



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-6015/1  
MPG:amn

## 2021 ASSEMBLY BILL 1046

February 17, 2022 - Introduced by Representatives BEHNKE, ARMSTRONG, DITTRICH, GUNDRUM and MAGNAFICI, cosponsored by Senators TESTIN, NASS and BALLWEG. Referred to Committee on Campaigns and Elections.

- 1 **AN ACT to create** 5.09 of the statutes; **relating to:** reports and district attorney  
2 charging decisions concerning allegations of fraud or misconduct at an election.

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### *Analysis by the Legislative Reference Bureau*

Under this bill, each municipal clerk and board of election commissioners must keep a record of all complaints concerning allegations of election fraud or misconduct received by the clerk or board of election commissioners at an election. The bill requires the clerk or board of election commissioners, no later than 14 days after each election, to submit a report detailing each such allegation to the Elections Commission and to the district attorney for the county in which the municipality is located. Under the bill, no later than 30 days after each election, the Elections Commission must then compile and categorize the information it receives in those reports and submit to the legislature a report describing that information in detail and describing in detail each complaint, whether formal or informal, the commission received concerning allegations of fraud or misconduct in the election.

Additionally, the bill requires each district attorney receiving a report described above from a municipal clerk or board of election commissioners, no later than 30 days after each election, to investigate and make a charging decision with respect to each allegation contained in the report and inform the State Prosecutors Office in the Department of Administration of each charging decision.

Finally, under the bill, no later than 60 days after each election, the State Prosecutors Office must compile and categorize the information it receives from district attorneys concerning charging decisions and submit a report to the legislature describing that information in detail.

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For further information see the state and local 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.** 5.09 of the statutes is created to read:

2           **5.09 Reports concerning allegations of misconduct at an election. (1)**

3           DEFINITION. In this section, “department” means the department of administration,  
4           except that if the secretary of administration establishes a state prosecutors office  
5           within the department of administration, “department” means the state prosecutors  
6           office.

7           **(2) REQUIREMENTS.** (a) Each municipal clerk and board of election  
8           commissioners shall keep a record of all complaints concerning allegations of election  
9           fraud or misconduct received by the clerk or board of election commissioners at an  
10          election, and, no later than 14 days after each election, the clerk or board of election  
11          commissioners shall submit a report detailing each such allegation to the  
12          commission and to the district attorney for the county in which the municipality is  
13          located.

14          (b) No later than 30 days after each election, the commission shall compile and  
15          categorize the information it receives under par. (a) and submit to the legislature  
16          under s. 13.172 (2) a report describing that information in detail and,  
17          notwithstanding ss. 5.05 (5s) and 12.13 (5), describing in detail each complaint,  
18          whether formal or informal, the commission received concerning allegations of fraud  
19          or misconduct in the election.

20          (c) No later than 30 days after each election, each district attorney receiving  
21          a report under par. (a) shall investigate and make a charging decision with respect

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1 to each allegation contained in the report and inform the department of each  
2 charging decision.

3 (d) No later than 60 days after each election, the department shall compile and  
4 categorize the information it receives under par. (c) and submit a report to the  
5 legislature under s. 13.172 (2) describing that information in detail.

6 (END)