

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0766/1dn
JTK:kjf:md

December 9, 2008

Representative Kessler:

1. Currently, s. 12.13 (5) (a), stats. [created by 2007 Wisconsin Act 1], prohibits disclosure of certain investigative and prosecutorial information related to a potential violation of the elections, ethics, or lobbying regulation laws *or other laws arising from or in relation to the official functions of the subject of the investigation*. Such laws might include, for example, misconduct in public office. Because this draft changes the venue and prosecutorial responsibility for actions relating to violations of all these laws to the venue and prosecutorial responsibility that existed before the enactment of Act 1, I did not think it would make sense to retain the statutory restriction in the election laws on access to information relating to the investigation and prosecution of violations of these other laws. As noted in the analysis, this does not mean that access to the information will necessarily be open but rather that access to the information will be controlled by other laws (including common law) that govern generally access to investigative and prosecutorial information. Please let me know if you would like to see this matter treated differently.

2. 2007 Wisconsin Act 1 deleted authority for the Milwaukee County Board of Election Commissioners to bring civil actions to enforce the campaign finance law. This draft does not restore this authority. Please let me know if you would like to see this treated differently.

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