

**2015 DRAFTING REQUEST**

**Bill**

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**Topic:**

Engrossed Government Accountability Board

**Instructions:**

Engrossed AB388

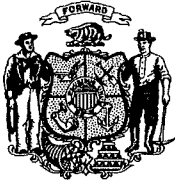
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→ Not Needed



State of Wisconsin  
2015 - 2016 LEGISLATURE

3659/1  
LRB-307373  
JK&TKK:cjs&kjf&wlj

*en passed*

**2015 ASSEMBLY BILL 388**

October 9, 2015 - Introduced by Representatives KNUDSON, BERNIER, KNODL, AUGUST, BALLWEG, R. BROOKS, CZAJA, HUTTON, JAGLER, KATSMA, KERKMAN, KLEEFISCH, KOOYENGA, KREMER, KUGLITSCH, T. LARSON, LOUDENBECK, NYGREN, A. OTT, J. OTT, SKOWRONSKI, VORPAGEL, SANFELIPPO and ALLEN, cosponsored by Senators VUKMIR, LEMAHIEU, S. FITZGERALD, NASS, WANGGAARD, DARLING, KAPENGA and STROEBEL. Referred to Committee on Campaigns and Elections.

1     **AN ACT to repeal** 5.05 (1m), 5.05 (2m) (c) 3., 5.05 (2m) (c) 8., 5.05 (2m) (g), 5.05  
2     (2s), 5.052, 5.054, 5.09, 5.68 (3m), 13.62 (4), 15.07 (1) (a) 2., 15.07 (2) (b), 15.07  
3     (5) (m), 15.60 (title), 15.60 (2), 15.60 (3), 15.60 (5), 15.60 (7), 15.603 (title), 15.603  
4     (1) (title), 15.603 (2) (title), 15.607, 19.42 (3), 20.511 (intro.) and (1) (title),  
5     20.511 (1) (im), 20.923 (4) (f) 3j., 230.08 (2) (e) 4h., 230.08 (2) (on) and 758.19 (9);  
6     **to renumber** 5.05 (2m) (c) 2. b., 15.60 (6), 20.511 (1) (bm), 20.511 (1) (c), 20.511  
7     (1) (d), 20.511 (1) (t) and 20.511 (1) (x); **to renumber and amend** 5.02 (1s), 5.05  
8     (2), 5.05 (6a), 12.01, 15.06 (2), 15.60 (1), 15.60 (4), 15.60 (8), 15.603 (1), 15.603  
9     (2), 19.47, 19.851, 20.511 (1) (a), 20.511 (1) (be), 20.511 (1) (g), 20.511 (1) (h),  
10    20.511 (1) (i), 20.511 (1) (j), 20.511 (1) (jm) and 20.511 (1) (m); **to consolidate,**  
11    **renumber and amend** 5.05 (5s) (f) 2. a. and b.; **to amend** 5.01 (4) (a), 5.05  
12    (title), 5.05 (1) (intro.), 5.05 (1) (b), 5.05 (1) (c), 5.05 (1) (d), 5.05 (1) (e), 5.05 (1)  
13    (f), 5.05 (1e), 5.05 (2m) (a), 5.05 (2m) (c) 2. a., 5.05 (2m) (c) 4., 5.05 (2m) (c) 5.  
14    (intro.), 5.05 (2m) (c) 6. a., 5.05 (2m) (c) 6. b., 5.05 (2m) (c) 12., 5.05 (2m) (c) 13.,

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1 5.05 (2m) (c) 14., 5.05 (2m) (d) 1., 5.05 (2m) (h), 5.05 (2m) (i), 5.05 (2w), 5.05 (3g),  
2 5.05 (5e), 5.05 (5s) (intro.), 5.05 (5s) (b), 5.05 (5s) (bm), 5.05 (5s) (d), 5.05 (5s) (f)  
3 2. c., 5.05 (9), 5.05 (10), 5.05 (11), 5.055, 5.056, 5.07, 5.08, 5.40 (7), 5.58 (2), 5.58  
4 (2m), 5.60 (1) (b), 5.62 (4) (b), 5.93, 6.26 (3), 6.275 (1) (f), 6.275 (2), 6.33 (5) (a),  
5 6.36 (1) (b) 1. a., 6.36 (1) (bm), 6.36 (2) (a), 6.50 (2g), 6.50 (7), 6.56 (3), 6.95, 6.96,  
6 6.97 (1), 7.03 (1) (a), 7.03 (1) (b), 7.03 (2), 7.08 (title), 7.08 (1) (a), 7.08 (4), 7.15  
7 (1) (g), 7.41 (5), 7.52 (1) (a), 7.60 (4) (a), 7.60 (5), 7.70 (3) (b), 7.70 (3) (i), 7.70 (5)  
8 (a), 8.05 (1) (j) 3., 8.10 (5), 8.10 (6) (a), 8.15 (4) (b), 8.17 (9) (a), 8.20 (6), 8.20 (7),  
9 8.30 (2m), 8.50 (1) (a), 8.50 (3) (a), 8.50 (3) (e), 9.01 (1) (a) 1., 9.01 (1) (a) 4., 9.01  
10 (1) (ag) 4., 9.01 (1) (ar) 3., 9.01 (5) (a), 9.01 (5) (bm), 9.01 (5) (c), 9.01 (6) (a), 9.01  
11 (7) (a), 9.01 (8) (a), 9.01 (8) (c), 9.01 (8) (d), 9.01 (10), 10.06 (1) (title), 11.09, 11.21  
12 (title), 11.21 (7) (intro.), 11.30 (2) (fm), 11.60 (4), 11.61 (2), 12.13 (5) (a), 13.123  
13 (3) (b) 2., 13.23, 13.63 (1) (a), 13.685, 14.38 (10m), 15.01 (2), 15.04 (1) (d), 15.06  
14 (5), 15.06 (6), 15.07 (1) (cm), 15.07 (4), 16.753 (2), 16.79 (2), 16.96 (3) (b), 16.973  
15 (6), 17.17 (1), 17.17 (4), 19.43 (4), 19.43 (5), 19.46 (1) (intro.), 19.48 (intro.), 19.48  
16 (1), 19.48 (2), 19.48 (3), 19.48 (7), 19.48 (9), 19.55 (1), 19.55 (2) (c), 19.59 (1) (g)  
17 8., 19.85 (1) (h), 19.851 (title), 20.505 (1) (d), 20.930, 20.9305 (2) (e) (intro.),  
18 38.16 (3) (br) 3., 45.44 (1) (b), 49.165 (4) (a), 59.605 (3) (a) 3., 67.05 (3) (b), 67.05  
19 (6), 73.0301 (1) (d) 13., 73.0301 (1) (e), 85.61 (1), 108.227 (1) (e) 13., 108.227 (1)  
20 (f), 117.20 (2), 117.27 (2) (b) (intro.), 121.91 (3) (c), 125.05 (1) (b) 10., 165.25 (1),  
21 165.93 (4) (a), 198.08 (10), 200.09 (11) (am) 2., 200.09 (11) (am) 3., 227.03 (6),  
22 227.52 (6), 230.08 (4) (a), 234.02 (3m) (c), 301.03 (20m), 343.11 (2m), 756.04 (2)  
23 (c) 1., 778.135, 978.05 (1) and 978.05 (2); and **to create** 5.05 (2m) (k), 5.05 (2q),  
24 5.05 (3d), 5.05 (5s) (am), 5.05 (5t), 5.05 (6a) (a) 3., 5.05 (6a) (b) 2., 5.05 (6a) (b)  
25 3., 5.05 (6a) (c) 1., 5.05 (6a) (c) 4., 5.05 (16), 5.05 (17), 11.01 (4m), 12.01 (2), 13.62

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1 (5m), 15.06 (1) (d), 15.06 (1) (e), 15.06 (2) (b), 15.06 (3) (a) 5., 15.06 (3) (a) 6., 15.06  
2 (10), 15.61 (title), 15.61 (1) (a) 1. to 6., 15.61 (5), 15.62, 19.42 (4p), 19.42 (10) (a),  
3 19.46 (2), 19.47 (title), 19.47 (1), (2) and (4) to (10), 19.49, 19.50, 19.55 (3), 19.55  
4 (4), 19.552, 19.554, 19.58 (4), 20.510 (intro.) and (1) (title), 20.510 (1) (br), 20.521  
5 (intro.) and (1), 230.08 (2) (eL) and 230.08 (2) (et) of the statutes; **relating to:**  
6 reorganizing the Government Accountability Board, requiring the exercise of  
7 rule-making authority, and making appropriations.

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

This bill makes the following changes to the structure and operation of the Government Accountability Board (GAB):

**BOARD GOVERNANCE**

Currently, the GAB is under the direction and supervision of a board of six members. All six members are former judges appointed by the governor from nominations submitted by a committee comprised of one court of appeals judge from each court of appeals district. Currently, board members are appointed with the advice and consent of two-thirds of the members of the senate and serve six-year terms. One term expires each May 1.

This bill eliminates the GAB and replaces it with an Elections Commission, which administers and supervises elections, and an Ethics Commission, which administers and supervises ethics, campaign financing, and lobbying regulation.

Under the bill, the Elections Commission consists of at least six persons, who serve five-year terms:

- 1) One individual appointed by the majority leader in the senate;
- 2) One individual appointed by the minority leader in the senate;
- 3) One individual appointed by the speaker of the assembly.
- 4) One individual appointed by the minority leader of the assembly; and
- 5) Two former municipal or county clerks, selected by the leadership in both houses and nominated by the governor with the advice and consent of the senate confirmed.

In addition, the bill requires the appointment to the Elections Commission of one member for each political party, other than the two major political parties, qualifying for a separate ballot whose candidate for governor received at least 10 percent of the vote in the most recent gubernatorial election. The individual must be nominated by the governor from a list of three individuals selected by the chief officer of that political party.

The Ethics Commission consists of at least six persons who serve five-year terms:

- 1) One individual appointed by the majority leader in the senate;

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- 2) One individual appointed by the minority leader in the senate;
- 3) One individual appointed by the speaker of the assembly;
- 4) One individual appointed by the minority leader of the assembly; and
- 5) Two individuals selected by the leadership in both houses and nominated by the governor with the advice and consent of the senate confirmed.

In addition, the bill requires the appointment to the Ethics Commission of one member for each political party, other than the two major political parties, qualifying for a separate ballot whose candidate for governor received at least 10 percent of the vote in the most recent gubernatorial election. The individual must be nominated by the governor from a list of three individuals selected by the chief officer of that political party and confirmed by a majority of the senate.

Currently, the chairperson of the board is selected by lot by the current chairperson. Under the bill, the chairperson of each commission is chosen by the affirmative vote of at least a majority of the members of the commission.

Currently, the GAB is required to employ an individual to serve as legal counsel to perform legal and administrative functions for the board. The bill eliminates the requirement that either commission hire legal counsel.

**ETHICS COMMISSION**

Under the bill, the Ethics Commission is supervised by an administrator who is appointed by at least a majority of the members of the commission. The administrator is appointed with the advice and consent of the senate to serve for a four-year term expiring on July 1 of the odd-numbered year.

**ELECTIONS COMMISSION**

Under the bill, the Elections Commission is supervised by an administrator who is appointed by at least a majority of the members of the commission. The administrator is appointed with the advice and consent of the senate to serve for a four-year term expiring on July 1 of the odd-numbered year. The bill also provides that the administrator of the Elections Commission, rather than an employee that the commission designates, is the chief election officer of this state.

**INVESTIGATIONS**

Currently, the GAB must investigate violations of laws administered by the GAB and may prosecute alleged civil violations. Current law permits the board to refer a matter to a district attorney, special prosecutor, or to the attorney general. This bill provides that, except for violations that result in a payment not exceeding \$2,500, the Elections and Ethics commissions may only investigate violations of laws administered by the respective commissions upon the filing of a sworn complaint with the respective commission. The bill prohibits any member of either commission or any employee of either commission from filing such a sworn complaint.

If, during the course of an ongoing investigation, either the Elections Commission or the Ethics Commission determines that it needs additional funding, that commission must make a request to the Joint Committee on Finance and the secretary of administration. The commission must include in its request information about the nature of the investigation for which additional funding is sought, excluding the name of any individual or organization that is the subject of the investigation.

**ASSEMBLY BILL 388****ADVISORY OPINIONS**

Current law permits any individual, organization, or governmental body to request an advisory opinion from the GAB; in response, the GAB may issue a formal or an informal advisory opinion. If the board issues an opinion on an elections matter, the board must make the opinion and records about the opinion public. Current law prohibits the board from revealing the identify of or releasing information obtained in connection with any advisory opinion requested by an individual or organization on an ethics or accountability matter unless the individual or organization consents to the release of that information. This bill requires the Ethics Commission to make this information, other than the name of the individual, organization, or governmental body making the request, public when it relates to a formal advisory opinion issued by the Ethics Commission.

Current law requires the GAB to biennially submit to the legislature a report on the performance and operation of the GAB during the preceding biennium. This bill requires the Elections and Ethics commissions to submit annual reports to the legislature and to include in those reports information about the number of investigations conducted, a description of the nature of the investigation, and, in the case of the Ethics Commission, whether the investigation related to campaign finance, ethics, or lobbying.

**TRANSITIONAL PROVISIONS**

Under the bill, all full-time equivalent positions currently authorized for GAB are transferred to the Elections and Ethics commissions. All incumbents in those positions except the director and general counsel of GAB are also transferred. In addition, the bill transfers the assets and liabilities, tangible personal property, contracts, rules, orders, formal opinions, and pending matters of GAB to the Elections and Ethics commissions. The bill directs the secretary of administration to determine which positions, employees, assets and liabilities, property, contracts, rules, orders, opinions, and matters are transferred to which commission and to adopt an implementation plan for the transfer containing his or her determinations.

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

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

- 1           **SECTION 1.** 5.01 (4) (a) of the statutes is amended to read:
- 2           5.01 (4) (a) If 2 or more candidates for the same office receive the greatest, but
- 3           an equal number of votes, the winner shall be chosen by lot in the presence of the
- 4           board of canvassers charged with the responsibility to determine the election, or in
- 5           the case of an election for state or national office or metropolitan sewerage

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1 commissioner, if the commissioner is elected under s. 200.09 (11) (am), in the  
2 presence of the chairperson of the ~~board~~ elections commission or the chairperson's  
3 designee.

4 **SECTION 2.** 5.02 (1s) of the statutes is renumbered 5.025 and amended to read:

5 **5.025 Elections commission; definition.** ~~Board~~ In chs. 5 to 10 and 12,  
6 "commission" means the ~~government accountability board~~ elections commission.

7 **SECTION 3.** 5.05 (title) of the statutes is amended to read:

8 **5.05 (title) Government accountability board Elections commission;**  
9 **powers and duties.**

10 **SECTION 4.** 5.05 (1) (intro.) of the statutes is amended to read:

11 5.05 (1) GENERAL AUTHORITY. (intro.) The ~~government accountability board~~  
12 elections commission shall have the responsibility for the administration of chs. 5 to  
13 12, 10 and 12 and other laws relating to elections and election campaigns, ~~subch. III~~  
14 of ch. 13, and subch. III of ch. 19, other than laws relating to campaign financing.

15 Pursuant to such responsibility, the ~~board~~ commission may:

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

17 5.05 (1) (b) In the discharge of its duties and after providing notice to any party  
18 who is the subject of an investigation, subpoena and bring before it any person and  
19 require the production of any papers, books, or other records relevant to an  
20 investigation. Notwithstanding s. 885.01 (4), the issuance of a subpoena requires  
21 action by the ~~board~~ commission at a meeting of the ~~board~~ commission. ~~A circuit court~~  
22 ~~may by order permit the inspection and copying of the accounts and the depositor's~~  
23 ~~and loan records at any financial institution, as defined in s. 705.01 (3), doing~~  
24 ~~business in the state to obtain evidence of any violation of ch. 11 upon showing by the~~  
25 ~~board of probable cause to believe there is a violation and that such accounts and~~

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1 ~~records may have a substantial relation to the violation.~~ In the discharge of its  
2 duties, the ~~board~~ commission may cause the deposition of witnesses to be taken in  
3 the manner prescribed for taking depositions in civil actions in circuit court.

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

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



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1 of operation is located within that county. Whenever the ~~board~~ commission enters  
2 into a settlement agreement with an individual who is accused of a civil violation of  
3 chs. 5 to 10 or 12, ~~subch. III of ch. 13, or subch. III of ch. 19~~ or who is investigated by  
4 the ~~board~~ commission for a possible civil violation of one of those provisions, the  
5 ~~board~~ commission shall reduce the agreement to writing, together with a statement  
6 of the ~~board's~~ commission's findings and reasons for entering into the agreement and  
7 shall retain the agreement and statement in its office for inspection.

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

9 5.05 (1) (d) Sue for injunctive relief, a writ of mandamus or prohibition, or other  
10 such legal or equitable relief as may be appropriate to enforce any law regulating the  
11 conduct of elections or election campaigns, other than laws regulating campaign  
12 financing, or ensure its proper administration. No bond is required in such actions.  
13 Actions shall be brought in circuit court for the county where a violation occurs or  
14 may occur.

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

16 5.05 (1) (e) ~~Delegate to its legal counsel the authority to intervene in a civil~~  
17 ~~action or proceeding under sub. (9), issue~~ Issue an order under s. 5.06, exempt a  
18 polling place from accessibility requirements under s. 5.25 (4) (a), exempt a  
19 municipality from the requirement to use voting machines or an electronic voting  
20 system under s. 5.40 (5m), approve an electronic data recording system for  
21 maintaining poll lists under s. 6.79, or authorize nonappointment of an individual  
22 who is nominated to serve as an election official under s. 7.30 (4) (e), ~~subject to such~~  
23 ~~limitations as the board deems appropriate.~~

24 **SECTION 9.** 5.05 (1) (f) of the statutes is amended to read:

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1           5.05 (1) (f) Promulgate rules under ch. 227 applicable to all jurisdictions for the  
2           purpose of interpreting or implementing the laws regulating the conduct of elections  
3           or election campaigns, other than laws regulating campaign financing, or ensuring  
4           their proper administration.

5           **SECTION 10.** 5.05 (1e) of the statutes is amended to read:

6           5.05 (1e) Any action by the ~~board~~ commission, except an action relating to  
7           procedure of the commission, requires the affirmative vote of at least ~~4~~ two-thirds  
8           of the members.

9           **SECTION 11.** 5.05 (1m) of the statutes is repealed.

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

12          19.49 (2g) AUDITING. In addition to the facial examination of reports and  
13          statements required under s. 11.21 (13), the ~~board~~ commission shall conduct an audit  
14          of reports and statements which are required to be filed with it to determine whether  
15          violations of ch. 11 have occurred. The ~~board~~ commission may examine records  
16          relating to matters required to be treated in such reports and statements. The ~~board~~  
17          commission shall make official note in the file of a candidate, committee, group or  
18          individual under ch. 11 of any error or other discrepancy which the ~~board~~ commission  
19          discovers and shall inform the person submitting the report or statement.

20          **SECTION 13.** 5.05 (2m) (a) of the statutes is amended to read:

21          5.05 (2m) (a) The ~~board~~ commission shall investigate violations of laws  
22          administered by the ~~board~~ commission and may prosecute alleged civil violations of  
23          those laws, directly or through its agents under this subsection, pursuant to all  
24          statutes granting or assigning that authority or responsibility to the ~~board~~  
25          commission. Prosecution of alleged criminal violations investigated by the ~~board~~

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1 commission may be brought only as provided in par. (c) 11., 14., 15., and 16. and s.  
2 978.05 (1). For purposes of this subsection, the commission may only initiate an  
3 investigation of an alleged violation of chs. 5 to 10 and 12, other than an offense  
4 described under par. (c) 12., based on a sworn complaint filed with the commission,  
5 as provided under par. (c). Neither the commission nor any member or employee of  
6 the commission, including the commission administrator, may file a sworn complaint  
7 for purposes of this subsection.

8 **SECTION 14.** 5.05 (2m) (c) 2. a. of the statutes is amended to read:

9 5.05 (2m) (c) 2. a. Any person may file a complaint with the ~~board~~ commission  
10 alleging a violation of chs. 5 to 10 or 12, ~~subch. III of ch. 13, or subch. III of ch. 19.~~  
11 No later than 5 days after receiving a complaint, the commission shall notify each  
12 person who or which the complaint alleges committed such a violation. Before voting  
13 on whether to take any action regarding the complaint, other than to dismiss, the  
14 commission shall give each person receiving a notice under this subd. 2. a. an  
15 opportunity to demonstrate to the commission, in writing and within 15 days after  
16 receiving the notice, that the commission should take no action against the person  
17 on the basis of the complaint. The commission may not conduct any investigation  
18 or take any other action under this subsection solely on the basis of a complaint by  
19 an unidentified complainant.

20 am. If the ~~board~~ commission finds, by a preponderance of the evidence, that a  
21 complaint is frivolous, the ~~board~~ commission may order the complainant to forfeit not  
22 more than the greater of \$500 or the expenses incurred by the ~~division~~ commission  
23 in investigating the complaint.

24 **SECTION 15.** 5.05 (2m) (c) 2. b. of the statutes is renumbered 19.49 (1m).

25 **SECTION 16.** 5.05 (2m) (c) 3. of the statutes is repealed.

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1           **SECTION 17.** 5.05 (2m) (c) 4. of the statutes is amended to read:

2           5.05 (2m) (c) 4. If the ~~board~~ commission reviews a complaint and fails to find  
3 that there is a reasonable suspicion that a violation under subd. 2. has occurred or  
4 is occurring, the ~~board~~ commission shall dismiss the complaint. If the ~~board~~  
5 commission believes that there is reasonable suspicion that a violation under subd.  
6 2. has occurred or is occurring, the ~~board~~ commission may by resolution authorize  
7 the commencement of an investigation. The resolution shall specifically set forth any  
8 matter that is authorized to be investigated. To assist in the investigation, the ~~board~~  
9 commission may elect to retain a special investigator. If the ~~board~~ commission elects  
10 to retain a special investigator, the administrator of the ~~ethics and accountability~~  
11 ~~division~~ commission shall submit to the ~~board~~ commission the names of 3 qualified  
12 individuals to serve as a special investigator. The ~~board~~ commission may retain one  
13 or more of the individuals. If the ~~board~~ commission retains a special investigator to  
14 investigate a complaint against a person who is a resident of this state, the ~~board~~  
15 commission shall provide to the district attorney for the county in which the person  
16 resides a copy of the complaint and shall notify the district attorney that it has  
17 retained a special investigator to investigate the complaint. For purposes of this  
18 subdivision, a person other than a ~~natural person~~ an individual resides within a  
19 county if the person's principal place of operation is located within that county. The  
20 ~~board~~ commission shall enter into a written contract with any individual who is  
21 retained as a special investigator setting forth the terms of the engagement. A  
22 special investigator who is retained by the ~~board~~ commission may request the ~~board~~  
23 commission to issue a subpoena to a specific person or to authorize the special  
24 investigator to request ~~a~~ the circuit court of the county in which the specific person  
25 resides to issue a search warrant. The ~~board~~ commission may grant the request by

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1 approving a motion to that effect at a meeting of the ~~board~~ commission if the ~~board~~  
2 commission finds that such action is legally appropriate.

3 **SECTION 18.** 5.05 (2m) (c) 5. (intro.) of the statutes is amended to read:

4 5.05 (2m) (c) 5. (intro.) Each special investigator who is retained by the ~~board~~  
5 commission shall make periodic reports to the ~~board~~ commission, as directed by the  
6 ~~board~~ commission, but in no case may the interval for reporting exceed 30 days. If  
7 the ~~board~~ commission authorizes the commission administrator of ~~the ethics and~~  
8 ~~accountability division~~ to investigate any matter without retaining a special  
9 investigator, the administrator shall make periodic reports to the ~~board~~ commission,  
10 as directed by the ~~board~~ commission, but in no case may the reporting interval exceed  
11 30 days. During the pendency of any investigation, the ~~board~~ commission shall meet  
12 for the purpose of reviewing the progress of the investigation at least once every 90  
13 days. The special investigator or the administrator shall report in person to the  
14 ~~board~~ commission at that meeting concerning the progress of the investigation. If,  
15 after receiving a report, the ~~board~~ commission does not vote to continue an  
16 investigation for an additional period not exceeding 90 days, the investigation is  
17 terminated at the end of the reporting interval. The ~~board~~ commission shall not  
18 expend more than \$10,000 \$25,000 to finance the cost of an investigation before  
19 receiving a report on the progress of the investigation and a recommendation to  
20 commit additional resources. The ~~board~~ commission may vote to terminate an  
21 investigation at any time. If an investigation is terminated, any complaint from  
22 which the investigation arose is deemed to be dismissed by the ~~board~~ commission.  
23 Unless an investigation is terminated by the ~~board~~ commission, at the conclusion of  
24 each investigation, the administrator shall present to the ~~board~~ commission one of  
25 the following:

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1           **SECTION 19.** 5.05 (2m) (c) 6. a. of the statutes is amended to read:

2           5.05 (2m) (c) 6. a. If the ~~board~~ commission finds that there is probable cause  
3           to believe that a violation under subd. 2. has occurred or is occurring, the ~~board~~  
4           commission may authorize the commission administrator of ~~the ethics and~~  
5           ~~accountability division~~ to file a civil complaint against the alleged violator. In such  
6           case, the administrator may request the assistance of special counsel to prosecute  
7           any action brought by the ~~board~~ commission. If the administrator requests the  
8           assistance of special counsel with respect to any matter, the administrator shall  
9           submit to the ~~board~~ commission the names of 3 qualified individuals to serve as  
10          special counsel. The ~~board~~ commission may retain one of the individuals to act as  
11          special counsel. The staff of the ~~board~~ commission shall provide assistance to the  
12          special counsel as may be required by the counsel to carry out his or her  
13          responsibilities.

14          **SECTION 20.** 5.05 (2m) (c) 6. b. of the statutes is amended to read:

15          5.05 (2m) (c) 6. b. The ~~board~~ commission shall enter into a written contract with  
16          any individual who is retained as special counsel setting forth the terms of the  
17          engagement. The contract shall set forth the compensation to be paid such counsel  
18          by the state. The contract shall be executed on behalf of the state by the ~~board's legal~~  
19          ~~counsel, who~~ commission and the commission shall file the contract in the office of  
20          the secretary of state. The compensation shall be charged to the appropriation under  
21          s. ~~20.505 (1) (d)~~ 20.510 (1) (br).

22          **SECTION 21.** 5.05 (2m) (c) 8. of the statutes is repealed.

23          **SECTION 22.** 5.05 (2m) (c) 12. of the statutes is amended to read:

24          5.05 (2m) (c) 12. The ~~board may~~ commission shall, by rule, prescribe categories  
25          of civil offenses which the ~~board~~ commission will agree to compromise and settle

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1 without a formal investigation upon payment of specified amounts by the alleged  
2 offender. The ~~board~~ commission may authorize the commission administrator of the  
3 ~~ethics and accountability division~~ to compromise and settle such alleged offenses in  
4 the name of the ~~board~~ commission if the alleged offenses by an offender, in the  
5 aggregate, do not involve payment of more than \$1,000 \$2,500.

6 **SECTION 23.** 5.05 (2m) (c) 13. of the statutes is amended to read:

7 5.05 (2m) (c) 13. If a special investigator or the commission administrator of  
8 ~~the ethics and accountability division~~, in the course of an investigation authorized  
9 by the ~~board~~ commission, discovers evidence that a violation under subd. 2. that was  
10 not within the scope of the authorized investigation has occurred or is occurring, the  
11 special investigator or the administrator may present that evidence to the ~~board~~  
12 commission. If the ~~board~~ commission finds that there is a reasonable suspicion that  
13 a violation under subd. 2. that is not within the scope of the authorized investigation  
14 has occurred or is occurring, the ~~board~~ commission may authorize the special  
15 investigator or the administrator to investigate the alleged violation or may elect to  
16 authorize a separate investigation of the alleged violation as provided in subd. 4.

17 **SECTION 24.** 5.05 (2m) (c) 14. of the statutes is amended to read:

18 5.05 (2m) (c) 14. If a special investigator or the commission administrator of  
19 ~~the ethics and accountability division of the board~~, in the course of an investigation  
20 authorized by the ~~board~~ commission, discovers evidence of a potential violation of a  
21 law that is not administered by the ~~board~~ commission arising from or in relation to  
22 the official functions of the subject of the investigation or any matter that involves  
23 elections, ~~ethics, or lobbying regulation~~, the special investigator or the administrator  
24 may present that evidence to the ~~board~~ commission. The ~~board~~ commission may  
25 thereupon refer the matter to the appropriate district attorney specified in subd. 11.

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1 or may refer the matter to the attorney general. The attorney general may then  
2 commence a civil or criminal prosecution relating to the matter.

3 **SECTION 25.** 5.05 (2m) (d) 1. of the statutes is amended to read:

4 5.05 (2m) (d) 1. No individual who serves as the legal counsel to the board or  
5 as a division commission administrator for the board may have been a lobbyist, as  
6 defined in s. 13.62 (11). No such individual may have served in a partisan state or  
7 local office.

8 **SECTION 26.** 5.05 (2m) (g) of the statutes is repealed.

9 **SECTION 27.** 5.05 (2m) (h) of the statutes is amended to read:

10 5.05 (2m) (h) If the defendant in an action for a civil violation of chs. 5 to 10 or  
11 12, subch. III of ch. 13, or subch. III of ch. 19 is a district attorney or a circuit judge  
12 or a candidate for either such office, the action shall be brought by the board  
13 commission. If the defendant in an action for a civil violation of chs. 5 to 10 or 12,  
14 subch. III of ch. 13, or subch. III of ch. 19 is the attorney general or a candidate for  
15 that office, the board commission may appoint special counsel to bring suit on behalf  
16 of the state.

17 **SECTION 28.** 5.05 (2m) (i) of the statutes is amended to read:

18 5.05 (2m) (i) If the defendant in an action for a criminal violation of chs. 5 to  
19 10 or 12, subch. III of ch. 13, or subch. III of ch. 19 is a district attorney or a circuit  
20 judge or a candidate for either such office, the action shall be brought by the attorney  
21 general. If the defendant in an action for a criminal violation of chs. 5 to 10 or 12,  
22 subch. III of ch. 13, or subch. III of ch. 19 is the attorney general or a candidate for  
23 that office, the board commission may appoint a special prosecutor to conduct the  
24 prosecution on behalf of the state.

25 **SECTION 29.** 5.05 (2m) (k) of the statutes is created to read:



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1           5.05 (2m) (k) The commission's power to initiate civil actions under this  
2 subsection for the enforcement of chs. 5 to 10 or 12 shall be the exclusive remedy for  
3 alleged civil violations of chs. 5 to 10 or 12.

4           **SECTION 30.** 5.05 (2q) of the statutes is created to read:

5           5.05 (2q) SUPPLEMENTAL FUNDING FOR ONGOING INVESTIGATIONS. The commission  
6 may request supplemental funds to be credited to the appropriation account under  
7 s. 20.510 (1) (be) for the purpose of continuing an ongoing investigation initiated  
8 under sub. (2m). A request under this subsection shall be filed with the secretary of  
9 administration and the cochairpersons of the joint committee on finance in writing  
10 and shall contain a statement of the action requested, the purposes therefor, the  
11 statutory provision authorizing or directing the performance of the action, and  
12 information about the nature of the investigation for which the commission seeks  
13 supplemental funds, excluding the name of any individual or organization that is the  
14 subject of the investigation. If the cochairpersons of the joint committee on finance  
15 do not notify the secretary of administration that the committee has scheduled a  
16 meeting for the purpose of reviewing the request within 14 working days after the  
17 commission filed the request, the secretary shall supplement the appropriation  
18 under s. 20.510 (1) (be) from the appropriation under s. 20.505 (1) (d) in an amount  
19 not to exceed the amount the commission requested. If, within 14 working days after  
20 the commission filed the request, the cochairpersons of the joint committee on  
21 finance notify the secretary that the committee has scheduled a meeting for the  
22 purpose of reviewing the commission's request under this subsection, the secretary  
23 may supplement the appropriation under s. 20.510 (1) (be) only with the committee's  
24 approval. The committee and the secretary shall notify the commission of all their  
25 actions taken under this subsection.

ASSEMBLY BILL 388

1 SECTION 31. 5.05 (2s) of the statutes is repealed.

2 SECTION 32. 5.05 (2w) of the statutes is amended to read:

3 5.05 (2w) ELECTIONS ~~DIVISION~~ COMMISSION. The elections ~~division~~ commission  
4 has the responsibility for the administration of chs. 5 to 10 and 12. The commission  
5 administrator may designate a commission employee to serve as the commission's  
6 legal counsel.

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7 SECTION 33. 5.05 (3d) of the statutes is created to read:

8 5.05 (3d) ADMINISTRATOR. The commission shall appoint an administrator in  
9 the manner provided under s. 15.61 (1) (b). The administrator shall be outside the  
10 classified service. The administrator shall appoint such other personnel as he or she  
11 requires to carry out the duties of the commission and may designate a commission  
12 employee to serve as the commission's legal counsel. The administrator shall  
13 perform such duties as the commission assigns to him or her in the administration  
14 of chs. 5 to 10 and 12.

15 SECTION 34. 5.05 (3g) of the statutes is amended to read:

16 5.05 (3g) CHIEF ELECTION OFFICER. The ~~board~~ commission administrator shall  
17 ~~designate an employee of the board to serve as the chief election officer of this state.~~

18 SECTION 35. 5.05 (5e) of the statutes is amended to read:

19 5.05 (5e) ~~BIENNIAL~~ ANNUAL REPORT. The ~~board~~ commission shall ~~include in its~~  
20 ~~biennial~~ submit an annual report under s. 15.04 (1) (d) and shall include in its annual  
21 report the names and duties of all individuals employed by the ~~board~~ commission and  
22 a summary of its determinations and advisory opinions issued under sub. (6a).

23 Except as authorized or required under sub. (5s) (f) ~~2.~~, the ~~board~~ commission shall  
24 make sufficient alterations in the summaries to prevent disclosing the identities of  
25 individuals or organizations involved in the decisions or opinions. The ~~board~~ may

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**ASSEMBLY BILL 388**

1 ~~also include in its biennial report any information compiled under s. 11.21 (7) The~~  
2 ~~commission shall identify in its report the statutory duties of the commission~~  
3 ~~administrator, together with a description of the manner in which those duties are~~  
4 ~~being fulfilled. Notwithstanding sub. (5s) and s. 12.13 (5), the commission shall also~~  
5 ~~specify in its report the total number of investigations conducted by the commission~~  
6 ~~since the last annual report and a description of the nature of each investigation. The~~  
7 ~~board commission shall make such further reports on the matters within its~~  
8 ~~jurisdiction and such recommendations for further legislation as it deems desirable.~~

9 **SECTION 36.** 5.05 (5s) (intro.) of the statutes is amended to read:

10 5.05 (5s) ACCESS TO RECORDS. (intro.) Records obtained or prepared by the ~~board~~  
11 ~~commission~~ in connection with an investigation, including the full text of any  
12 complaint received by the ~~board~~ commission, are not subject to the right of inspection  
13 and copying under s. 19.35 (1), except as ~~provided in pars. (d) and (e) and except that~~  
14 follows:

15 **SECTION 37.** 5.05 (5s) (am) of the statutes is created to read:

16 5.05 (5s) (am) The commission shall provide to the joint committee on finance  
17 records obtained or prepared by the commission in connection with an ongoing  
18 investigation when required under sub. (2q).

19 **SECTION 38.** 5.05 (5s) (b) of the statutes is amended to read:

20 5.05 (5s) (b) Investigatory records of the ~~board~~ commission may be made public  
21 in the course of a prosecution initiated under chs. 5 to 10 or 12, ~~subch. III of ch. 13,~~  
22 ~~or subch. III of ch. 19.~~

23 **SECTION 39.** 5.05 (5s) (bm) of the statutes, as created by 2015 Wisconsin Act 2,  
24 is amended to read:

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1           5.05 (5s) (bm) The ~~board~~ commission shall provide investigatory records to the  
2 state auditor and the employees of the legislative audit bureau to the extent  
3 necessary for the bureau to carry out its duties under s. 13.94.

4           **SECTION 40.** 5.05 (5s) (d) of the statutes is amended to read:

5           5.05 (5s) (d) If the ~~board~~ commission commences a civil prosecution of a person  
6 for an alleged violation of chs. 5 to 10 or 12, ~~subch. III of ch. 13, or subch. III of ch.~~  
7 ~~19~~ as the result of an investigation, the person who is the subject of the investigation  
8 may authorize the ~~board~~ commission to make available for inspection and copying  
9 under s. 19.35 (1) records of the investigation pertaining to that person if the records  
10 are available by law to the subject person and the ~~board~~ commission shall then make  
11 those records available.

12           **SECTION 41.** 5.05 (5s) (f) 2. a. and b. of the statutes are consolidated,  
13 renumbered 5.05 (5s) (f) 2. a. and amended to read:

14           5.05 (5s) (f) 2. a. The ~~board~~ commission may make records obtained in  
15 connection with an informal advisory opinion under subd. 1. public with the consent  
16 of the individual requesting the informal advisory opinion or the organization or  
17 governmental body on whose behalf it is requested. ~~b.~~ A person who makes or  
18 purports to make public the substance of or any portion of an informal advisory  
19 opinion requested by or on behalf of the person is deemed to have waived the  
20 confidentiality of the request for an informal advisory opinion and of any records  
21 obtained or prepared by the ~~board~~ commission in connection with the request for an  
22 informal advisory opinion.

23           **SECTION 42.** 5.05 (5s) (f) 2. c. of the statutes is amended to read:

24           5.05 (5s) (f) 2. c. The ~~board~~ commission shall make public formal and informal  
25 advisory opinions and records obtained in connection with requests for formal or

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**SECTION 42**

1 informal advisory opinions relating to matters under the jurisdiction of the elections  
2 division commission, including the identity of individuals requesting such opinions  
3 or organizations or governmental bodies on whose behalf they are requested.

4 **SECTION 43.** 5.05 (5t) of the statutes is created to read:

5 **5.05 (5t) GUIDANCE FOLLOWING BINDING COURT DECISIONS.** Within 2 months  
6 following the publication of a decision of a state or federal court that is binding on  
7 the commission and this state, the commission shall issue updated guidance or  
8 formal advisory opinions, commence the rule-making procedure to revise  
9 administrative rules promulgated by the commission, or request an opinion from the  
10 attorney general on the applicability of the court decision.

11 **SECTION 44.** 5.05 (6a) of the statutes is renumbered 5.05 (6a) (a) 1. and  
12 amended to read:

13 **5.05 (6a) (a) 1.** Any individual, either personally or on behalf of an organization  
14 or governmental body, may make a ~~written or electronic~~ request of the ~~board~~  
15 commission in writing, electronically, or by telephone for an a formal or informal  
16 advisory opinion regarding the propriety under chs. 5 to 10 or 12, subch. III of ch. 13,  
17 ~~or subch. III of ch. 19~~ of any matter to which the person is or may become a party;  
18 ~~and any.~~ Any appointing officer, with the consent of a prospective appointee, may  
19 request of the ~~board~~ commission a formal or informal advisory opinion regarding  
20 the propriety under chs. 5 to 10 or 12, subch. III of ch. 13, or subch. III of ch. 19 of  
21 any matter to which the prospective appointee is or may become a party. The ~~board~~  
22 commission shall review a request for an advisory opinion and may issue a formal  
23 or informal written or electronic advisory opinion to the person making the request.

24 Except as authorized or required for opinions specified in sub. (5s) (f) ~~2~~, the ~~board's~~  
25 commission's deliberations and actions upon such requests shall be in meetings not

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1 open to the public. ~~No person acting in good faith upon an advisory opinion issued~~  
2 ~~by the board is subject to criminal or civil prosecution for so acting, if the material~~  
3 ~~facts are as stated in the opinion request~~ A member of the commission may, by  
4 written request, require the commission to review an advisory opinion.

5 2. To have legal force and effect, each formal and informal advisory opinion  
6 issued by the board commission must be supported by specific legal authority under  
7 a statute or other law, or by specific case or common law authority. Each formal and  
8 informal advisory opinion shall include a citation to each statute or other law and  
9 each case or common law authority upon which the opinion is based, and shall  
10 specifically articulate or explain which parts of the cited authority are relevant to the  
11 board's commission's conclusion and why they are relevant.

12 (b) 1. The board commission may authorize its legal counsel the commission  
13 administrator or his or her designee to issue an informal written advisory opinion  
14 or to transmit an informal advisory opinion electronically on behalf of the board  
15 commission, subject to such limitations as the board commission deems appropriate.  
16 Every informal advisory opinion shall be consistent with applicable formal advisory  
17 opinions issued by the board, commission, statute or other law, and case law.

18 (a) 4. At each regular meeting of the commission, the administrator shall  
19 review informal advisory opinions requested of and issued by the administrator and  
20 that relate to recurring issues or issues of first impression for which no formal  
21 advisory opinion has been issued. The commission may determine to issue a formal  
22 advisory opinion adopting or modifying the informal advisory opinion. If the board  
23 commission disagrees with an a formal or informal advisory opinion that has been  
24 issued by or on behalf of the board commission, the board commission may withdraw  
25 the opinion or, issue a revised formal or informal advisory opinion and no, or request

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1 an opinion from the attorney general. No person acting after the date of the  
2 withdrawal or issuance of the revised advisory opinion is exempted from prosecution  
3 under this subsection if the opinion upon which the person's action is based has been  
4 withdrawn or revised in relevant degree.

5

(a) 5. Except as authorized or required under sub. (5s) (f) <sup>↓</sup>~~2.~~, no member or  
6 employee of the ~~board~~ commission may make public the identity of the individual  
7 requesting a formal or informal advisory opinion or of individuals or organizations  
8 mentioned in the opinion.

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9 (c) 2. Any person ~~receiving~~ requesting a formal ~~or informal~~ advisory opinion  
10 under this subsection ~~who disagrees with the opinion~~ paragraph may request a  
11 public or private hearing before the ~~board~~ commission to discuss the opinion. The  
12 ~~board~~ commission shall grant a request for a public or private hearing under this  
13 subsection. ~~After hearing the matter, the board may reconsider its opinion and may~~  
14 ~~issue a revised opinion to the person.~~ paragraph.

15 (c) 3. Promptly upon issuance of each formal advisory opinion that is not open  
16 to public access, the ~~board~~ commission shall publish a ~~summary of the opinion that~~  
17 ~~is consistent with applicable requirements together with the information specified~~  
18 under sub. (5s) (f) <sup>e</sup>2. c. on the commission's Internet site.

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**SECTION 45.** 5.05 (6a) (a) 3. of the statutes is created to read:

20 5.05 (6a) (a) 3. No person acting in good faith upon a formal or informal  
21 advisory opinion issued by the commission under this subsection is subject to  
22 criminal or civil prosecution for so acting, if the material facts are as stated in the  
23 opinion request.

**SECTION 46.** 5.05 (6a) (b) 2. of the statutes is created to read:

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1           5.05 (6a) (b) 2. Any individual may request in writing, electronically, or by  
2 telephone an informal advisory opinion from the commission under this paragraph.  
3 The commission's designee shall provide a written response, a written reference to  
4 an applicable statute or law, or a written reference to a formal advisory opinion of the  
5 commission to the individual, or shall refer the request to the commission for review  
6 and the issuance of a formal advisory opinion.

7           **SECTION 47.** 5.05 (6a) (b) 3. of the statutes is created to read:

8           5.05 (6a) (b) 3. Any person receiving an informal advisory opinion under this  
9 paragraph may, at any time, request a formal advisory opinion from the commission  
10 on the same matter.

11           **SECTION 48.** 5.05 (6a) (c) 1. of the statutes is created to read:

12           5.05 (6a) (c) 1. Any individual may request in writing, electronically, or by  
13 telephone a formal advisory opinion from the commission or the review or  
14 modification of a formal advisory opinion issued by the commission under this  
15 paragraph. The individual making the request shall include all pertinent facts  
16 relevant to the matter. The commission shall review a request for a formal advisory  
17 opinion and may issue a formal advisory opinion to the individual making the  
18 request. Except as authorized or required for opinions specified in sub. (5s) (f) 2, the  
19 commission's deliberations and actions upon such requests shall be in meetings not  
20 open to the public.

21           **SECTION 49.** 5.05 (6a) (c) 4. of the statutes is created to read:

22           5.05 (6a) (c) 4. If the commission declines to issue a formal advisory opinion,  
23 it may refer the matter to the attorney general or to the standing legislative oversight  
24 committees.

25           **SECTION 50.** 5.05 (9) of the statutes is amended to read:

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**ASSEMBLY BILL 388****SECTION 50**

1           5.05 (9) STANDING. The ~~board~~ commission has standing to commence or  
2 intervene in any civil action or proceeding for the purpose of enforcing the laws  
3 regulating the conduct of elections or election campaigns, ~~other than laws regulating~~  
4 campaign financing, or ensuring their proper administration. ~~If the board delegates~~  
5 ~~authority to its legal counsel under sub. (1) (e) to act in its stead, the legal counsel~~  
6 ~~has standing to commence or intervene in such an action or proceeding.~~

7           **SECTION 51.** 5.05 (10) of the statutes is amended to read:

8           5.05 (10) STATE ELECTION ADMINISTRATION PLAN. ~~With the assistance of the~~  
9 ~~election administration council and approval of the joint committee on finance as~~  
10 provided in this subsection, the ~~board~~ commission shall adopt and modify as  
11 necessary a state plan that meets the requirements of P.L. 107-252 to enable  
12 participation by this state in federal financial assistance programs authorized under  
13 that law. The ~~board~~ commission shall adopt the plan and any modifications only after  
14 publishing a class 1 notice under ch. 985 or posting on the Internet a statement  
15 describing the proposed plan or modification and receiving public comment thereon.  
16 After approval of the proposed plan or any modification of the plan by the ~~board~~  
17 commission, the ~~board~~ commission shall submit the proposed plan or modification  
18 to the joint committee on finance for the approval of the committee. The ~~board~~  
19 commission may adopt the proposed plan or modification only if the committee  
20 approves the proposed plan or modification.

21           **SECTION 52.** 5.05 (11) of the statutes is amended to read:

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

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

8 **SECTION 53.** 5.05 (16) of the statutes is created to read:

9 5.05 (16) POLICIES AND PROCEDURES. (a) Annually, the commission shall adopt  
10 written policies and procedures in order to govern its internal operations and  
11 management and shall annually report such policies and procedures to the  
12 appropriate standing committees of the legislature under s. 13.172 (3).

13 (b) Notwithstanding par. (a), the commission may reconsider at any time any  
14 policy or procedure adopted as provided under par. (a). If, upon reconsideration, the  
15 commission revises a previously reported policy or procedure, the commission shall  
16 report the revision to the appropriate standing committees of the legislature under  
17 s. 13.172 (3).

18 (c) The commission may reconsider at any time any written directives or  
19 written guidance provided to the general public or to any person subject to the  
20 provisions of chs. 5 to 10 and 12 with regard to the enforcement and administration  
21 of those provisions.

22 **SECTION 54.** 5.05 (17) of the statutes is created to read:

23 5.05 (17) PAYMENTS. The commission may accept payment by credit card, debit  
24 card, or other electronic payment mechanism for any amounts owed pursuant to the

**ASSEMBLY BILL 388**

1 administration of chs. 5 to 10 or 12, and may charge a surcharge to the payer to  
2 recover charges associated with the acceptance of that electronic payment.

3 **SECTION 55.** 5.052 of the statutes is repealed.

4 **SECTION 56.** 5.054 of the statutes is repealed.

5 **SECTION 57.** 5.055 of the statutes is amended to read:

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

19 **SECTION 58.** 5.056 of the statutes is amended to read:

20 **5.056 Matching program with secretary of transportation.** The  
21 commission administrator of the ~~elections division of the board~~ shall enter into the  
22 agreement with the secretary of transportation specified under s. 85.61 (1) to match  
23 personally identifiable information on the official registration list maintained by the  
24 ~~board~~ commission under s. 6.36 (1) with personally identifiable information  
25 maintained by the department of transportation.

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1           **SECTION 59.** 5.07 of the statutes is amended to read:

2           **5.07 Action to compel compliance.** Whenever a violation of the laws  
3 regulating the conduct of elections or election campaigns, other than a violation of  
4 the laws regulating campaign financing, occurs or is proposed to occur, the attorney  
5 general or the district attorney of the county where the violation occurs or is proposed  
6 to occur may sue for injunctive relief, a writ of mandamus or prohibition, or other  
7 such legal or equitable relief as may be appropriate to compel compliance with the  
8 law. No bond is required in such actions.

9           **SECTION 60.** 5.08 of the statutes is amended to read:

10           **5.08 Petition for enforcement.** In addition to or in lieu of filing a complaint,  
11 any elector may file a verified petition alleging such facts as are within his or her  
12 knowledge to indicate that an election official has failed or is failing to comply with  
13 any law regulating the conduct of elections or election campaigns, other than a law  
14 regulating campaign financing, or proposes to act in a manner inconsistent with such  
15 a law, and requesting that an action be commenced for injunctive relief, a writ of  
16 mandamus or prohibition or other such legal or equitable relief as may be  
17 appropriate to compel compliance with the law. The petition shall be filed with the  
18 district attorney for the county having jurisdiction to prosecute the alleged failure  
19 to comply under s. 978.05 (1) and (2). The district attorney may then commence the  
20 action or dismiss the petition. If the district attorney declines to act upon the petition  
21 or if the district attorney fails to act upon the petition within 15 days of the date of  
22 filing, the petitioner may file the same petition with the attorney general, who may  
23 then commence the action.

24           **SECTION 61.** 5.09 of the statutes is repealed.

25           **SECTION 62.** 5.40 (7) of the statutes is amended to read:

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1           5.40 (7) Whenever a municipality adopts and purchases voting machines or an  
2 electronic voting system, or adopts and purchases a different type of voting machine  
3 or electronic voting system from the type it was previously using, the municipal clerk  
4 or executive director of the municipal board of election commissioners shall promptly  
5 notify the county clerk or executive director of the county board of election  
6 commissioners and the administrator of the elections ~~division of the board~~  
7 commission in writing.

8           **SECTION 63.** 5.58 (2) of the statutes is amended to read:

9           5.58 (2) STATE SUPERINTENDENT OF PUBLIC INSTRUCTION; JUDICIARY; COUNTY  
10 EXECUTIVE; COUNTY COMPTROLLER; AND COUNTY SUPERVISORS. There shall be one  
11 separate ballot for state superintendent, judicial officers, county executive under s.  
12 59.17, and county supervisor, except as authorized in s. 5.655. In counties having a  
13 population of 750,000 or more, the ballot shall also include the office of comptroller  
14 and in counties having a population of 500,000 or more, the ballot shall also include  
15 those offices under s. 8.11 (2) (b) and (2m). The arrangement of names of candidates  
16 for state superintendent, justice, court of appeals judge, and circuit court judge shall  
17 be determined by the ~~board~~ commission in the manner specified in s. 5.60 (1) (b).  
18 Arrangement of the names of candidates for county executive, county comptroller,  
19 and county supervisor shall be determined by the county clerk or by the executive  
20 director of the county board of election commissioners in the manner specified in s.  
21 5.60 (1) (b).

22           **SECTION 64.** 5.58 (2m) of the statutes is amended to read:

23           5.58 (2m) METROPOLITAN SEWERAGE COMMISSION. Except as authorized in s.  
24 5.655, there shall be a separate ballot for members of the metropolitan sewerage  
25 commission if commissioners are elected under s. 200.09 (11) (am), with candidates

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1 for different seats listed in separate columns or rows if more than one seat is  
2 contested at any election. Arrangement of the names on the ballot shall be  
3 determined by the ~~board~~ elections commission.

4 **SECTION 65.** 5.60 (1) (b) of the statutes is amended to read:

5 5.60 (1) (b) The ~~board~~ elections commission shall certify the candidates' names  
6 and designate the official ballot arrangement for candidates for state  
7 superintendent, justice, court of appeals judge, and for circuit judge and, ~~if~~  
8 ~~commissioners are elected under s. 200.09 (11) (am), the~~ for metropolitan sewerage  
9 commission commissioners elected under s. 200.09 (11) (am). The arrangement of  
10 names of all candidates on the ballot whose nomination papers are filed with the  
11 ~~board~~ elections commission shall be determined by the ~~board~~ elections commission  
12 by the drawing of lots not later than the 2nd Tuesday in January, or the next day if  
13 the first Tuesday is a holiday. Whenever a primary is held for an office, a 2nd drawing  
14 of all candidates for that office shall be held by or under the supervision of the ~~board~~  
15 elections commission not later than the 3rd day following the completion of the  
16 primary canvass to determine the arrangement of candidates on the election ballot.

17 **SECTION 66.** 5.62 (4) (b) of the statutes is amended to read:

18 5.62 (4) (b) The county board of election commissioners in counties having a  
19 population of more than 750,000 shall prepare the official primary ballot. The  
20 commissioners shall arrange the names of all candidates for each office whose  
21 nomination papers are filed at the county level, using the same method as that used  
22 by the ~~government accountability board~~ elections commission under s. 5.60 (1) (b).

23 **SECTION 67.** 5.68 (3m) of the statutes is repealed.

24 **SECTION 68.** 5.93 of the statutes is amended to read:

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1           **5.93 Administration.** The ~~board~~ may commission shall promulgate  
2 reasonable rules for the administration of this subchapter.

3           **SECTION 69.** 6.26 (3) of the statutes is amended to read:

4           6.26 (3) The ~~board~~ commission shall, by rule, prescribe procedures for  
5 appointment of special registration deputies, for revocation of appointments of  
6 special registration deputies, and for training of special registration deputies by  
7 municipal clerks and boards of election commissioners. The procedures shall be  
8 coordinated with training programs for special registration deputies conducted by  
9 municipal clerks under s. 7.315 and shall be formulated to promote increased  
10 registration of electors consistent with the needs of municipal clerks and boards of  
11 election commissioners to efficiently administer the registration process.

12           **SECTION 70.** 6.275 (1) (f) of the statutes, as created by 2013 Wisconsin Act 148,  
13 is amended to read:

14           6.275 (1) (f) The total number of postcards sent by the municipal clerk or board  
15 of election commissioners under s. 6.56 (3), the total number of such postcards  
16 returned to the municipal clerk or board of election commissioners because the  
17 elector did not reside at the address given on the postcard, the total number of  
18 electors whose status was changed from eligible to ineligible on the registration list  
19 as a result of the audit under s. 6.56 (3), and the number of individuals referred to  
20 the district attorney under s. 6.56 (3). The municipal clerk or board of election  
21 commissioners shall provide the information described under this paragraph to the  
22 ~~board~~ elections commission and the county clerk or county board of election  
23 commissioners at the earliest practicable time after, but no later than 90 days after,  
24 each primary and election at which a state or national office is filled or a statewide  
25 referendum is held, including any special election. The municipal clerk or board of

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1 election commissioners shall update the information described under this paragraph  
2 on a monthly basis and shall submit, on a monthly basis, any such updated  
3 information to the ~~board~~ elections commission and the county clerk or county board  
4 of election commissioners.

5 **SECTION 71.** 6.275 (2) of the statutes, as affected by 2013 Wisconsin Act 148,  
6 is amended to read:

7 6.275 (2) Upon receipt of each report filed under this section, the ~~board~~  
8 commission shall, within 7 days of receiving the report, publish the information on  
9 its Internet site. The ~~board~~ commission shall update the information published  
10 under this subsection on a monthly basis.

11 **SECTION 72.** 6.33 (5) (a) of the statutes is amended to read:

12 6.33 (5) (a) Except as provided in par. (b) and this paragraph, whenever a  
13 municipal clerk receives a valid registration or valid change of a name or address  
14 under an existing registration and whenever a municipal clerk changes a  
15 registration from eligible to ineligible status, the municipal clerk shall promptly  
16 enter electronically on the list maintained by the ~~board~~ commission under s. 6.36 (1)  
17 the information required under that subsection. Except as provided in par. (b) and  
18 this paragraph, the municipal clerk may update any entries that change on the date  
19 of an election other than a general election within 30 days after the date of that  
20 election, and may update any entries that change on the date of a general election  
21 within 45 days after the date of that election. The ~~legal counsel of the board~~  
22 commission administrator may, upon request of a municipal clerk, permit the clerk  
23 to update entries that change on the date of a general election within 60 days after  
24 that election. The municipal clerk shall provide to the ~~board~~ commission information



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1 that is confidential under s. 6.47 (2) in such manner as the ~~board~~ commission  
2 prescribes.

3 **SECTION 73.** 6.36 (1) (b) 1. a. of the statutes is amended to read:

4 6.36 (1) (b) 1. a. Except as provided in pars. (bm) and (bn), no person other than  
5 an employee of the ~~board~~ commission, a county clerk, a deputy county clerk, an  
6 executive director of a county board of election commissioners, a deputy designated  
7 by the executive director, a municipal clerk, a deputy municipal clerk, an executive  
8 director of a city board of election commissioners, or a deputy designated by the  
9 executive director may view the date of birth, operator's license number, or social  
10 security account number of an elector, the address of an elector to whom an  
11 identification serial number is issued under s. 6.47 (3), or any indication of an  
12 accommodation required under s. 5.25 (4) (a) to permit voting by an elector.

13 **SECTION 74.** 6.36 (1) (bm) of the statutes is amended to read:

14 6.36 (1) (bm) The ~~board~~ commission or any municipal clerk or board of election  
15 commissioners may transfer any information in the registration list to which access  
16 is restricted under par. (b) 1. a. to a law enforcement agency, as defined in s. 165.77  
17 (1) (b), to be used for law enforcement purposes.

18 **SECTION 75.** 6.36 (2) (a) of the statutes is amended to read:

19 6.36 (2) (a) Except as provided in par. (b), each registration list prepared for use  
20 as a poll list at a polling place or for purposes of canvassing absentee ballots at an  
21 election shall contain the full name and address of each registered elector; a blank  
22 column for the entry of the serial number of the electors when they vote or the poll  
23 list number used by the municipal board of absentee ballot canvassers in canvassing  
24 absentee ballots; an indication next to the name of each elector for whom proof of  
25 residence under s. 6.34 is required; a space for entry of the type of and the name of

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1 the entity or institution that issued the identifying document submitted by the  
2 elector as proof of residence when proof of residence under s. 6.34 is required; a space  
3 for entry of the elector’s signature, or if another person signed the elector’s  
4 registration form for the elector by reason of the elector’s physical disability, the word  
5 “exempt”; and a form of certificate bearing the certification of the commission  
6 ~~administrator of the elections division of the board~~ stating that the list is a true and  
7 complete registration list of the municipality or the ward or wards for which the list  
8 is prepared. The ~~board~~ commission shall, by rule, prescribe the space and location  
9 for entry of each elector’s signature on the poll list which shall provide for entry of  
10 the signature without changing the orientation of the poll list from the orientation  
11 used by the election officials.

12 **SECTION 76.** 6.50 (2g) of the statutes is amended to read:

13 6.50 (2g) The ~~board~~ commission may delegate to a municipal clerk or board of  
14 election commissioners of a municipality the responsibility to change the  
15 registration status of electors when required under sub. (2).

16 **SECTION 77.** 6.50 (7) of the statutes is amended to read:

17 6.50 (7) When an elector’s registration is changed from eligible to ineligible  
18 status, the ~~board~~ commission, municipal clerk, or board of election commissioners  
19 shall make an entry on the registration list, giving the date of and reason for the  
20 change.

21 **SECTION 78.** 6.56 (3) of the statutes is amended to read:

22 6.56 (3) Upon receipt of the list under sub. (1), the municipal clerk or board of  
23 election commissioners shall make an audit of all electors registering to vote at the  
24 polling place or other registration location under s. 6.55 (2) and all electors  
25 registering by agent on election day under s. 6.86 (3) (a) 2. unless the clerk or board

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

15 **SECTION 79.** 6.95 of the statutes is amended to read:

16 **6.95 Voting procedure for challenged electors.** Whenever the inspectors  
17 under ss. 6.92 to 6.94 receive the vote of a person offering to vote who has been  
18 challenged, the inspectors shall, before giving the elector a ballot, write on the back  
19 of the ballot the serial number of the challenged person corresponding to the number  
20 kept at the election on the poll list, or other list maintained under s. 6.79, and the  
21 notation “s. 6.95”. If voting machines are used in the municipality where the person  
22 is voting, the person’s vote may be received only upon an absentee ballot furnished  
23 by the municipal clerk which shall have the corresponding serial number from the  
24 poll list or other list maintained under s. 6.79 and the notation “s. 6.95” written on  
25 the back of the ballot by the inspectors before the ballot is given to the elector. The

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1 inspectors shall indicate on the list the reason for the challenge. The inspectors shall  
2 then deposit the ballot. The challenged ballots shall be counted under s. 5.85 or 7.51.  
3 The municipal board of canvassers may decide any challenge when making its  
4 canvass under s. 7.53. If the returns are reported under s. 7.60, a challenge may be  
5 reviewed by the county board of canvassers. If the returns are reported under s. 7.70,  
6 a challenge may be reviewed by the chairperson of the ~~board~~ commission or the  
7 chairperson's designee. The decision of any board of canvassers or of the chairperson  
8 or chairperson's designee may be appealed under s. 9.01. The standard for  
9 disqualification specified in s. 6.325 shall be used to determine the validity of  
10 challenged ballots.

11 **SECTION 80.** 6.96 of the statutes is amended to read:

12 **6.96 Voting procedure for electors voting pursuant to federal court**  
13 **order.** Whenever any elector is allowed to vote at a polling place pursuant to a  
14 federal court order after the closing time provided under s. 6.78, the inspectors shall,  
15 before giving the elector a ballot, write on the back of the ballot the notation "s. 6.96".  
16 If voting machines are used in the municipality where the elector is voting, the  
17 elector's vote may be received only upon an absentee ballot furnished by the  
18 municipal clerk which shall have the notation "s. 6.96" written on the back of the  
19 ballot by the inspectors before the ballot is given to the elector. When receiving the  
20 elector's ballot, the inspectors shall provide the elector with the written voting  
21 information prescribed by the ~~board~~ commission under s. 7.08 (8). The inspectors  
22 shall indicate on the list the fact that the elector is voting pursuant to a federal court  
23 order. The inspectors shall then deposit the ballot. The ballot shall be counted under  
24 s. 5.85 or 7.51 unless the order is vacated. If the order is vacated after the ballot is  
25 counted, the appropriate board or boards of canvassers or the chairperson of the

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1 heard commission or his or her designee shall reopen the canvass to discount any  
2 ballots that were counted pursuant to the vacated order and adjust the statements,  
3 certifications, and determinations accordingly.

4 **SECTION 81.** 6.97 (1) of the statutes is amended to read:

5 6.97 (1) Whenever any individual who is required to provide proof of residence  
6 under s. 6.34 in order to be permitted to vote appears to vote at a polling place and  
7 cannot provide the required proof of residence, the inspectors shall offer the  
8 opportunity for the individual to vote under this section. Whenever any individual,  
9 other than a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as  
10 defined in s. 6.34 (1) (b), or an elector who has a confidential listing under s. 6.47 (2),  
11 appears to vote at a polling place and does not present proof of identification under  
12 s. 6.79 (2), whenever required, the inspectors or the municipal clerk shall similarly  
13 offer the opportunity for the individual to vote under this section. If the individual  
14 wishes to vote, the inspectors shall provide the elector with an envelope marked  
15 “Ballot under s. 6.97, stats.” on which the serial number of the elector is entered and  
16 shall require the individual to execute on the envelope a written affirmation stating  
17 that the individual is a qualified elector of the ward or election district where he or  
18 she offers to vote and is eligible to vote in the election. The inspectors shall, before  
19 giving the elector a ballot, write on the back of the ballot the serial number of the  
20 individual corresponding to the number kept at the election on the poll list or other  
21 list maintained under s. 6.79 and the notation “s. 6.97”. If voting machines are used  
22 in the municipality where the individual is voting, the individual’s vote may be  
23 received only upon an absentee ballot furnished by the municipal clerk which shall  
24 have the corresponding number from the poll list or other list maintained under s.  
25 6.79 and the notation “s. 6.97” written on the back of the ballot by the inspectors

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1 before the ballot is given to the elector. When receiving the individual's ballot, the  
2 inspectors shall provide the individual with written voting information prescribed  
3 by the ~~board~~ commission under s. 7.08 (8). The inspectors shall indicate on the list  
4 the fact that the individual is required to provide proof of residence or proof of  
5 identification under s. 6.79 (2) but did not do so. The inspectors shall notify the  
6 individual that he or she may provide proof of residence or proof of identification to  
7 the municipal clerk or executive director of the municipal board of election  
8 commissioners. The inspectors shall also promptly notify the municipal clerk or  
9 executive director of the name, address, and serial number of the individual. The  
10 inspectors shall then place the ballot inside the envelope and place the envelope in  
11 a separate carrier envelope.

12 **SECTION 82.** 7.03 (1) (a) of the statutes is amended to read:

13 7.03 (1) (a) Except as authorized under this paragraph, a reasonable daily  
14 compensation shall be paid to each inspector, voting machine custodian, automatic  
15 tabulating equipment technician, member of a board of canvassers, messenger, and  
16 tabulator who is employed and performing duties under chs. 5 to 12. Daily  
17 compensation shall also be provided to inspectors and inspector trainees for  
18 attendance at training programs conducted by the ~~board~~ commission and municipal  
19 clerks under ss. 7.31 and 7.315. Alternatively, such election officials and trainees  
20 may be paid by the hour at a proportionate rate for each hour actually worked. Any  
21 election official or trainee may choose to volunteer his or her services by filing with  
22 the municipal clerk of the municipality in which he or she serves a written  
23 declination to accept compensation. The volunteer status of the election official or  
24 trainee remains effective until the official or trainee files a written revocation with  
25 the municipal clerk.

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1           **SECTION 83.** 7.03 (1) (b) of the statutes is amended to read:

2           7.03 (1) (b) Except as provided in par. (bm), any compensation owed shall be  
3           paid by the municipality in which the election is held, except that any compensation  
4           payable to a technician, messenger, tabulator, or member of the board of canvassers  
5           who is employed to perform services for the county shall be paid by the county and  
6           compensation payable to any messenger or tabulator who is employed to perform  
7           services for the state shall be paid by the ~~board~~ commission.

8           **SECTION 84.** 7.03 (2) of the statutes is amended to read:

9           7.03 (2) The amount of compensation of election officials, when authorized or  
10          required, shall be fixed by the appropriate county board of supervisors, municipal  
11          governing body, or municipal board of election commissioners in cities over 500,000  
12          population. The ~~board~~ commission shall fix the amount to be paid any person  
13          employed to perform duties for the state. If the ~~board~~ commission employs an  
14          individual to perform duties which are the responsibility of a county or municipality,  
15          the ~~board~~ commission shall charge the expense to the county or municipality.

16          **SECTION 85.** 7.08 (title) of the statutes is amended to read:

17          **7.08 (title) ~~Government accountability board~~ Elections commission.**

18          **SECTION 86.** 7.08 (1) (a) of the statutes is amended to read:

19          7.08 (1) (a) Prescribe all official ballot forms necessary under chs. 5 to 10 and  
20          12 and revise the official ballot forms to harmonize with legislation and the current  
21          official status of the political parties whenever necessary. The ~~board~~ commission  
22          shall include on each ballot form, in the space for official endorsement, markings or  
23          spaces for identifying a ballot as an overvoted ballot, a duplicate overvoted ballot, a  
24          damaged ballot, or a duplicate damaged ballot, and for writing an identifying serial  
25          number. The ~~board~~ commission shall provide one copy of each ballot form without

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1 charge to each county and municipal clerk and board of election commissioners. The  
2 ~~board~~ commission shall distribute or arrange for distribution of additional copies.  
3 The prescribed forms shall be substantially followed in all elections under chs. 5 to  
4 10 and 12.

5 **SECTION 87.** 7.08 (4) of the statutes is amended to read:

6 7.08 (4) ELECTION LAWS. Publish the election laws. The ~~board~~ commission shall  
7 sell or distribute or arrange for the sale or distribution of copies of the election laws  
8 to county and municipal clerks and boards of election commissioners and members  
9 of the public.

10 **SECTION 88.** 7.15 (1) (g) of the statutes, as affected by 2013 Wisconsin Act 148,  
11 is amended to read:

12 7.15 (1) (g) In the manner prescribed by the ~~board~~ commission, report  
13 suspected election frauds, irregularities, or violations of which the clerk has  
14 knowledge to the district attorney for the county where the suspected activity occurs  
15 and to the ~~board~~ commission. The ~~board~~ commission shall annually report the  
16 information obtained under this paragraph to the legislature under s. 13.172 (2).

17 **SECTION 89.** 7.41 (5) of the statutes is amended to read:

18 7.41 (5) The ~~board may~~ commission shall promulgate rules that are consistent  
19 with the requirements of sub. (2) regarding the proper conduct of individuals  
20 exercising the right under sub. (1), including the interaction of those individuals with  
21 inspectors and other election officials.

22 **SECTION 90.** 7.52 (1) (a) of the statutes is amended to read:

23 7.52 (1) (a) The governing body of any municipality may provide by ordinance  
24 that, in lieu of canvassing absentee ballots at polling places under s. 6.88, the  
25 municipal board of absentee ballot canvassers designated under s. 7.53 (2m) shall,



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1 at each election held in the municipality, canvass all absentee ballots received by the  
2 municipal clerk by 8 p.m. on election day. Prior to enacting an ordinance under this  
3 subsection, the municipal clerk or board of election commissioners of the  
4 municipality shall notify the ~~board~~ elections commission in writing of the proposed  
5 enactment and shall consult with the ~~board~~ elections commission concerning  
6 administration of this section. At every election held in the municipality following  
7 enactment of an ordinance under this subsection, the board of absentee ballot  
8 canvassers shall, any time after the opening of the polls and before 10 p.m. on election  
9 day, publicly convene to count the absentee ballots for the municipality. The  
10 municipal clerk shall give at least 48 hours' notice of any meeting under this  
11 subsection. Any member of the public has the same right of access to a meeting of  
12 the municipal board of absentee ballot canvassers under this subsection that the  
13 individual would have under s. 7.41 to observe the proceedings at a polling place. The  
14 board of absentee ballot canvassers may order the removal of any individual  
15 exercising the right to observe the proceedings if the individual disrupts the meeting.

16 **SECTION 91.** 7.60 (4) (a) of the statutes is amended to read:

17 7.60 (4) (a) The board of canvassers shall make separate duplicate statements  
18 showing the numbers of votes cast for the offices of president and vice president; state  
19 officials; U.S. senators and representatives in congress; state legislators; justice;  
20 court of appeals judge; circuit judges; district attorneys; and metropolitan sewerage  
21 commissioners, if the commissioners are elected under s. 200.09 (11) (am). If a  
22 municipal judge elected under s. 755.01 (4) serves a municipality that is located  
23 partially within the county and candidates for that judgeship file nomination papers  
24 in another county, the board of canvassers shall prepare a duplicate statement  
25 showing the numbers of votes cast for that judgeship in that county for transmittal

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

12 **SECTION 92.** 7.60 (5) of the statutes is amended to read:

13 7.60 (5) REPORTING. (a) Immediately following the canvass, the county clerk  
14 shall deliver or transmit to the ~~government accountability board~~ elections  
15 commission a certified copy of each statement of the county board of canvassers for  
16 president and vice president, state officials, senators and representatives in  
17 congress, state legislators, justice, court of appeals judge, circuit judge, district  
18 attorney, and metropolitan sewerage commissioners, if the commissioners are  
19 elected under s. 200.09 (11) (am). The statement shall record the returns for each  
20 office or referendum by ward, unless combined returns are authorized under s. 5.15  
21 (6) (b) in which case the statement shall record the returns for each group of  
22 combined wards. Following primaries the county clerk shall enclose on forms  
23 prescribed by the ~~government accountability board~~ elections commission the names,  
24 party or principle designation, if any, and number of votes received by each candidate  
25 recorded in the same manner. The county clerk shall deliver or transmit the certified

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1 statement to the ~~government accountability board~~ elections commission no later  
2 than 9 days after each primary except the partisan primary, no later than 10 days  
3 after the partisan primary and any other election except the general election, and no  
4 later than 14 days after the general election. The board of canvassers shall deliver  
5 or transmit a certified copy of each statement for any technical college district  
6 referendum to the secretary of the technical college district board.

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

20 **SECTION 93.** 7.70 (3) (b) of the statutes is amended to read:

21 7.70 (3) (b) The commission chairperson ~~of the board~~ or the chairperson's  
22 designee shall examine the certified statements of the county boards of canvassers.  
23 If it appears that any material mistake has been made in the computation of votes,  
24 or any county board of canvassers failed to canvass the votes or omitted votes from  
25 any ward or election district in the county, the commission chairperson ~~of the board~~

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1 or the chairperson's designee may dispatch a messenger to the county clerk with  
2 written instructions to certify the facts concerning the mistake or the reason why the  
3 votes were not canvassed. A clerk to whom such instructions are delivered shall  
4 immediately make a true and full answer, sign it, affix the county seal and deliver  
5 it to the messenger. The messenger shall deliver it with all possible dispatch to the  
6 board commission.

7 **SECTION 94.** 7.70 (3) (i) of the statutes is amended to read:

8 7.70 (3) (i) The commission chairperson of ~~the board~~ or the chairperson's  
9 designee shall canvass only regular returns made by the county board of canvassers  
10 and shall not count or canvass any additional or supplemental returns or statements  
11 made by the county board or any other board or person. The commission chairperson  
12 ~~of the board~~ or the chairperson's designee shall not count or canvass any statement  
13 or return which has been made by the county board of canvassers at any other time  
14 than that provided in s. 7.60. This provision does not apply to any return made  
15 subsequent to a recount under s. 9.01, when the return is accepted in lieu of any prior  
16 return from the same county for the same office; or to a statement given to the  
17 commission chairperson ~~of the board~~ or chairperson's designee or a messenger sent  
18 by the chairperson or designee to obtain a correction.

19 **SECTION 95.** 7.70 (5) (a) of the statutes is amended to read:

20 7.70 (5) (a) The ~~board~~ commission shall record in its office each certified  
21 statement and determination made by the commission chairperson ~~of the board~~ or  
22 the chairperson's designee. Immediately after the expiration of the time allowed to  
23 file a petition for recount, the ~~board~~ commission shall make and transmit to each  
24 person declared elected a certificate of election under the seal of the ~~board~~  
25 commission. It shall also prepare similar certificates, attested by the commission

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

13 **SECTION 96.** 8.05 (1) (j) 3. of the statutes is amended to read:

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

21 **SECTION 97.** 8.10 (5) of the statutes is amended to read:

22 8.10 (5) Nomination papers shall be accompanied by a declaration of candidacy  
23 under s. 8.21. If a candidate has not filed a registration statement under s. 11.05 at  
24 the time he or she files nomination papers, the candidate shall file the statement  
25 with the papers. A candidate for state office or municipal judge shall also file a

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1 statement of economic interests with the ~~board~~ ethics commission under s. 19.43 (4)  
2 no later than 4:30 p.m. on the 3rd day following the last day for filing nomination  
3 papers under sub. (2) (a), or no later than 4:30 p.m. on the next business day after  
4 the last day whenever that candidate is granted an extension of time for filing  
5 nomination papers under sub. (2) (a).

6 **SECTION 98.** 8.10 (6) (a) of the statutes is amended to read:

7 8.10 (6) (a) For state offices or seats on a metropolitan sewerage commission,  
8 if the commissioners are elected under s. 200.09 (11) (am), in the office of the ~~board~~  
9 elections commission.

10 **SECTION 99.** 8.15 (4) (b) of the statutes is amended to read:

11 8.15 (4) (b) Nomination papers shall be accompanied by a declaration of  
12 candidacy under s. 8.21. If a candidate for state or local office has not filed a  
13 registration statement under s. 11.05 at the time he or she files nomination papers,  
14 the candidate shall file the statement with the papers. A candidate for state office  
15 shall also file a statement of economic interests with the ~~board~~ ethics commission  
16 under s. 19.43 (4) no later than 4:30 p.m. on the 3rd day following the last day for  
17 filing nomination papers under sub. (1), or no later than 4:30 p.m. on the next  
18 business day after the last day whenever that candidate is granted an extension of  
19 time for filing nomination papers under sub. (1).

20 **SECTION 100.** 8.17 (9) (a) of the statutes is amended to read:

21 8.17 (9) (a) If a county has no committee as provided by sub. (5) (a), residents  
22 of that county may voluntarily form a committee, which, upon approval of the state  
23 committee and certification by the secretary of the state committee to the ~~board~~  
24 commission and the county clerk or board of election commissioners, shall then  
25 become the county committee with equal standing as if it had been organized under

1 sub. (5) (a). This standing shall remain unless and until a committee is organized  
2 under sub. (5) (a).

3 **SECTION 101.** 8.20 (6) of the statutes is amended to read:

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

13 **SECTION 102.** 8.20 (7) of the statutes is amended to read:

14 8.20 (7) Nomination papers shall be filed in the office of the ~~board~~ commission  
15 for all state offices and the offices of U.S. senator and representative in congress, and  
16 in the office of county clerk or board of election commissioners for all county offices.

17 **SECTION 103.** 8.30 (2m) of the statutes is amended to read:

18 8.30 (2m) The official or agency with whom nomination papers and  
19 declarations of candidacy are required to be filed shall not place a candidate's name  
20 on the ballot if the candidate's name is ineligible for ballot placement under s. 5.05  
21 (2m) (d) 2. ~~or 15.60 (6), 15.61 (3), or 19.49 (2) (c) 2.~~

22 **SECTION 104.** 8.50 (1) (a) of the statutes is amended to read:

23 8.50 (1) (a) When there is to be a special election, the special election for county  
24 office shall be ordered by the county board of supervisors except as provided in s.  
25 17.21 (5); the special election for city office shall be ordered by the common council;

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1 the special election for village office shall be ordered by the board of trustees; the  
2 special election for town office shall be ordered by the town board of supervisors; the  
3 special election for school board member in a school district organized under ch. 119  
4 shall be ordered by the school board; the special election for municipal judge shall  
5 be ordered by the governing body of the municipality, except in 1st class cities, or if  
6 the judge is elected under s. 755.01 (4) jointly by the governing bodies of all  
7 municipalities served by the judge; and all other special elections shall be ordered  
8 by the governor. When the governor or attorney general issues the order, it shall be  
9 filed and recorded in the office of the ~~board~~ commission. When the county board of  
10 supervisors issues the order, it shall be filed and recorded in the office of the county  
11 clerk. When the county executive issues the order, it shall be filed in the office of the  
12 county board of election commissioners. When the common council issues the order,  
13 it shall be filed in the office of the city clerk. When the board of trustees issues the  
14 order, it shall be filed in the office of the village clerk. When the town board of  
15 supervisors issues the order, it shall be filed in the office of the town clerk. When the  
16 school board of a school district organized under ch. 119 issues the order, it shall be  
17 filed and recorded in the office of the city board of election commissioners. If a  
18 municipal judge is elected under s. 755.01 (4), the order shall be filed in the office of  
19 the county clerk or board of election commissioners of the county having the largest  
20 portion of the population of the jurisdiction served by the judge.

21 **SECTION 105.** 8.50 (3) (a) of the statutes is amended to read:

22 8.50 (3) (a) Nomination papers may be circulated no sooner than the day the  
23 order for the special election is filed and shall be filed not later than 5 p.m. 28 days  
24 before the day that the special primary will or would be held, if required, except when  
25 a special election is held concurrently with the spring election or general election, the



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1 deadline for filing nomination papers shall be specified in the order and the date shall  
2 be no earlier than the date provided in s. 8.10 (2) (a) or 8.15 (1), respectively, and no  
3 later than 35 days prior to the date of the spring primary or no later than June 1  
4 preceding the partisan primary. Nomination papers may be filed in the manner  
5 specified in s. 8.10, 8.15, or 8.20. Each candidate shall file a declaration of candidacy  
6 in the manner provided in s. 8.21 no later than the latest time provided in the order  
7 for filing nomination papers. If a candidate for state or local office has not filed a  
8 registration statement under s. 11.05 at the time he or she files nomination papers,  
9 the candidate shall file the statement with the papers. A candidate for state office  
10 shall also file a statement of economic interests with the ~~board~~ ethics commission no  
11 later than the end of the 3rd day following the last day for filing nomination papers  
12 specified in the order.

13 **SECTION 106.** 8.50 (3) (e) of the statutes is amended to read:

14 8.50 (3) (e) In a special election for a state or national office, the county clerk  
15 or board of election commissioners shall transmit the statement of the county board  
16 of canvassers to the ~~government accountability board~~ elections commission no later  
17 than 7 days after the special primary and 13 days after the special election.

18 **SECTION 107.** 9.01 (1) (a) 1. of the statutes is amended to read:

19 9.01 (1) (a) 1. Any candidate voted for at any election or any elector who voted  
20 upon any referendum question at any election may petition for a recount. The  
21 petitioner shall file a verified petition or petitions with the proper clerk or body under  
22 par. (ar) not earlier than the time of completion of the canvass following canvassing  
23 of any valid provisional and absentee ballots under ss. 6.97 (4) and 7.515 (6) and,  
24 except as provided in this subdivision, not later than 5 p.m. on the 3rd business day  
25 following the last meeting day of the municipal or county board of canvassers

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1 determining the election for that office or on that referendum question following  
2 canvassing of all valid provisional and absentee ballots or, if more than one board of  
3 canvassers makes the determination, not later than 5 p.m. on the 3rd business day  
4 following the last meeting day of the last board of canvassers which makes a  
5 determination following canvassing of all valid provisional and absentee ballots. If  
6 the commission chairperson ~~of the board~~ or chairperson's designee makes the  
7 determination for the office or the referendum question, the petitioner shall file the  
8 petition not earlier than the last meeting day of the last county board of canvassers  
9 to make a statement in the election or referendum following canvassing of all valid  
10 provisional and absentee ballots and not later than 5 p.m. on the 3rd business day  
11 following the day on which the ~~government accountability board~~ commission  
12 receives the last statement from a county board of canvassers for the election or  
13 referendum following canvassing of all valid provisional and absentee ballots.

14 **SECTION 108.** 9.01 (1) (a) 4. of the statutes is amended to read:

15 9.01 (1) (a) 4. The petition under subd. 1. may be amended to include  
16 information discovered as a result of the investigation of the board of canvassers or  
17 the commission chairperson ~~of the board~~, or chairperson's designee, after the filing  
18 of the petition if the petitioner moves to amend the petition as soon as possible after  
19 the petitioner discovers, or reasonably should have discovered, the information that  
20 is the subject of the amendment and if the petitioner was unable to include the  
21 information in the original petition.

22 **SECTION 109.** 9.01 (1) (ag) 4. of the statutes is amended to read:

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