

State of Wisconsin



2021 Senate Bill 942

Date of enactment:
Date of publication*:

2021 WISCONSIN ACT

AN ACT to create 5.05 (21), 13.101 (18) and 16.004 (22) of the statutes; relating to: state agency compliance with election laws.

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

SECTION 1. 5.05 (21) of the statutes is created to read:

5.05 (21) COMPLIANCE REPORTS. No later than 15 days after each spring election, the commission shall submit a report to the joint committee on finance and the secretary of administration that describes in detail all of the following:

- (a) All failures in the preceding 12 months of the department of transportation to comply with s. 85.61 (1).
- (b) All failures in the preceding 12 months of the department of corrections to comply with s. 301.03 (20m).
- (c) All failures in the preceding 12 months of the department of health services or state registrar to comply with s. 69.03 (16).
- (d) All failures in the preceding 12 months of the commission to comply with s. 6.36 (1) (ae) 3.

SECTION 2. 13.101 (18) of the statutes is created to read:

13.101 (18) (a) Upon receiving a request submitted under s. 16.004 (22), and subject to par. (b), the committee may take any of the following actions with respect to the elections commission and the departments of transportation, corrections, and health services:

1. Abolish one or more full-time equivalent positions or portions thereof.

2. Lapse moneys to the general fund from one or more appropriation accounts under ss. 20.410 (1) (a), 20.435 (1) (a), and 20.510 (1) (a).

3. Lapse moneys to the transportation fund from the appropriation account under s. 20.395 (4) (aq).

(b) The committee may take an action under par. (a) with respect to the departments of transportation, corrections, and health services if the committee finds that the department or departments failed to comply with applicable election laws, including those specified in s. 5.05 (21) (a), (b), and (c). The committee may take an action under par. (a) with respect to the elections commission if the committee finds that the commission failed to comply with any election law, including that specified in s. 5.05 (21) (d), or provided erroneous guidance to municipal clerks or other election officials, as defined in s. 5.02 (4e). The committee may lapse from an appropriation specified in par. (a) 2. or 3. up to an amount equal to \$50,000 for each day of noncompliance or provision of erroneous guidance, as determined by the committee.

(c) Each request submitted under s. 16.004 (22) expires 45 days after the day the committee receives the request if the committee takes no action under this subsection within that time frame.

SECTION 3. 16.004 (22) of the statutes is created to read:

16.004 (22) REQUESTS RELATING TO ELECTION ADMINISTRATION. No later than 10 days after receiving each

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

report under s. 5.05 (21), the secretary shall submit a request to the joint committee on finance under s. 13.101 (18) that includes all of the following:

(a) A request to abolish one or more full-time equivalent positions or portions thereof in the elections commission and the departments of transportation, corrections, and health services or to maintain the existing level of authorized full-time equivalent positions in the commission or department or departments.

(b) A request to lapse moneys to the general fund from one or more appropriation accounts under ss.

20.410 (1) (a), 20.435 (1) (a), and 20.510 (1) (a) or to maintain the appropriation account's existing funding levels.

(c) A request to lapse moneys to the transportation fund from the appropriation account under s. 20.395 (4) (aq) or to maintain that appropriation account's existing funding levels.

SECTION 4. Nonstatutory provisions.

(1) RECONCILIATION PROVISION. This act is void unless either 2021 LRB-5268 or 2021 LRB-5930 is enacted into law in the 2021-22 legislative session.
