgment and lien docket of any other county
under s. 806.13. The order may be enforced and satisfied in the same manner as
provided for enforcement and satisfaction of civil judgments.

(13) If the division or the board issues an order requiring an election official
or private person to act in conformity with chs. 5 to 12, subch. III of ch. 13, or subch.
III of ch. 19 or rules of the board, the division may file an action in circuit court for
any county where the official or other person is present to obtain relief requiring
compliance with the order.

(14) (a) This section does not apply to any complaint brought by an election
official or private person in which the board or the division is alleged to have violated
the law.

(b) This section does not apply to any matter arising in connection with a
recount under s. 9.01.

SECTION 18. 5.40 (7) of the statutes is amended to read:

5.40 (7) Whenever a municipality adopts and purchases voting machines or an
electronic voting system, or adopts and purchases a different type of voting machine
or electronic voting system from the type it was previously using, the municipal clerk
or executive director of the municipal board of election commissioners shall promptly
notify the county clerk or executive director of the county board of election
commissioners and the executive director of the elections government accountability
board in writing.
SECTION 19. 5.62 (4) (b) of the statutes is amended to read:

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

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

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

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

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

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

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

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

SECTION 24. 6.56 (3) to (5) of the statutes are amended to read:
6.56 (3) Upon receipt of the list under sub. (1), the municipal clerk or board of
election commissioners shall make an audit of all electors registering to vote at the
polling place or other registration location under s. 6.55 (2) and all electors
registering by agent on election day under s. 6.86 (3) (a) 2. unless the clerk or board
of election commissioners receives notice from the board under sub. (7) that the board
will perform the audit. The audit shall be made by 1st class postcard. The postcard
shall be marked in accordance with postal regulations to ensure that it will be
returned to the clerk, board of election commissioners, or elections government
accountability board if the elector does not reside at the address given on the
postcard. If any postcard is returned undelivered, or if the clerk, board of election
commissioners, or elections government accountability board is informed of a
different address than the one specified by the elector which was apparently
improper on the day of the election, the clerk, board of election commissioners, or
elections board shall change the status of the elector from eligible to ineligible on the
registration list, mail the elector a notice of the change in status, and provide the
name of the elector to the district attorney for the county where the polling place is
located and the government accountability board.

(3m) As soon as possible after all information relating to registrations after the
close of registration for an election is entered on the registration list following the
election under s. 6.33 (5) (a), the board shall compare the list of new registrants
whose names do not appear on the poll lists for the election because the names were
added after the board certified the poll lists for use at the election with the list
containing the names transmitted to the board by the department of corrections
under s. 301.03 (20) s. 301.03 (20m) as of election day. If the board finds that the
name of any person whose name appears on the list transmitted under s. 301.03 (20)
SENATE BILL 2

s. 301.03 (20m) has been added to the registration list, the board shall enter on the
list the information transmitted to the board under s. 301.03 (20) s. 301.03 (20m) and
shall notify the district attorney that the person appears to have voted illegally at
the election.

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

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

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

7.08 (title) Elections Government accountability board.
SECTION 26. 7.15 (1) (g) of the statutes is amended to read:

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

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

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

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

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

SECTION 29. 7.60 (4) (a) of the statutes is amended to read:
7.60 (4) (a) The board of canvassers shall make separate duplicate statements showing the numbers of votes cast for the offices of president and vice president; state officials; U.S. senators and representatives in congress; state legislators; justice; court of appeals judge; circuit judges; district attorneys; and metropolitan sewerage commissioners, if the commissioners are elected under s. 200.09 (11) (am). If a municipal judge elected under s. 755.01 (4) serves a municipality that is located partially within the county and candidates for that judgeship file nomination papers in another county, the board of canvassers shall prepare a duplicate statement showing the numbers of votes cast for that judgeship in that county for transmittal to the other county. For partisan candidates, the statements shall include the political party or principle designation, if any, next to the name of each candidate. The board of canvassers shall also prepare a statement showing the results of any county, technical college district, or statewide referendum. Each statement shall state the total number of votes cast in the county for each office; the names of all persons for whom the votes were cast, as returned; the number of votes cast for each person; and the number of votes cast for and against any question submitted at a referendum. The board of canvassers shall use one copy of each duplicate statement to report to the elections government accountability board, technical college district board, or board of canvassers of any other county and shall file the other statement in the office of the county clerk or board of election commissioners.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 36. 8.18 (2) of the statutes is amended to read:
8.18 (2) The purpose of the convention is to nominate one presidential elector from each congressional district and 2 electors from the state at large. The names of the nominees shall be certified immediately by the chairperson of the state committee of each party to the chairperson of the elections board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11.21 (title) **DUTIES OF THE ELECTIONS GOVERNMENT ACCOUNTABILITY BOARD.**

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

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

**SECTION 47.** 11.22 (4) of the statutes is amended to read:
11.22 (4) Notify the board, the district attorney, or the attorney general where appropriate under ss. 11.60 (4) and 11.61 (2), in writing, of any facts within the filing officer’s knowledge or evidence in the officer’s possession, including errors or discrepancies in reports or statements and delinquencies in filing which may be grounds for civil action or criminal prosecution. The filing officer shall transmit a copy of such notification to the board. The board, district attorney, or the attorney general shall advise the filing officer in writing at the end of each 30-day period of the status of such matter until the time of disposition. The district attorney or attorney general shall transmit a copy of each such notice to the board.

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

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

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

11.61 (2) Except as provided in s. 11.38 (5), all prosecutions under this section shall be conducted by the board or by district attorney of for the county where the violation is alleged to have occurred. If the district attorney refuses to act upon a sworn complaint, or fails to act upon such a complaint within 60 days of the date on which the complaint is received, the attorney general may then conduct the prosecution under this section subject to the procedures under s. 5.05 (2m). If a
violation concerns a district attorney or circuit judge or a candidate for such offices, either such office, the prosecution shall be conducted by the board or by the attorney general. If a violation concerns the attorney general or a candidate for such office, the governor may appoint a special prosecutor under s. 14.11 (2) to conduct the prosecution in behalf of the state. The prosecutor shall be independent of the attorney general and need not be a state employee at the time of appointment.

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

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

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

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

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

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

SECTION 53. 13.685 (title) of the statutes is amended to read:
13.685 (title) **Duties of the ethics government accountability board.**

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

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

**SECTION 55.** 14.58 (20) of the statutes is amended to read:

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

**SECTION 56.** 15.03 of the statutes is renumbered 15.03 (intro.) and amended to read:

**15.03 Attachment for limited purposes.** (intro.) Any division, office, commission, council or board attached under this section to a department or independent agency or a specified division thereof shall be a distinct unit of that department, independent agency or specified division. Any division, office, commission, council or board so attached shall exercise its powers, duties and functions prescribed by law, including rule making, licensing and regulation, and operational planning within the area of program responsibility of the division, office, commission, council or board, independently of the head of the department or independent agency, but budgeting, program coordination and related management functions shall be performed under the direction and supervision of the head of the department or independent agency, except that with:

**(1) COMMISSIONER OF RAILROADS.** With respect to the office of the commissioner of railroads, all personnel and biennial budget requests by the office of the commissioner of railroads shall be provided to the department of transportation as required under s. 189.02 (7) and shall be processed and properly forwarded by the
public service commission without change except as requested and concurred in by
the office of the commissioner of railroads.

SECTION 57. 15.03 (2) of the statutes is created to read:

15.03 (2) ENFORCEMENT DIVISION OF GOVERNMENT ACCOUNTABILITY BOARD. With
respect to the enforcement division of the government accountability board, all
budget requests by the division shall be submitted by the board to the department
of administration without change except as concurred in by the division.

SECTION 58. 15.07 (1) (a) 2. of the statutes is repealed and recreated to read:

15.07 (1) (a) 2. Members of the government accountability board except the
member who is appointed under s. 15.60 (4) shall be nominated by the governor, and
with the advice and consent of the assembly and senate appointed, to serve for terms
prescribed by law.

SECTION 59. 15.07 (1) (cm) of the statutes is amended to read:

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

SECTION 60. 15.07 (2) (n) of the statutes is created to read:

15.07 (2) (n) The member of the government accountability board who is
appointed under s. 15.60 (4) shall serve as chairperson of the board.

SECTION 61. 15.07 (4) of the statutes is amended to read:

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

SECTION 62. 15.07 (5) (k) of the statutes is repealed.

SECTION 63. 15.07 (5) (m) of the statutes is created to read:

15.07 (5) (m) Members of the government accountability board, $25 per day.

SECTION 64. 15.07 (5) (n) of the statutes is repealed.

SECTION 65. 15.60 of the statutes is created to read:

15.60 Government accountability board; creation. (1) There is created
a government accountability board consisting of 7 persons. Members shall serve for
4-year terms.

(2) All members of the board except the member who is appointed under sub.
(4) shall be appointed from nominations submitted to the governor by a nominating
committee to be called the governmental accountability candidate committee, which
shall consist of one court of appeals judge from each of the court of appeals districts.
The court of appeals judges shall be chosen as members by random selection of the
 chief justice of the supreme court in the presence of the other justices of the supreme
court.

(3) Four members of the board shall have prosecutorial experience. If, as a
result of a vacancy in the membership of the board, the remaining membership does
not satisfy the membership requirements of this subsection, no person may be
appointed to serve as a member if the person’s qualifications would not contribute
to satisfaction of the membership requirements of this subsection.

(4) One member of the board shall be a retired judge who shall be appointed
by a random selection of the governmental accountability candidate committee from
the register maintained under s. 758.19 (9).

(5) No member may hold another office or position that is a state public office
or a local public office, as defined in s. 19.42.

(6) No member, for one year immediately prior to the date of appointment may
have been, or 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,
an officer or employee of a registrant under s. 11.05, or a candidate for any partisan
elective public office.

(7) No member may be a lobbyist, as defined in s. 13.62 (11), or an employee
of a principal, as defined in s. 13.62 (12).

SECTION 66. 15.603 of the statutes is created to read:

15.603 Same; specified divisions. (1) ENFORCEMENT DIVISION. There is
created in the government accountability board an enforcement division, which is
attached to the board under s. 15.03. The enforcement division shall be under the
direction and supervision of an administrator, who shall be appointed by the
executive director of the board, with the advice and consent of the board, to serve for
a term specified by the board of not less than 4 years nor more than 6 years expiring on September 1 of an odd-numbered year.

SECTION 67. 15.61 of the statutes is repealed.

SECTION 68. 15.617 of the statutes is renumbered 15.607, and 15.607 (1) of the statutes, as renumbered, is amended to read:

15.607 (1) ELECTION ADMINISTRATION COUNCIL. There is created in the elections government accountability board an election administration council consisting of members appointed by the executive director of the elections government accountability board, including the clerk or executive director of the board of election commissioners of the 2 counties or municipalities in this state having the largest population, one or more election officials of other counties or municipalities, representatives of organizations that advocate for the interests of individuals with disabilities and organizations that advocate for the interests of the voting public, and other electors of this state.

SECTION 69. 15.62 of the statutes is repealed.

SECTION 70. 16.753 (2) of the statutes is amended to read:

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

SECTION 71. 16.79 (2) of the statutes is amended to read:

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

SECTION 72. 16.96 (3) (b) of the statutes is amended to read:

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

SECTION 73. 16.973 (6) of the statutes is amended to read:

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

SECTION 74. 17.07 (6) of the statutes is amended to read:

17.07 (6) Other state officers serving in an office that is filled by appointment
of any officer or body without the concurrence of the governor, by the officer or body
having the authority to make appointments to that office, at pleasure, except that
officers appointed according to merit and fitness under and subject to ch. 230 or
officers whose removal is governed by ch. 230 may be removed only in conformity
with that chapter, and except that the administrator of the enforcement division in
the government accountability board may be removed from office only by the
executive director of the board, for cause.
SECTION 75. 17.17 (1) of the statutes is amended to read:

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

SECTION 76. 17.17 (4) of the statutes is amended to read:

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

SECTION 77. 19.42 (3) of the statutes is amended to read:

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

SECTION 78. 19.42 (10) (a) of the statutes is repealed.

SECTION 79. 19.43 (4) of the statutes is amended to read:

19.43 (4) A candidate for state public office shall file with the board a statement of economic interests meeting each of the requirements of s. 19.44 (1) no later than 4:30 p.m. on the 3rd day following the last day for filing nomination papers for the office which the candidate seeks, or no later than 4:30 p.m. on the next business day after the last day whenever that candidate is granted an extension of time for filing nomination papers or a declaration of candidacy under s. 8.05 (1) (j), 8.10 (2) (a), 8.15 (1), or 8.20 (8) (a), no later than 4:30 p.m. on the 5th day after notification of nomination is mailed or personally delivered to the candidate by the municipal clerk in the case of a candidate who is nominated at a caucus, or no later than 4:30 p.m. on the 3rd day after notification of nomination is mailed or personally delivered to the candidate by the appropriate official or agency in the case of a write-in candidate or candidate who is appointed to fill a vacancy in nomination under s. 8.35 (2) (a).
The information contained on the statement shall be current as of December 31 of the year preceding the filing deadline. Before certifying the name of any candidate for state public office under s. 7.08 (2) (a), the elections government accountability board, municipal clerk, or board of election commissioners shall ascertain whether that candidate has complied with this subsection. If not, the elections government accountability board, municipal clerk, or board of election commissioners may not certify the candidate’s name for ballot placement.

SECTION 80. 19.43 (5) of the statutes is amended to read:

19.43 (5) Each member of the investment board and each employee of the investment board who is a state public official shall complete and file with the ethics government accountability board a quarterly report of economic transactions no later than the last day of the month following the end of each calendar quarter during any portion of which he or she was a member or employee of the investment board. Such reports of economic transactions shall be in the form prescribed by the ethics government accountability board and shall identify the date and nature of any purchase, sale, put, call, option, lease, or creation, dissolution, or modification of any economic interest made during the quarter for which the report is filed and disclosure of which would be required by s. 19.44 if a statement of economic interests were being filed.

SECTION 81. 19.45 (6) of the statutes is amended to read:

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

**SECTION 82.** 19.46 (1) (intro.) of the statutes is amended to read:

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

**SECTION 83.** 19.46 (2) of the statutes is renumbered 5.05 (6a) and amended to
read:

5.05 (6a) Any individual, either personally or on behalf of an organization or
governmental body, may request of the board executive director of the board an
advisory opinion regarding the propriety under chs. 5 to 12, subch. III of ch. 13, or
subch. III of ch. 19 of any matter to which the person is or may become a party; and
any appointing officer, with the consent of a prospective appointee, may request of
the board executive director an advisory opinion regarding the propriety under chs.
5 to 12, subch. III of ch. 13, or subch. III of ch. 19 of any matter to which the
prospective appointee is or may become a party. The board executive director shall
review a request for an advisory opinion and may advise the person making the
request. Advisory opinions and requests therefor shall be in writing. The board's
deliberations and actions upon The executive director may consult with the board before issuing a formal opinion but shall not reveal any information to the board that would identify the requester of the opinion. All consultations with the board concerning such requests shall be in meetings not open to the public. It is prima facie evidence of intent to comply with this subchapter chs. 5 to 12 or subch. III of ch. 13 or subch. III of ch. 19 when a person refers a matter to the board executive director and abides by the board’s executive director’s advisory opinion, if the material facts are as stated in the opinion request. The board may authorize the executive director to act in its stead in instances where delay is of substantial inconvenience or detriment to the requesting party. No member or employee of the board may make public the identity of the individual requesting an advisory opinion or of individuals or organizations mentioned in the opinion.

SECTION 84. 19.47 (2) of the statutes is repealed.

SECTION 85. 19.47 (4) of the statutes is repealed.

SECTION 86. 19.47 (5) of the statutes is amended to read:

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

SECTION 87. 19.50 (2) of the statutes is amended to read:

19.50 (2) To administer oaths and to require by subpoena issued by it the attendance and testimony of witnesses and the production of any documentary evidence relating to the investigation or hearing being conducted. Notwithstanding s. 885.01 (4), the issuance of a subpoena requires action by the board in accordance with s. 19.47 (4).

SECTION 88. 19.54 (2) of the statutes is amended to read:

19.54 (2) An application for rehearing is governed by such general rules as the board may establish. Only one rehearing may be granted by the board. No order of the board pursuant to this subchapter or subch. III of ch. 13 becomes effective until 20 days after it is issued, or while an application for rehearing or a rehearing is pending, or until 10 days after such application for rehearing is either denied, expressly or by implication, or the board has announced its final determination on rehearing.

SECTION 89. 19.55 (1) of the statutes is amended to read:

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

SECTION 90. 19.55 (2) (a) of the statutes is renumbered 5.05 (5s) (b) and
amended to read:

5.05 (5s) (b) Records obtained in connection with a request for an advisory
opinion issued under s. 5.05 (6a), other than summaries of advisory opinions that do
not disclose the identity of individuals requesting such opinions or organizations on
whose behalf they are requested, are not subject to the right of inspection and
copying under s. 19.35 (1). The executive director of the board may, however, make
such records public with the consent of the individual requesting the advisory
opinion or the organization or governmental body on whose behalf it is requested.
A person who makes or purports to make public the substance of or any portion of
an advisory opinion requested by or on behalf of the person is deemed to have waived
the confidentiality of the request for an advisory opinion and of any records obtained
or prepared by the board in connection with the request for an advisory opinion.

SECTION 91. 19.55 (2) (b) of the statutes is renumbered 5.05 (5s) (a) (intro.) and
amended to read:

5.05 (5s) (a) (intro.) Records obtained or prepared by the board in connection
with an investigation are not subject to the right of inspection and copying under s.
19.35 (1), except as provided in par. (d) and except that the:

1. The board shall permit inspection of records that are made public in the
course of a hearing by the board to determine if a violation of this subchapter chs. 5
to 12 or subch. III of ch. 13 or subch. III of ch. 19 has occurred. Whenever the board
refers such investigation and hearing records to a district attorney or to the attorney general, they

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

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

**SECTION 92.** 19.55 (2) (c) of the statutes is amended to read:

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

**SECTION 93.** 19.579 of the statutes is repealed and recreated to read:

19.579 Civil penalty. Any person who violates s. 19.43, 19.44, or 19.56 (2) may be required to forfeit not more than $500. Any person who violates any other provision of this subchapter may be required to forfeit not more than $5,000.

**SECTION 94.** 19.59 (1) (g) 8. of the statutes is amended to read:

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

SECTION 95. 19.59 (8) (a) and (c) of the statutes are amended to read:
19.59 (8) (a) Subsection (1) shall be enforced in the name and on behalf of the
state by action of the board or, subject to the procedures prescribed in s. 5.05 (2m) (c),
by action of the district attorney of for any county wherein a violation may occur,
upon the verified complaint of any person.

(c) If Unless the district attorney is precluded from commencing an action
under s. 5.05 (2m) (c), if the district attorney fails to commence an action to enforce
sub. (1) (a), (b), or (c) to (g) within 20 days after receiving a verified complaint or if
the district attorney refuses to commence such an action, the person making the
complaint may petition the attorney general to act upon the complaint. The attorney
general may then bring an action under par. (a) or (b), or both.

SECTION 96. 19.59 (8) (cn) of the statutes is amended to read:
19.59 (8) (cn) If Subject to the procedures under s. 5.05 (2m) (c), if the board
or district attorney for the county in which a violation of sub. (1) (br) is alleged to
occur receives a verified complaint alleging a violation of sub. (1) (br), the board or
district attorney shall, within 30 days after receipt of the complaint, either
commence an investigation of the allegations contained in the complaint or dismiss
the complaint. If the district attorney dismisses the complaint, with or without
investigation, the district attorney shall notify the complainant in writing. Upon
receiving notification of the dismissal, the complainant may then file the complaint
with the attorney general or the district attorney for a county that is adjacent to the
county in which the violation is alleged to occur. The attorney general or district
attorney may then investigate the allegations contained in the complaint and
commence a prosecution.

SECTION 97. 19.59 (8) (d) of the statutes is amended to read:

19.59 (8) (d) If the district attorney prevails in such an action, the court shall
award any forfeiture recovered together with reasonable costs to the county wherein
the violation occurs. If the board or attorney general prevails in such an action, the
court shall award any forfeiture recovered together with reasonable costs to the
state.

SECTION 98. 19.85 (1) (fm) of the statutes is created to read:

19.85 (1) (fm) Deliberating by the government accountability board concerning
any investigation under the board’s jurisdiction.

SECTION 99. 19.85 (1) (h) of the statutes is amended to read:

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

SECTION 100. 20.510 (intro.) of the statutes is repealed.

SECTION 101. 20.510 (1) (title) of the statutes is repealed.

SECTION 102. 20.510 (1) (a) of the statutes is repealed.
SECTION 103. 20.510 (1) (b) of the statutes is repealed.

SECTION 104. 20.510 (1) (bm) of the statutes is repealed.

SECTION 105. 20.510 (1) (d) of the statutes is repealed.

SECTION 106. 20.510 (1) (g) of the statutes is repealed.

SECTION 107. 20.510 (1) (gm) of the statutes is repealed.

SECTION 108. 20.510 (1) (h) of the statutes is repealed.

SECTION 109. 20.510 (1) (i) of the statutes is repealed.

SECTION 110. 20.510 (1) (j) of the statutes is repealed.

SECTION 111. 20.510 (1) (q) of the statutes is repealed.

SECTION 112. 20.510 (1) (sm) of the statutes is repealed.

SECTION 113. 20.510 (1) (t) of the statutes is repealed.

SECTION 114. 20.510 (1) (x) of the statutes is repealed.

SECTION 115. 20.521 (intro.) of the statutes is repealed.

SECTION 116. 20.521 (1) (title) of the statutes is repealed.

SECTION 117. 20.521 (1) (a) of the statutes is repealed.

SECTION 118. 20.521 (1) (b) of the statutes is repealed.

SECTION 119. 20.521 (1) (g) of the statutes is repealed.

SECTION 120. 20.521 (1) (h) of the statutes is repealed.

SECTION 121. 20.521 (1) (i) of the statutes is repealed.

SECTION 122. 20.923 (4) (intro.) of the statutes is amended to read:

20.923 (4) State agency positions. (intro.) State agency heads, the administrator of the division of merit recruitment and selection in the office of state employment relations, the administrator of the enforcement division in the government accountability board, and commission chairpersons and members shall be identified and limited in number in accordance with the standardized
nomenclature contained in this subsection, and shall be assigned to the executive
salary groups listed in pars. (a) to (i). Except for positions specified in pars. (c)
3m. and (e) 2e. and sub. (12), all unclassified division administrator positions
enumerated under s. 230.08 (2) (e) shall be assigned, when approved by the joint
committee on employment relations, by the director of the office of state employment
relations to one of 10 executive salary groups. The joint committee on employment
relations, by majority vote of the full committee, may amend recommendations for
initial position assignments and changes in assignments to the executive salary
groups submitted by the director of the office of state employment relations. All
division administrator assignments and amendments to assignments of
administrator positions approved by the committee shall become part of the
compensation plan. Whenever a new unclassified division administrator position is
created, the appointing authority may set the salary for the position until the joint
commitee on employment relations approves assignment of the position to an
executive salary group. If the committee approves assignment of the position to an
executive salary group having a salary range minimum or maximum inconsistent
with the salary paid to the incumbent at the time of such approval, the incumbent’s
salary shall be adjusted by the appointing authority to conform with the committee’s
action, effective on the date of that action. Positions are assigned as follows:

**SECTION 123.** 20.923 (4) (d) 3. of the statutes is repealed.

**SECTION 124.** 20.923 (4) (d) 4. of the statutes is repealed.

**SECTION 125.** 20.923 (4) (e) 2e. of the statutes is created to read:

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

**SECTION 126.** 20.923 (4) (f) 3j. of the statutes is created to read:

SECTION 127. 46.95 (4) of the statutes is amended to read:

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

SECTION 128. 59.605 (3) (a) 3. of the statutes is amended to read:

59.605 (3) (a) 3. The referendum shall be held in accordance with chs. 5 to 12. The governing body shall provide the election officials with all necessary election supplies. The form of the ballot shall correspond substantially with the standard form for referendum ballots prescribed by the elections government accountability board under ss. 5.64 (2) and 7.08 (1) (a). If the resolution under subd. 1. specifies the operating levy rate, the question shall be submitted as follows: “Under state law, the operating levy rate for the .... (name of county), for the tax to be imposed for the year .... (year), is limited to $.... per $1,000 of equalized value. Shall the .... (name of county) be allowed to exceed this rate limit for .... (a specified number of years) (an indefinite period) by $.... per $1,000 of equalized value that results in an operating levy rate of $.... per $1,000 of equalized value?” If the resolution under subd. 1. specifies the operating levy, the question shall be submitted as follows: “Under state law, the operating levy rate for the .... (name of county), for the tax to be imposed for the year .... (year), is limited to $.... per $1,000 of equalized value. Notwithstanding the operating levy rate limit, shall the .... (name of county) be allowed to levy an amount not to exceed $.... (operating levy) for operating purposes for the year .... (year), which may increase the operating levy rate for .... (a specified number of
years) (an indefinite period)? This would allow a ....% increase above the levy of $.... (preceding year operating levy) for the year .... (preceding year).”

SECTION 129. 67.05 (3) (b) of the statutes is amended to read:

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

SECTION 130. 67.05 (6) of the statutes is amended to read:

67.05 (6) REFERENDUM IN OTHER CASES. Whenever an initial resolution has been adopted by the governing body of any municipality other than a county, a town, a city, a village, a technical college district, a metropolitan sewerage district created under ss. 200.01 to 200.15 or 200.21 to 200.65, a town sanitary district, a public inland lake protection and rehabilitation district, or a board of park commissioners, the clerk of such municipality shall immediately record the resolution and call a special meeting for the purpose of submitting it to the electors of the municipality for ratification or rejection. The calling and conduct of the meeting shall be governed by those statutes, so far as applicable, which govern the calling and conduct of special meetings in general. The notice of the meeting, which shall be publicly read before the balloting shall commence, and the ballot used, shall embody a copy of the resolution; the form of the ballot shall correspond with the form prescribed by the elections government accountability board under ss. 5.64 (2) and 7.08 (1) (a).
accountability board under ss. 5.64 (2) and 7.08 (1) (a); and the question submitted shall be whether the resolution shall be approved.

SECTION 131. 71.10 (3) (b) of the statutes is amended to read:

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

SECTION 132. 73.0301 (1) (d) 13. of the statutes is amended to read:

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

SECTION 133. 73.0301 (1) (e) of the statutes is amended to read:

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

SECTION 134. 85.61 (1) of the statutes is amended to read:
85.61 (1) The secretary of transportation and the executive director of the elections government accountability board shall enter into an agreement to match personally identifiable information on the official registration list maintained by the elections government accountability board under s. 6.36 (1) with personally identifiable information in the operating record file database under ch. 343 and vehicle registration records under ch. 341 to the extent required to enable the secretary of transportation and the executive director of the elections government accountability board to verify the accuracy of the information provided for the purpose of voter registration.

SECTION 135. 117.20 (2) of the statutes is amended to read:

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

SECTION 136. 117.27 (2) (b) (intro.) of the statutes is amended to read:

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

SECTION 137. 121.91 (3) (c) of the statutes is amended to read:

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

SECTION 138. 125.05 (1) (b) 10. of the statutes is amended to read:

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

SECTION 139. 165.25 (1) of the statutes is amended to read:

165.25 (1) REPRESENT STATE. Except as provided in s. ss. 5.05 (2m) (a) and
978.05 (5), appear for the state and prosecute or defend all actions and proceedings,
civil or criminal, in the court of appeals and the supreme court, in which the state
is interested or a party, and attend to and prosecute or defend all civil cases sent or
remanded to any circuit court in which the state is a party; and, if requested by the
governor or either house of the legislature, appear for and represent the state, any
state department, agency, official, employee, or agent, whether required to appear as a party or witness in any civil or criminal matter, and prosecute or defend in any court or before any officer, any cause or matter, civil or criminal, in which the state or the people of this state may be interested. The public service commission may request under s. 196.497 (7) that the attorney general intervene in federal proceedings. All expenses of the proceedings shall be paid from the appropriation under s. 20.455 (1) (d).

SECTION 140. 165.25 (4) (e) of the statutes is created to read:

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

SECTION 141. 165.93 (4) of the statutes is amended to read:

165.93 (4) List of Eligible Organizations. The department shall certify to the elections government accountability board, on a continuous basis, a list containing the name and address of each organization that is eligible to receive grants under sub. (2).

SECTION 142. 198.08 (10) of the statutes is amended to read:

198.08 (10) Election Statistics. The clerk of the district shall seasonably obtain, compile, and file in his or her office, for the information of the public, a statement showing the total number of votes cast for the office of governor in the last preceding general election in each subdistrict of the district. The clerk of every municipality and the elections government accountability board shall furnish such information so far as obtainable from their records, duly certified, to the clerk of the district upon request therefor by the clerk of the district. If the total number of votes cast in any subdistrict for the office of governor in the last preceding election cannot,
because of an intervening change of boundaries of election wards or for any reason, be ascertained from any official record the clerk of the district shall fairly estimate such number for the purposes of such statement to be filed in his or her office.

**SECTION 143.** 200.09 (11) (am) 2. and 3. of the statutes are amended to read:

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

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

**SECTION 144.** 227.03 (6) of the statutes is amended to read:

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

**SECTION 145.** 227.03 (6m) of the statutes is created to read:

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

**SECTION 146.** 227.52 (6) of the statutes is amended to read:

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

**SECTION 147.** 230.08 (2) (e) 4h. of the statutes is created to read:

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

**SECTION 148.** 230.08 (2) (om) of the statutes is repealed.
SECTION 149. 230.08 (2) (on) of the statutes is created to read:

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

SECTION 150. 230.08 (2) (wm) of the statutes is repealed.

SECTION 151. 230.08 (4) (a) of the statutes is amended to read:

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

SECTION 152. 234.02 (3m) (c) of the statutes is amended to read:

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

SECTION 153. 301.03 (20m) of the statutes is amended to read:

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

SECTION 154. 343.11 (2m) of the statutes is amended to read:
343.11 (2m) Within 30 days following surrender of a license under sub. (1), the department shall provide notice to the elections government accountability board of the person’s name and address, the name of the jurisdiction issuing the surrendered license, and the date on which the license was surrendered.

SECTION 155. 560.04 (2m) of the statutes is amended to read:

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

SECTION 156. 758.19 (9) of the statutes is created to read:

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

SECTION 157. 778.135 of the statutes is amended to read:

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

**SECTION 158.** 778.136 of the statutes is amended to read:

778.136 Ethics and lobbying forfeitures; how recovered.

Notwithstanding s. 778.13, whenever any moneys are received by the ethics government accountability board or attorney general in settlement of a civil action or other civil matter for violation of the lobbying law or code of ethics for state public officials and employees under s. 19.545, the moneys shall accrue to the state and be deposited with the secretary of administration.

**SECTION 159.** 971.19 (12) of the statutes is created to read:

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

**SECTION 160. Nonstatutory provisions.**

(1) **Transfer of elections board.**

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

(b) **Positions and employees.**

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

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

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

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

(e) **Rules and orders.** All rules promulgated by the elections board that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until amended or repealed by the government accountability board. All orders issued by the elections board that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until modified or rescinded by the government accountability board.
(f) Pending matters. Any matter pending with the elections board on the effective date of this paragraph is transferred to the government accountability board, and all materials submitted to or actions taken by the elections board with respect to the pending matter are considered as having been submitted to or taken by the government accountability board.

(2) Transfer of ethics board.

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

(b) Positions and employees.

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

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

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

(c) Tangible personal property. On the effective date of this paragraph, all tangible personal property, including records, of the ethics board is transferred to the government accountability board.
(d) **Contracts.** All contracts entered into by the ethics board remain in effect and are transferred to the government accountability board. The government accountability board shall carry out any contractual obligations under such a contract until the contract is modified or rescinded by the government accountability board to the extent allowed under the contract.

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

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

(3) **Board transitions; initial terms.**

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

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

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

(d) Notwithstanding section 15.603 (1) of the statutes, as created by this act, the person who is initially appointed to serve as administrator of the enforcement division of the government accountability board shall serve for a term expiring on September 1, 2013.

(4) Initial executive director.

(a) Notwithstanding section 5.05 (1m) and (2m) of the statutes, as created by this act, and section 20.922 (1) of the statutes, the director of the legislative council staff shall serve as executive director of the government accountability board, without additional compensation for such service, until such time as the board initially appoints an executive director and the appointee qualifies to take office. The executive director of the legislative council staff is vested with full authority and responsibility to carry out all functions of the executive director of the government accountability board, the enforcement division in the government accountability board, and the administrator of the enforcement division prior to appointment and qualification of the initial executive director, including the retention and
termination of all staff not transferred to the board that the board is authorized to
employ under this act.

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

**SECTION 161. Effective dates.** This act takes effect on June 1, 2009, except
as follows:

(1) The treatment of sections 5.052, 5.054, 15.07 (5) (m), 15.60, 15.603, 20.923
(4) (intro.), (e) 2e., and (f) 3j., 230.08 (2) (e) 4h. and (on) and (4) (a) of the statutes, the
renumbering and amendment of section 15.03 of the statutes, the creation of section
15.03 (2) of the statutes, and **SECTION 160** (3) (b) to (d), (4), and (5) of this act take
effect on January 1, 2009.

(END)