



## 2005 SENATE BILL 1

January 11, 2005 - Introduced by Senators ELLIS, COWLES, HARSDORF, A. LASEE and RISSER, cosponsored by Representatives McCORMICK, MUSSER, POPE-ROBERTS, HINES, ALBERS and HAHN. Referred to Committee on Campaign Finance Reform and Ethics.

1       **AN ACT** *to repeal* 5.05 (1) (a), 5.05 (5), 15.07 (1) (a) 2., 15.07 (5) (k), 15.07 (5) (n),  
2           15.61, 15.62, 19.47 (2), 19.47 (4), 20.510 (intro.), 20.510 (1) (title), 20.510 (1) (a),  
3           20.510 (1) (h), 20.510 (1) (i), 20.511 (1) (c), 20.521 (intro.), 20.521 (1) (title),  
4           20.521 (1) (a), 20.521 (1) (g), 20.521 (1) (i), 20.923 (4) (d) 3., 20.923 (4) (d) 4.,  
5           230.08 (2) (om) and 230.08 (2) (wm); **to renumber** 20.510 (1) (bm), 20.510 (1)  
6           (c), 20.510 (1) (d), 20.510 (1) (g), 20.510 (1) (j), 20.510 (1) (q), 20.510 (1) (t), 20.510  
7           (1) (x) and 20.521 (1) (b); **to renumber and amend** 15.03, 15.617 and 20.521  
8           (1) (h); **to amend** 5.02 (1s), 5.05 (title), 5.05 (1) (intro.), 5.05 (1) (b), 5.05 (6), 5.05  
9           (11), 5.40 (7), 5.62 (4) (b), 6.26 (2) (b), 6.26 (2) (c), 7.08 (title), 7.08 (7), 7.31 (5),  
10          7.60 (4) (a), 7.60 (5), 7.70 (1), 7.70 (5) (b), 8.05 (1) (j), 8.10 (5), 8.15 (4) (b), 8.18  
11          (2), 8.20 (6), 8.50 (3) (a), 8.50 (3) (e), 9.01 (1) (a), 9.01 (1) (ag) 4., 9.01 (1) (ar) 2.,  
12          9.01 (10), 11.21 (title), 11.21 (7) (intro.), 13.123 (3) (b) 2., 13.23, 13.62 (4), 13.685  
13          (title), 13.94 (1) (k), 14.58 (20), 15.07 (1) (cm), 15.07 (4), 16.79 (2), 16.96 (3) (b),  
14          16.973 (6), 17.17 (1), 17.17 (4), 19.42 (3), 19.42 (10) (a), 19.43 (4), 19.43 (5), 19.45

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1 (6), 19.46 (1) (intro.), 19.46 (2), 19.47 (5), 19.50 (2), 19.54 (2), 19.55 (1), 19.55 (2)  
2 (a) to (c), 19.59 (1) (g) 8., 19.85 (1) (h), 20.455 (1) (b), 20.923 (4) (intro.), 59.605  
3 (3) (a) 3., 67.05 (3) (b), 67.05 (6), 71.10 (3) (b), 73.0301 (1) (d) 13., 73.0301 (1) (e),  
4 85.61 (1), 117.20 (2), 117.27 (2) (b) (intro.), 121.91 (3) (c), 125.05 (1) (b) 10.,  
5 165.25 (1), 198.08 (10), 200.09 (11) (am) 3., 227.03 (6), 227.52 (6), 230.08 (4) (a),  
6 234.02 (3m) (c), 560.04 (2m), 778.135 and 778.136; **to repeal and recreate**  
7 19.579 and 71.10 (3) (b); and **to create** 5.05 (1m), 5.05 (2m), 5.05 (3m), 5.052,  
8 5.054, 5.066, 15.03 (2), 15.07 (1) (a) 2m., 15.07 (5) (m), 15.60, 15.603, 19.42 (13)  
9 (p), 20.511 (intro.) and (1) (title) and (a), 20.511 (1) (h) and (i), 20.511 (2), 20.923  
10 (4) (e) 2e., 20.923 (4) (f) 3j., 165.25 (4) (e), 227.03 (6m), 230.08 (2) (e) 4h. and  
11 230.08 (2) (on) of the statutes; **relating to:** creation of a Government  
12 Accountability Board, making appropriations, and providing penalties.

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

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

Currently, the Ethics Board consists of six members. Members of the Ethics Board are nominated by the governor, and with the advice and consent of the senate appointed, to serve for staggered six-year terms. All members must be U.S. citizens and residents of this state, and no member may hold any other office or employment in the government of this state or any political subdivision thereof or in any state department. In addition, no member, for one year immediately prior to the date of appointment, may have been, and no member, while serving on the Ethics Board, may become, a member of a political party, an officer or member of a committee in any partisan political club or organization, or a candidate for any partisan office.

This bill abolishes both boards and replaces them with a Government Accountability Board. Under the bill, the board is composed of at least six members

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serving for staggered four-year terms. Four members are nominated by the governor and appointed with the advice and consent of the senate. The governor also appoints one member to represent each political party whose candidate for a statewide state office receives at least one percent of the vote at the general election, who is designated by the chief officer of that party. Each of the four members who is not appointed to represent a political party must be appointed from nominations submitted by a Government Accountability Candidate Committee, which consists of nine members, including the chief justice of the supreme court, the dean of the University of Wisconsin law school, the dean of the Marquette University law school, and the chief officer of each of the following organizations or their successor organizations: a) the Wisconsin Counties Association; b) the Wisconsin Towns Association; c) the League of Wisconsin Municipalities; d) the League of Women Voters of Wisconsin; e) the Wisconsin Newspaper Association; and f) the State Bar of Wisconsin. The votes of six members of the committee are required to nominate a candidate. No member of the Government Accountability Board may hold a position that is subject to the code of ethics for state public officials or the code of ethics for local public officials. No member, other than a political party designee, for one year immediately prior to the date of appointment, may have been, and no member while serving on the board may become, a member of a political party, an officer or member of a committee in any partisan political club or organization, or a candidate for any partisan office. No member may be a lobbyist or an employee of a principal (person who employs a lobbyist).

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

The bill also permits the executive director to appoint up to two other division administrators outside the classified service. The bill authorizes one new executive director position for the board, plus one new division administrator position, one new attorney position, and one new investigator position for the Enforcement Division. In addition, all members of the existing staffs of the Elections Board and Ethics Board and their positions are transferred to the Government Accountability Board and the staff members who have civil service rights retain those rights.

The Enforcement Division is empowered to investigate violations and bring civil and criminal actions to enforce the elections, ethics, and lobbying regulation laws. However, before bringing an action to prosecute any alleged criminal violation, the division must provide written notice to the district attorney for the county where the alleged violation occurs. If the district attorney fails to prosecute within 30 days after receiving the notice or declines to prosecute, the division may then prosecute the alleged violation. Under current law, the Elections Board and Ethics Board share civil enforcement authority with district attorneys and in some cases with the attorney general; and the district attorneys, and in some cases the attorney general, exercise criminal enforcement authority. Under the bill, the Enforcement Division

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has independent authority to investigate and prosecute violations of the elections, ethics, and lobbying regulation laws without the consent of the Government Accountability Board. The bill permits the Enforcement Division to request investigatory and prosecutorial assistance from the Department of Justice and directs the Department of Justice to provide such assistance upon request. The bill also permits the division to appoint special counsel, to be paid from a sum sufficient appropriation from general purpose revenue, to assist the division. Under the bill, the Enforcement Division is bound by applicable laws, rules, formal opinions, and actions of the board, except that the division may nonacquiesce in any formal opinion or action of the board by publishing a notice of nonacquiescence in the Wisconsin Administrative Register. Thereafter, the division is not bound by that opinion or action.

Currently, the Elections and Ethics boards have sum certain appropriations derived from state general purpose revenue. In addition, both boards finance some of their operations with program revenue. This bill creates a separate appropriation for the Enforcement Division funded from general purpose revenue. The bill requires the board to forward the division's budget requests to the Department of Administration without change, except as concurred in by the division. Under the bill, the Enforcement Division may request supplementation of its appropriation by the Joint Committee on Finance without concurrence of the board.

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

The bill provides for the bill to become law on November 1, 2005, after which date the members of the Government Accountability Board may be appointed and take office, the board may employ staff and the board may expend moneys from its appropriations. However, the existing Elections Board and Ethics Board continue in operation until May 1, 2006, and the Government Accountability Board may not exercise administrative or enforcement authority until that date. The bill also provides that the director of the Legislative Council Staff shall serve as executive

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director of the Government Accountability Board, without additional compensation, until the initial executive director of the Government Accountability Board is appointed and qualified, and may exercise all of the functions of the executive director of the Government Accountability Board, the enforcement division, and the administrator of the enforcement division, including the retention and termination of all staff not transferred to the board under the bill.

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

2           5.02 (1s) "Board" means the elections government accountability board.

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

4           **5.05** (title) **Elections Government accountability board; powers and**  
5 **duties.**

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

7           5.05 (1) GENERAL AUTHORITY. (intro.) The elections government accountability  
8 board shall have the responsibility for the administration of chs. 5 to 12 and other  
9 laws relating to elections and election campaigns. Pursuant to such responsibility,  
10 the board may:

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

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

13           5.05 (1) (b) In the discharge of its duties and ~~upon~~ after providing notice to the  
14 any party or parties being investigated who is the subject of an investigation,  
15 subpoena and bring before it any person ~~in the state~~ and require the production of  
16 any papers, books, or other records relevant to an investigation. A circuit court may  
17 by order permit the inspection, and copying of the accounts and the depositor's and  
18 loan records at any financial institution, as defined in s. 705.01 (3), doing business

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1 in the state to obtain evidence of any violation of ch. 11 upon showing by the board  
2 of probable cause to believe there is a violation and that such accounts and records  
3 may have a substantial relation to the violation. In the discharge of its duties, the  
4 board may cause the deposition of witnesses to be taken in the manner prescribed  
5 for taking depositions in civil actions in circuit court. The board shall delegate to the  
6 enforcement division the power to issue subpoenas and to obtain search warrants  
7 under this paragraph on behalf of the board. The delegation is supplemental to the  
8 board's exercise of direct authority under this paragraph.

9 **SECTION 6.** 5.05 (1m) of the statutes is created to read:

10 5.05 **(1m)** EXECUTIVE DIRECTOR; LEGAL COUNSEL. The board shall employ an  
11 executive director outside the classified service and shall employ legal counsel to  
12 perform legal services outside the enforcement division.

13 **SECTION 7.** 5.05 (2m) of the statutes is created to read:

14 5.05 **(2m)** ENFORCEMENT DIVISION. (a) The enforcement division shall  
15 investigate and prosecute alleged violations of laws administered by the board  
16 pursuant to all statutes granting or assigning that authority or responsibility to the  
17 board. The enforcement division shall prosecute civil and criminal actions brought  
18 by the board and shall assist the district attorneys and the attorney general in  
19 prosecuting criminal actions referred to them by the division.

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

23 (c) 1. The board shall employ at least one full-time attorney and at least one  
24 full-time investigator within the enforcement division. Except as provided in subd.  
25 2., the enforcement division may, with or without approval of the board, investigate

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1 or prosecute any civil or criminal violation of chs. 5 to 12, subch. III of ch. 13, or subch.  
2 III of ch. 19 in the name of the board. The jurisdiction of the enforcement division  
3 is concurrent with the jurisdiction of the board, the district attorneys, and the  
4 attorney general to conduct investigations and enforce these laws. The enforcement  
5 division may request assistance from the department of justice to conduct  
6 investigations and prosecute violations of these laws.

7 2. Prior to commencing any criminal prosecution with respect to an alleged  
8 violation of chs. 5 to 12, subch. III of ch. 13. or subch. III of ch. 19, the enforcement  
9 division shall provide written notice to the district attorney for the county in which  
10 the violation is alleged to have occurred. If the district attorney notifies the division  
11 in writing that he or she will not commence a criminal prosecution with respect to  
12 that alleged violation or the district attorney fails to commence a criminal  
13 prosecution with respect to that alleged violation within 30 days after receiving  
14 notice from the division, the division may commence a criminal prosecution with  
15 respect to that alleged violation.

16 (d) 1. The enforcement division may employ special counsel to investigate any  
17 alleged violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, to bring  
18 any action authorized to be brought by the enforcement division or the board, or to  
19 enforce any order of the enforcement division or the board.

20 2. When special counsel is employed, a contract in writing shall be entered into  
21 between the state and such counsel, in which shall be fixed the compensation to be  
22 paid such counsel by the state. The contract shall be executed on behalf of the state  
23 by the administrator of the enforcement division, who shall file the contract in the  
24 office of the secretary of state. The compensation shall be charged to the  
25 appropriation under s. 20.455 (1) (b).

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1           3. Upon employment of special counsel, the administrator of the enforcement  
2 division shall certify the maximum amount provided in the employment contract to  
3 the secretary of administration, and direct the department of administration to pay  
4 special counsel bills related to that case within the certified amount.

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

10           (f) The enforcement division may request that the joint committee on finance  
11 supplement the appropriation under s. 20.511 (2) (a) without concurrence of the  
12 board.

13           **SECTION 8.** 5.05 (3m) of the statutes is created to read:

14           **5.05 (3m) CHIEF ELECTION OFFICER.** The board shall designate an employee of  
15 the board to serve as the chief election officer of this state.

16           **SECTION 9.** 5.05 (5) of the statutes is repealed.

17           **SECTION 10.** 5.05 (6) of the statutes is amended to read:

18           **5.05 (6) FORMAL OPINIONS.** Any interested person may make written request to  
19 the ~~board~~ executive director of the board to issue a formal opinion with respect to the  
20 person's authority or responsibilities under chs. 5 to 12. The ~~board~~ executive director  
21 shall within 15 days advise the person requesting an opinion whether or not a formal  
22 opinion will be issued. If a formal opinion will be issued, it shall be issued within 30  
23 days of the request. The executive director may consult with the board before issuing  
24 a formal opinion. No person acting in good faith upon a formal opinion issued to the  
25 person by the ~~board~~ executive director shall be subject to civil or criminal prosecution



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1 for so acting, if the material facts are as stated in the opinion request. Nothing in  
2 this subsection requires the issuance of an opinion by the board executive director,  
3 nor precludes it the executive director from issuing an opinion or ruling in any other  
4 manner.

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

6 5.05 (11) AIDS TO COUNTIES AND MUNICIPALITIES. From the appropriations under  
7 s. ~~20.510~~ 20.511 (1) (t) and (x), the board may provide financial assistance to eligible  
8 counties and municipalities for election administration costs in accordance with the  
9 plan adopted under sub. (10). As a condition precedent to receipt of assistance under  
10 this subsection, the board shall enter into an agreement with the county or  
11 municipality receiving the assistance specifying the intended use of the assistance  
12 and shall ensure compliance with the terms of the agreement. Each agreement shall  
13 provide that if the federal government objects to the use of any assistance moneys  
14 provided to the county or municipality under the agreement, the county or  
15 municipality shall repay the amount of the assistance provided to the board.

16 **SECTION 12.** 5.052 of the statutes is created to read:

17 **5.052 Government accountability candidate committee.** (1) The  
18 government accountability candidate committee shall organize whenever a vacancy  
19 occurs in the membership of the board that requires a nomination to be submitted  
20 to the governor under s. 15.60 (2). At its first meeting after each organization, the  
21 committee shall elect a chairperson and vice chairperson.

22 (2) No person may be nominated by the committee unless the person receives  
23 the votes of at least 6 members.

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

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1 (a) To fill one vacancy, 2 nominations.

2 (b) To fill 2 vacancies, 3 nominations.

3 (c) To fill 3 vacancies, 5 nominations.

4 (d) To fill 4 vacancies, 6 nominations.

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

7 **SECTION 13.** 5.054 of the statutes is created to read:

8 **5.054 Duties of the executive director.** The executive director of the board  
9 shall:

10 **(1)** Whenever a vacancy occurs on the board, call a meeting of the government  
11 accountability candidate committee.

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

14 **SECTION 14.** 5.066 of the statutes is created to read:

15 **5.066 Complaints and decision-making procedure.** **(1)** In this section:

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

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

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

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

22 **(2)** Any person may file a verified complaint with the division alleging a  
23 violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19. The division shall  
24 investigate the complaint unless the division finds the complaint to be without merit.  
25 The division may, on its own motion or upon direction of the board, investigate any

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1 potential violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 whenever  
2 the division has probable cause to believe that a violation has occurred.

3 (3) If the complaint concerns a question as to whether an election official or a  
4 private person is acting in conformity with the law or rules of the board, the person  
5 filing the complaint shall serve a copy of the complaint upon that official or private  
6 person and that official or private person shall be a party to the case. An election  
7 official or private person may move to dismiss a complaint if it is clearly without  
8 merit. If the division finds, in response to a motion, that a complaint is clearly  
9 without merit, the division shall dismiss the complaint.

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

13 (5) The division may order an election official or a private person to act in  
14 conformity with chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 or rules of the  
15 board, or may, by order, impose a civil penalty under s. 11.60 or 12.60 (1) (c) or (d),  
16 13.69, or 19.579 for any violation of ch. 11 or 12, subch. III of ch. 13, or subch. III of  
17 ch. 19 for which a civil penalty is applicable.

18 (6) The division may, in the discharge of its functions under this section and  
19 after providing notice to any party who is the subject of an investigation, subpoena  
20 and bring before it any person and require the production of any papers, books, or  
21 other records relevant to an investigation. A circuit court may by order permit the  
22 inspection and copying of the accounts and the depositor's and loan records at any  
23 financial institution, as defined in s. 705.01 (3), doing business in this state to obtain  
24 evidence of any violation of ch. 11 or 12, subch. III of ch. 13, or subch. III of ch. 19  
25 upon a showing by the division of probable cause to believe there is a violation and

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1 that such accounts and records may have a substantial relation to the violation. In  
2 the discharge of its functions under this section, the division may cause the  
3 deposition of witnesses to be taken in the manner prescribed for taking depositions  
4 in civil actions in circuit court.

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

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

19 (9) If a proposed decision of the division is appealed to the board, the board shall  
20 hear the appeal at its next meeting occurring at least 3 working days after the appeal  
21 is received by the board. In reviewing the decision of the division, the board is not  
22 bound by any finding of fact that is contested or any conclusion of law made by the  
23 division. After hearing the appeal, the board may issue a decision, which shall  
24 include findings of fact and conclusions of law. In its decision, the board may affirm,  
25 modify, or reverse an order issued by the division under sub. (5), and may order an

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

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

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

20 **(12)** When the enforcement division issues an order imposing a forfeiture  
21 under s. 11.60, 12.60 (1) (c) or (d), 13.69, or 19.579 that is not appealed in a timely  
22 manner under sub. (8) or (11), or when the board issues an order imposing a forfeiture  
23 under s. 11.60, 12.60 (1) (c) or (d), 13.69, or 19.579 and the period allowed under s.  
24 227.57 for judicial review of the order expires, the division or board may file a copy  
25 of its order with the clerk of circuit court for Dane County. The clerk shall thereupon

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1 enter the order in the judgment and lien docket in the same manner as provided for  
2 entry of civil judgments under s. 806.10. The division or board may also enter the  
3 order on the judgment and lien docket of any other county under s. 806.13. The order  
4 may be enforced and satisfied in the same manner as provided for enforcement and  
5 satisfaction of civil judgments.

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

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

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

16 **SECTION 15.** 5.40 (7) of the statutes is amended to read:

17 5.40 (7) Whenever a municipality adopts and purchases voting machines or an  
18 electronic voting system, or adopts and purchases a different type of voting machine  
19 or electronic voting system from the type it was previously using, the municipal clerk  
20 or executive director of the municipal board of election commissioners shall promptly  
21 notify the county clerk or executive director of the county board of election  
22 commissioners and the executive director of the elections government accountability  
23 board in writing.

24 **SECTION 16.** 5.62 (4) (b) of the statutes is amended to read:

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

6           **SECTION 17.** 6.26 (2) (b) of the statutes is amended to read:

7           6.26 (2) (b) The municipal clerk, board of election commissioners, or ~~elections~~  
8           government accountability board may appoint any applicant who qualifies under  
9           this subsection, unless the applicant's appointment has been revoked by a  
10          municipality or by the board for cause. The municipal clerk, board of election  
11          commissioners, or ~~elections~~ government accountability board may revoke an  
12          appointment made by the clerk, board of election commissioners, or ~~elections~~  
13          government accountability board for cause at any time.

14          **SECTION 18.** 6.26 (2) (c) of the statutes is amended to read:

15          6.26 (2) (c) No individual may serve as a special registration deputy in a  
16          municipality unless the individual is appointed by the municipal clerk or board of  
17          election commissioners of the municipality or the individual is appointed by the  
18          ~~elections~~ government accountability board to serve all municipalities.

19          **SECTION 19.** 7.08 (title) of the statutes is amended to read:

20          **7.08** (title) **Elections Government accountability board.**

21          **SECTION 20.** 7.08 (7) of the statutes is amended to read:

22          7.08 (7) **VOTING SYSTEM TRANSITIONAL ASSISTANCE.** From the appropriation under  
23          s. ~~20.510 (1) (e)~~ 20.511 (1) (c), provide assistance to municipalities that used punch  
24          card electronic voting systems at the 2001 spring election to enable the

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1 municipalities to employ another type of electronic voting system, and provide  
2 training for election officials in the use of replacement systems.

3 **SECTION 21.** 7.31 (5) of the statutes is amended to read:

4 7.31 (5) The board shall conduct regular training programs to ensure that  
5 individuals who are certified by the board under this section are knowledgeable  
6 concerning their authority and responsibilities. The board shall pay all costs  
7 required to conduct the training programs from the appropriation under s. ~~20.510 (1)~~  
8 ~~(bm)~~ 20.511 (1) (bm).

9 **SECTION 22.** 7.60 (4) (a) of the statutes is amended to read:

10 7.60 (4) (a) The board of canvassers shall make separate duplicate statements  
11 showing the numbers of votes cast for the offices of president and vice president; state  
12 officials; U.S. senators and representatives in congress; state legislators; justice;  
13 court of appeals judge; circuit judges; district attorneys; and metropolitan sewerage  
14 commissioners, if the commissioners are elected under s. 200.09 (11) (am). If a  
15 municipal judge elected under s. 755.01 (4) serves a municipality that is located  
16 partially within the county and candidates for that judgeship file nomination papers  
17 in another county, the board of canvassers shall prepare a duplicate statement  
18 showing the numbers of votes cast for that judgeship in that county for transmittal  
19 to the other county. For partisan candidates, the statements shall include the  
20 political party or principle designation, if any, next to the name of each candidate.  
21 The board of canvassers shall also prepare a statement showing the results of any  
22 county, technical college district, or statewide referendum. Each statement shall  
23 state the total number of votes cast in the county for each office; the names of all  
24 persons for whom the votes were cast, as returned; the number of votes cast for each  
25 person; and the number of votes cast for and against any question submitted at a



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1 referendum. The board of canvassers shall use one copy of each duplicate statement  
2 to report to the elections government accountability board, technical college district  
3 board, or board of canvassers of any other county and shall file the other statement  
4 in the office of the county clerk or board of election commissioners.

5 **SECTION 23.** 7.60 (5) of the statutes is amended to read:

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

24 (b) If the board of canvassers becomes aware of a material mistake in the  
25 canvass of an election for state or national office or a statewide or technical college

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1 district referendum prior to the close of business on the day the elections government  
2 accountability board receives returns from the last county board of canvassers with  
3 respect to that canvass, the board of canvassers may petition the elections  
4 government accountability board to reopen and correct the canvass. The elections  
5 government accountability board shall direct the canvass to be reopened and  
6 corrected if it determines that the public interest so requires. If the elections  
7 government accountability board directs the canvass to be reopened, the board of  
8 canvassers shall reconvene and transmit a certified corrected copy of the canvass  
9 statement to the elections government accountability board or secretary of the  
10 technical college district board.

11 **SECTION 24.** 7.70 (1) of the statutes is amended to read:

12 7.70 (1) RECORDING AND PRESERVING RETURNS. (a) Upon receipt of the certified  
13 statements from the county clerks, the elections board shall record the election  
14 results by counties and file and carefully preserve the statements.

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

21 **SECTION 25.** 7.70 (5) (b) of the statutes is amended to read:

22 7.70 (5) (b) For presidential electors, the elections board shall prepare a  
23 certificate showing the determination of the results of the canvass and the names of  
24 the persons elected, and the governor shall sign, affix the great seal of the state, and  
25 transmit the certificate by registered mail to the U.S. administrator of general

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1 services. The governor shall also prepare 6 duplicate originals of such certificate and  
2 deliver them to one of the presidential electors on or before the first Monday after the  
3 2nd Wednesday in December.

4 **SECTION 26.** 8.05 (1) (j) of the statutes is amended to read:

5 8.05 (1) (j) The municipal clerk shall notify in writing each candidate whose  
6 name is certified as a nominee under par. (h) of his or her nomination. If a municipal  
7 judge is elected under s. 755.01 (4), the county clerk of the county having the largest  
8 portion of the population in the jurisdiction served by the judge shall make the  
9 notification. Upon receipt of the notice, each candidate shall file a declaration of  
10 candidacy in the manner prescribed by s. 8.21 with the municipal clerk making the  
11 notification no later than 5 p.m. on the 5th day after the notification is mailed or  
12 personally delivered to the candidate by the municipal clerk, except as authorized  
13 in this paragraph. If an incumbent whose name is certified as a nominee fails to file  
14 a declaration of candidacy within the time prescribed by this paragraph, each  
15 certified candidate for the office held by the incumbent, other than the incumbent,  
16 may file a declaration of candidacy no later than 72 hours after the latest time  
17 prescribed in this paragraph. If the candidate has not filed a registration statement  
18 under s. 11.05 at the time of the notification, the candidate shall file the statement  
19 with the declaration. A candidate for municipal judge shall also file a statement of  
20 economic interests with the ethics board under s. 19.43 (4) no later than 4:30 p.m.  
21 on the 5th day after notification of nomination is mailed or personally delivered to  
22 the candidate, or no later than 4:30 p.m. on the next business day after the last day  
23 for filing a declaration of candidacy whenever that candidate is granted an extension  
24 of time for filing a declaration of candidacy under this paragraph. Upon receipt of  
25 the declaration of candidacy and registration statement of each qualified candidate,

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1 and upon filing of a statement of economic interests by each candidate for municipal  
2 judge, the municipal clerk, or the county clerk if the judge is elected under s. 755.01  
3 (4), shall place the name of the candidate on the ballot. No later than the end of the  
4 3rd day following qualification by all candidates, the municipal clerk, or the county  
5 clerk if the judge is elected under s. 755.01 (4), shall draw lots to determine the  
6 arrangement of candidates' names on the spring election ballot.

7 **SECTION 27.** 8.10 (5) of the statutes is amended to read:

8 8.10 (5) Nomination papers shall be accompanied by a declaration of candidacy  
9 under s. 8.21. If a candidate has not filed a registration statement under s. 11.05 at  
10 the time he or she files nomination papers, the candidate shall file the statement  
11 with the papers. A candidate for state office or municipal judge shall also file a  
12 statement of economic interests with the ethics board under s. 19.43 (4) no later than  
13 4:30 p.m. on the 3rd day following the last day for filing nomination papers under  
14 sub. (2) (a), or no later than 4:30 p.m. on the next business day after the last day  
15 whenever that candidate is granted an extension of time for filing nomination papers  
16 under sub. (2) (a).

17 **SECTION 28.** 8.15 (4) (b) of the statutes is amended to read:

18 8.15 (4) (b) Nomination papers shall be accompanied by a declaration of  
19 candidacy under s. 8.21. If a candidate for state or local office has not filed a  
20 registration statement under s. 11.05 at the time he or she files nomination papers,  
21 the candidate shall file the statement with the papers. A candidate for state office  
22 shall also file a statement of economic interests with the ethics board under s. 19.43  
23 (4) no later than 4:30 p.m. on the 3rd day following the last day for filing nomination  
24 papers under sub. (1), or no later than 4:30 p.m. on the next business day after the

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1 last day whenever that candidate is granted an extension of time for filing  
2 nomination papers under sub. (1).

3 **SECTION 29.** 8.18 (2) of the statutes is amended to read:

4 8.18 (2) The purpose of the convention is to nominate one presidential elector  
5 from each congressional district and 2 electors from the state at large. The names  
6 of the nominees shall be certified immediately by the chairperson of the state  
7 committee of each party to the chairperson of the elections board.

8 **SECTION 30.** 8.20 (6) of the statutes is amended to read:

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

18 **SECTION 31.** 8.50 (3) (a) of the statutes is amended to read:

19 8.50 (3) (a) Nomination papers may be circulated no sooner than the day the  
20 order for the special election is filed and shall be filed not later than 5 p.m. 28 days  
21 before the day that the special primary will or would be held, if required, except when  
22 a special election is held concurrently with the spring election or general election, the  
23 deadline for filing nomination papers shall be specified in the order and the date shall  
24 be no earlier than the date provided in s. 8.10 (2) (a) or 8.15 (1), respectively, and no  
25 later than 35 days prior to the date of the spring or September primary. Nomination

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1 papers may be filed in the manner specified in s. 8.10, 8.15, or 8.20. Each candidate  
2 shall file a declaration of candidacy in the manner provided in s. 8.21 no later than  
3 the latest time provided in the order for filing nomination papers. If a candidate for  
4 state or local office has not filed a registration statement under s. 11.05 at the time  
5 he or she files nomination papers, the candidate shall file the statement with the  
6 papers. A candidate for state office shall also file a statement of economic interests  
7 with the ethics board no later than the end of the 3rd day following the last day for  
8 filing nomination papers specified in the order.

9 **SECTION 32.** 8.50 (3) (e) of the statutes is amended to read:

10 8.50 (3) (e) In a special election for a state or national office, the county clerk  
11 or board of election commissioners shall transmit the statement of the county board  
12 of canvassers to the elections government accountability board no later than 7 days  
13 after the special primary and 13 days after the special election.

14 **SECTION 33.** 9.01 (1) (a) of the statutes is amended to read:

15 9.01 (1) (a) Any candidate voted for at any election or any elector who voted  
16 upon any referendum question at any election may request a recount. The petitioner  
17 shall file a verified petition or petitions with the proper clerk or body under par. (ar)  
18 not earlier than the time of completion of the canvass and not later than 5 p.m. on  
19 the 3rd business day following the last meeting day of the municipal or county board  
20 of canvassers determining the election for that office or on that referendum question  
21 or, if more than one board of canvassers makes the determination not later than 5  
22 p.m. on the 3rd business day following the last meeting day of the last board of  
23 canvassers which makes a determination. If the chairperson of the board or  
24 chairperson's designee makes the determination for the office or the referendum  
25 question, the petitioner shall file the petition not earlier than the last meeting day

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1 of the last county board of canvassers to make a statement in the election or  
2 referendum and not later than 5 p.m. on the 3rd business day following the day on  
3 which the ~~elections~~ government accountability board receives the last statement  
4 from a county board of canvassers for the election or referendum. Each verified  
5 petition shall state that at the election the petitioner was a candidate for the office  
6 in question or that he or she voted on the referendum question in issue; that the  
7 petitioner is informed and believes that a mistake or fraud has been committed in  
8 a specified ward or municipality in the counting and return of the votes cast for the  
9 office or upon the question; or shall specify any other defect, irregularity, or illegality  
10 in the conduct of the election. The petition shall specify each ward, or each  
11 municipality where no wards exist, in which a recount is desired. If a recount is  
12 requested for all wards within a jurisdiction, each ward need not be specified. The  
13 petition may be amended to include information discovered as a result of the  
14 investigation of the board of canvassers or the chairperson of the board or  
15 chairperson's designee after the filing of the petition, if the petitioner moves to  
16 amend the petition as soon as possible after the petitioner discovered or reasonably  
17 should have discovered the information which is the subject of the amendment and  
18 the petitioner was unable to include information in the original petition.

19 **SECTION 34.** 9.01 (1) (ag) 4. of the statutes is amended to read:

20 9.01 (1) (ag) 4. The board shall deposit all moneys received by it into the account  
21 under s. ~~20.510 (1) (g)~~ 20.511 (1) (g), and shall pay the fees required for each recount  
22 to the county clerks of the counties in which the recount is to be held. The county  
23 clerk shall deposit fees received by him or her with the county treasurer. The  
24 municipal clerk shall deposit fees received by him or her with the municipal  
25 treasurer.

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1           **SECTION 35.** 9.01 (1) (ar) 2. of the statutes is amended to read:

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

5           **SECTION 36.** 9.01 (10) of the statutes is amended to read:

6           9.01 (10) STANDARD FORMS AND METHODS. The elections board shall prescribe  
7 standard forms and procedures for the making of recounts under this section.

8           **SECTION 37.** 11.21 (title) of the statutes is amended to read:

9           **11.21 (title) Duties of the elections board.**

10          **SECTION 38.** 11.21 (7) (intro.) of the statutes is amended to read:

11          11.21 (7) (intro.) Include in its biennial report under s. ~~5.05 (5)~~ 15.04 (1) (d)  
12 compilations of any of the following in its discretion:

13          **SECTION 39.** 13.123 (3) (b) 2. of the statutes is amended to read:

14          13.123 (3) (b) 2. In making the determination under subd. 1., the chief clerk is  
15 bound by the determination of the chairperson of the elections government  
16 accountability board or the chairperson's designee if such determination has been  
17 issued.

18          **SECTION 40.** 13.23 of the statutes is amended to read:

19          **13.23 Election contests; notice.** Any person wishing to contest the election  
20 of any senator or member of the assembly shall, within 30 days after the decision of  
21 the board of canvassers, serve a notice in writing on the person whose election the  
22 contestant intends to contest, stating briefly that the election will be contested and  
23 the cause of such contest, and shall file a copy thereof in the office of the elections  
24 government accountability board at least 10 days before the day fixed by law for the  
25 meeting of the legislature. The elections government accountability board shall then



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1 send a copy of s. 13.24 to both contestants. If any contestant fails to so file a copy of  
2 such notice, the contestant shall not be entitled to any mileage or salary in case  
3 payment has been made therefor to the sitting member.

4 **SECTION 41.** 13.62 (4) of the statutes is amended to read:

5 13.62 (4) "Board" means the ethics government accountability board.

6 **SECTION 42.** 13.685 (title) of the statutes is amended to read:

7 **13.685** (title) **Duties of the ethics government accountability board.**

8 **SECTION 43.** 13.94 (1) (k) of the statutes is amended to read:

9 13.94 (1) (k) Provide auditing services at the direction of the ~~elections~~  
10 government accountability board under s. 5.05 (2).

11 **SECTION 44.** 14.58 (20) of the statutes is amended to read:

12 14.58 (20) ELECTION CAMPAIGN FUND. Make disbursements to each candidate  
13 certified under s. 7.08 (2) (c) or (cm) by the ~~elections~~ government accountability board  
14 as eligible to receive moneys from the Wisconsin election campaign fund.

15 **SECTION 45.** 15.03 of the statutes is renumbered 15.03 (intro.) and amended  
16 to read:

17 **15.03 Attachment for limited purposes.** (intro.) Any division, office,  
18 commission, council or board attached under this section to a department or  
19 independent agency or a specified division thereof shall be a distinct unit of that  
20 department, independent agency or specified division. Any division, office,  
21 commission, council or board so attached shall exercise its powers, duties and  
22 functions prescribed by law, including rule making, licensing and regulation, and  
23 operational planning within the area of program responsibility of the division, office,  
24 commission, council or board, independently of the head of the department or  
25 independent agency, but budgeting, program coordination and related management

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1 functions shall be performed under the direction and supervision of the head of the  
2 department or independent agency, except that with:

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

9 **SECTION 46.** 15.03 (2) of the statutes is created to read:

10 15.03 (2) ENFORCEMENT DIVISION OF GOVERNMENT ACCOUNTABILITY BOARD. With  
11 respect to the enforcement division of the government accountability board, all  
12 budget requests by the division shall be submitted by the board to the department  
13 of administration without change except as concurred in by the division.

14 **SECTION 47.** 15.07 (1) (a) 2. of the statutes is repealed.

15 **SECTION 48.** 15.07 (1) (a) 2m. of the statutes is created to read:

16 15.07 (1) (a) 2m. Members of the government accountability board shall be  
17 appointed as provided in s. 15.60.

18 **SECTION 49.** 15.07 (1) (cm) of the statutes is amended to read:

19 15.07 (1) (cm) ~~The term of one member of the ethics board shall expire on each~~  
20 ~~May 1.~~ The terms of 3 members of the development finance board appointed under  
21 s. 15.155 (1) (a) 6. shall expire on May 1 of every even-numbered year and the terms  
22 of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of  
23 every odd-numbered year. The terms of the 3 members of the land and water  
24 conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1.  
25 The term of the member of the land and water conservation board appointed under

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1 s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of  
2 members of the real estate board shall expire on July 1. The terms of the appraiser  
3 members of the real estate appraisers board and the terms of the auctioneer and  
4 auction company representative members of the auctioneer board shall expire on  
5 May 1 in an even-numbered year.

6 **SECTION 50.** 15.07 (4) of the statutes is amended to read:

7 15.07 (4) **QUORUM.** A majority of the membership of a board constitutes a  
8 quorum to do business and, unless a more restrictive provision is adopted by the  
9 board, a majority of a quorum may act in any matter within the jurisdiction of the  
10 board. This subsection does not apply to actions of ~~the ethics board or the school~~  
11 ~~district boundary appeal board as provided in ss. 19.47 (4) and s. 117.05 (2) (a).~~

12 **SECTION 51.** 15.07 (5) (k) of the statutes is repealed.

13 **SECTION 52.** 15.07 (5) (m) of the statutes is created to read:

14 15.07 (5) (m) Members of the government accountability board, \$25 per day.

15 **SECTION 53.** 15.07 (5) (n) of the statutes is repealed.

16 **SECTION 54.** 15.60 of the statutes is created to read:

17 **15.60 Government accountability board; creation.** (1) There is created  
18 a government accountability board consisting of 4 persons who shall be nominated  
19 by the governor and appointed with the advice and consent of the senate, and one  
20 person appointed by the governor to represent each political party whose candidate  
21 for governor, attorney general, secretary of state, or state treasurer received at least  
22 one percent of the vote in the most recent general election who shall be designated  
23 by the chief officer of that party. Members shall serve for 4-year terms.

24 (2) (a) All members of the board who are nominated by the governor subject to  
25 the advice and consent of the senate shall be appointed from nominations submitted

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1 to the governor by a nominating committee to be called the governmental  
2 accountability candidate committee, which shall consist of the following:

3 1. The chief justice of the supreme court.

4 2. The dean of the Marquette University law school.

5 3. The dean of the University of Wisconsin law school.

6 4. The chief officer of each of the following organizations, or if any of the  
7 following organization ceases to exist, the organization determined by the governor  
8 to be the successor organization representing interests substantially similar to the  
9 predecessor organization:

10 a. The Wisconsin Counties Association.

11 b. The Wisconsin Towns Association.

12 c. The League of Wisconsin Municipalities.

13 d. The League of Women Voters of Wisconsin.

14 e. The Wisconsin Newspaper Association.

15 f. The state bar of Wisconsin.

16 **(3)** No member, other than a member who is appointed to represent a political  
17 party, may be a state public official or a local public official, as defined in s. 19.42.

18 **(4)** No member, other than a member who is appointed to represent a political  
19 party, for one year immediately prior to the date of appointment may have been, or  
20 while serving on the board may become, a member of a political party, an officer or  
21 member of a committee in any partisan political club or organization, or a candidate  
22 for any partisan elective public office.

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

25 **SECTION 55.** 15.603 of the statutes is created to read:

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

8           **SECTION 56.** 15.61 of the statutes is repealed.

9           **SECTION 57.** 15.617 of the statutes is renumbered 15.607, and 15.607 (1) of the  
10 statutes, as renumbered, is amended to read:

11           **15.607 (1) ELECTION ADMINISTRATION COUNCIL.** There is created in the ~~elections~~  
12 government accountability board an election administration council consisting of  
13 members appointed by the executive director of the ~~elections~~ government  
14 accountability board, including the clerk or executive director of the board of election  
15 commissioners of the 2 counties or municipalities in this state having the largest  
16 population, one or more election officials of other counties or municipalities,  
17 representatives of organizations that advocate for the interests of individuals with  
18 disabilities and organizations that advocate for the interests of the voting public, and  
19 other electors of this state.

20           **SECTION 58.** 15.62 of the statutes is repealed.

21           **SECTION 59.** 16.79 (2) of the statutes is amended to read:

22           **16.79 (2)** The department shall distribute in pamphlet form copies of the  
23 constitution and such laws as may be required to meet the public demand, including  
24 the election laws. The department shall distribute election manuals, forms, and  
25 supplies specified by the ~~elections~~ government accountability board. The laws,

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1 manuals, forms, and supplies shall be sold by the department at cost, including  
2 distribution cost as determined under s. 35.80. The elections government  
3 accountability board shall inform the department in writing as to which election  
4 manuals, forms, and supplies shall be offered for distribution under this subsection.

5 **SECTION 60.** 16.96 (3) (b) of the statutes is amended to read:

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

10 **SECTION 61.** 16.973 (6) of the statutes is amended to read:

11 16.973 (6) With the advice of the ~~ethics~~ government accountability board, adopt  
12 and enforce standards of ethical conduct applicable to its paid consultants which are  
13 similar to the standards prescribed in subch. III of ch. 19, except that the department  
14 shall not require its paid consultants to file statements of economic interests.

15 **SECTION 62.** 17.17 (1) of the statutes is amended to read:

16 17.17 (1) SENATORS AND MEMBERS OF CONGRESS. In the office of United States  
17 senator or member of congress from this state, by the county clerk of the county  
18 wherein such officer resided at the time of election, to the elections government  
19 accountability board.

20 **SECTION 63.** 17.17 (4) of the statutes is amended to read:

21 17.17 (4) JUSTICES AND JUDGES. In the office of justice of the supreme court, court  
22 of appeals judge, or judge of a circuit court, by the director of state courts to the  
23 governor and the elections government accountability board.

24 **SECTION 64.** 19.42 (3) of the statutes is amended to read:

25 19.42 (3) "Board" means the ~~ethics~~ government accountability board.

**SENATE BILL 1**

1           **SECTION 65.** 19.42 (10) (a) of the statutes is amended to read:

2           19.42 (10) (a) A member of the elections government accountability board who  
3 is appointed to represent a political party.

4           **SECTION 66.** 19.42 (13) (p) of the statutes is created to read:

5           19.42 (13) (p) The members of the government accountability board who is  
6 appointed to represent a political parties.

7           **SECTION 67.** 19.43 (4) of the statutes is amended to read:

8           19.43 (4) A candidate for state public office shall file with the board a statement  
9 of economic interests meeting each of the requirements of s. 19.44 (1) no later than  
10 4:30 p.m. on the 3rd day following the last day for filing nomination papers for the  
11 office which the candidate seeks, or no later than 4:30 p.m. on the next business day  
12 after the last day whenever that candidate is granted an extension of time for filing  
13 nomination papers or a declaration of candidacy under s. 8.05 (1) (j), 8.10 (2) (a), 8.15  
14 (1), or 8.20 (8) (a), no later than 4:30 p.m. on the 5th day after notification of  
15 nomination is mailed or personally delivered to the candidate by the municipal clerk  
16 in the case of a candidate who is nominated at a caucus, or no later than 4:30 p.m.  
17 on the 3rd day after notification of nomination is mailed or personally delivered to  
18 the candidate by the appropriate official or agency in the case of a write-in candidate  
19 or candidate who is appointed to fill a vacancy in nomination under s. 8.35 (2) (a).  
20 The information contained on the statement shall be current as of December 31 of  
21 the year preceding the filing deadline. Before certifying the name of any candidate  
22 for state public office under s. 7.08 (2) (a), the elections government accountability  
23 board, municipal clerk, or board of election commissioners shall ascertain whether  
24 that candidate has complied with this subsection. If not, the elections government

**SENATE BILL 1****SECTION 67**

1 accountability board, municipal clerk, or board of election commissioners may not  
2 certify the candidate's name for ballot placement.

3 **SECTION 68.** 19.43 (5) of the statutes is amended to read:

4 19.43 (5) Each member of the investment board and each employee of the  
5 investment board who is a state public official shall complete and file with the ethics  
6 government accountability board a quarterly report of economic transactions no  
7 later than the last day of the month following the end of each calendar quarter during  
8 any portion of which he or she was a member or employee of the investment board.  
9 Such reports of economic transactions shall be in the form prescribed by the ethics  
10 government accountability board and shall identify the date and nature of any  
11 purchase, sale, put, call, option, lease, or creation, dissolution, or modification of any  
12 economic interest made during the quarter for which the report is filed and  
13 disclosure of which would be required by s. 19.44 if a statement of economic interests  
14 were being filed.

15 **SECTION 69.** 19.45 (6) of the statutes is amended to read:

16 19.45 (6) No state public official, member of a state public official's immediate  
17 family, nor any organization with which the state public official or a member of the  
18 official's immediate family owns or controls at least 10% of the outstanding equity,  
19 voting rights, or outstanding indebtedness may enter into any contract or lease  
20 involving a payment or payments of more than \$3,000 within a 12-month period, in  
21 whole or in part derived from state funds unless the state public official has first  
22 made written disclosure of the nature and extent of such relationship or interest to  
23 the board and to the department acting for the state in regard to such contract or  
24 lease. Any contract or lease entered into in violation of this subsection may be voided  
25 by the state in an action commenced within 3 years of the date on which the ethics



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1 board, or the department or officer acting for the state in regard to the allocation of  
2 state funds from which such payment is derived, knew or should have known that  
3 a violation of this subsection had occurred. This subsection does not affect the  
4 application of s. 946.13.

5 **SECTION 70.** 19.46 (1) (intro.) of the statutes is amended to read:

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

9 **SECTION 71.** 19.46 (2) of the statutes is amended to read:

10 19.46 (2) Any individual, either personally or on behalf of an organization or  
11 governmental body, may request of the board executive director of the board an  
12 advisory opinion regarding the propriety under this subchapter or subch. III of ch.  
13 13 of any matter to which the person is or may become a party; and any appointing  
14 officer, with the consent of a prospective appointee, may request of the board  
15 executive director an advisory opinion regarding the propriety under this subchapter  
16 or subch. III of ch. 13 of any matter to which the prospective appointee is or may  
17 become a party. The board executive director shall review a request for an advisory  
18 opinion and may advise the person making the request. Advisory opinions and  
19 requests therefor shall be in writing. ~~The board's deliberations and actions upon~~ The  
20 executive director may consult with the board before issuing a formal opinion but  
21 shall not reveal any information to the board that would identify the requester of the  
22 opinion. All consultations with the board concerning such requests shall be in  
23 meetings not open to the public. It is prima facie evidence of intent to comply with  
24 this subchapter or subch. III of ch. 13 when a person refers a matter to the board  
25 executive director and abides by the board's executive director's advisory opinion, if

**SENATE BILL 1****SECTION 71**

1 the material facts are as stated in the opinion request. ~~The board may authorize the~~  
2 ~~executive director to act in its stead in instances where delay is of substantial~~  
3 ~~inconvenience or detriment to the requesting party.~~ No member or employee of the  
4 board may make public the identity of the individual requesting an advisory opinion  
5 or of individuals or organizations mentioned in the opinion.

6 **SECTION 72.** 19.47 (2) of the statutes is repealed.

7 **SECTION 73.** 19.47 (4) of the statutes is repealed.

8 **SECTION 74.** 19.47 (5) of the statutes is amended to read:

9 19.47 (5) ~~No later than September 1 of each year, the board shall submit a~~  
10 ~~report concerning its actions in the preceding fiscal year to the governor and the chief~~  
11 ~~clerk of each house of the legislature, for distribution to the legislature under s.~~  
12 ~~13.172 (2).~~ Such The board shall include in its biennial report shall contain under  
13 s. 15.04 (1) (d) the names and duties of all individuals employed by the board and a  
14 summary of its determinations and advisory opinions issued by the executive  
15 director under s. 19.46 (2). The board shall make sufficient alterations in the  
16 summaries to prevent disclosing the identities of individuals or organizations  
17 involved in the decisions or opinions. The board may also include in its biennial  
18 report any information compiled under s. 11.21 (7). The board shall make such  
19 further reports on the matters within its jurisdiction and such recommendations for  
20 further legislation as it deems desirable.

21 **SECTION 75.** 19.50 (2) of the statutes is amended to read:

22 19.50 (2) To administer oaths and to require by subpoena issued by it the  
23 attendance and testimony of witnesses and the production of any documentary  
24 evidence relating to the investigation or hearing being conducted. ~~Notwithstanding~~

**SENATE BILL 1**

1 ~~s. 885.01 (4), the issuance of a subpoena requires action by the board in accordance~~  
2 ~~with s. 19.47 (4).~~

3 **SECTION 76.** 19.54 (2) of the statutes is amended to read:

4 19.54 (2) An application for rehearing is governed by such general rules as the  
5 board may establish. Only one rehearing may be granted by the board. No order of  
6 the board pursuant to this subchapter or subch. III of ch. 13 becomes effective until  
7 20 days after it is issued, or while an application for rehearing or a rehearing is  
8 pending, or until 10 days after such application for rehearing is either denied,  
9 expressly or by implication, or the board has announced its final determination on  
10 rehearing.

11 **SECTION 77.** 19.55 (1) of the statutes is amended to read:

12 19.55 (1) Except as provided in sub. (2), all records under this subchapter or  
13 subch. III of ch. 13 in the possession of the board are open to public inspection at all  
14 reasonable times. The board shall require an individual wishing to examine a  
15 statement of economic interests or the list of persons who inspect any statements  
16 which are in the board's possession to provide his or her full name and address, and  
17 if the individual is representing another person, the full name and address of the  
18 person which he or she represents. Such identification may be provided in writing  
19 or in person. The board shall record and retain for at least 3 years information  
20 obtained by it pursuant to this subsection. No individual may use a fictitious name  
21 or address or fail to identify a principal in making any request for inspection.

22 **SECTION 78.** 19.55 (2) (a) to (c) of the statutes are amended to read:

23 19.55 (2) (a) Records obtained in connection with a request for an advisory  
24 opinion issued under s. 19.46 (2) other than summaries of advisory opinions that do  
25 not disclose the identity of individuals requesting such opinions or organizations on

**SENATE BILL 1****SECTION 78**

1 whose behalf they are requested. The executive director of the board may, however,  
2 make such records public with the consent of the individual requesting the advisory  
3 opinion or the organization or governmental body on whose behalf it is requested.  
4 A person who makes or purports to make public the substance of or any portion of  
5 an advisory opinion requested by or on behalf of the person is deemed to have waived  
6 the confidentiality of the request for an advisory opinion and of any records obtained  
7 or prepared by the board in connection with the request for an advisory opinion.

8 (b) Records obtained or prepared by the board in connection with an  
9 investigation under this subchapter or subch. III of ch. 13, except that the board shall  
10 permit inspection of records that are made public in the course of a hearing by the  
11 board to determine if a violation of this subchapter or subch. III of ch. 13 has  
12 occurred. Whenever the board refers such investigation and hearing records to a  
13 district attorney or to the attorney general, they may be made public in the course  
14 of a prosecution initiated under this subchapter. The board shall also provide  
15 information from investigation and hearing records that pertains to the location of  
16 individuals and assets of individuals as requested under s. 49.22 (2m) by the  
17 department of workforce development or by a county child support agency under s.  
18 59.53 (5).

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

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1           **SECTION 79.** 19.579 of the statutes is repealed and recreated to read:

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

5           **SECTION 80.** 19.59 (1) (g) 8. of the statutes is amended to read:

6           19.59 (1) (g) 8. No district board member, member of a district board member's  
7 immediate family, nor any organization with which the district board member or a  
8 member of the district board member's immediate family owns or controls at least  
9 10% of the outstanding equity, voting rights, or outstanding indebtedness may enter  
10 into any contract or lease involving a payment or payments of more than \$3,000  
11 within a 12-month period, in whole or in part derived from district funds unless the  
12 district board member has first made written disclosure of the nature and extent of  
13 such relationship or interest to the ethics government accountability board and to  
14 the district. Any contract or lease entered into in violation of this subdivision may  
15 be voided by the district in an action commenced within 3 years of the date on which  
16 the ethics government accountability board, or the district, knew or should have  
17 known that a violation of this subdivision had occurred. This subdivision does not  
18 affect the application of s. 946.13.

19           **SECTION 81.** 19.85 (1) (h) of the statutes is amended to read:

20           19.85 (1) (h) Consideration of requests for confidential written advice from the  
21 ethics executive director of the government accountability board under s. 19.46 (2),  
22 or from any county or municipal ethics board under s. 19.59 (5).

23           **SECTION 82.** 20.005 (3) (schedule) of the statutes: at the appropriate place,  
24 insert the following amounts for the purposes indicated:

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**2005-06      2006-07**

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**20.511 Government accountability board**

(1) ADMINISTRATION OF ELECTIONS, ETHICS, AND  
LOBBYING LAWS

- (a) General program operations;  
general purpose revenue            GPR    B            -0-            -0-
- (h) Materials and services            PR     A            -0-            -0-
- (i) General program operations;  
program revenue                    PR     A            -0-            -0-

(2) ENFORCEMENT DIVISION

- (a) General program operations            GPR    B            -0-            -0-

**SECTION 83.** 20.455 (1) (b) of the statutes is amended to read:

20.455 (1) (b) *Special counsel.* A sum sufficient, subject to the procedure established in ~~s. ss. 5.05 (2m) (d) and~~ 14.11 (2) (c), for the compensation of special counsel appointed as provided in ss. 5.05 (2m) (d) and 14.11 (2) and 21.13.

**SECTION 84.** 20.510 (intro.) of the statutes is repealed.

**SECTION 85.** 20.510 (1) (title) of the statutes is repealed.

**SECTION 86.** 20.510 (1) (a) of the statutes is repealed.

**SECTION 87.** 20.510 (1) (bm) of the statutes is renumbered 20.511 (1) (bm).

**SECTION 88.** 20.510 (1) (c) of the statutes is renumbered 20.511 (1) (c).

**SECTION 89.** 20.510 (1) (d) of the statutes is renumbered 20.511 (1) (d).

**SECTION 90.** 20.510 (1) (g) of the statutes is renumbered 20.511 (1) (g).

**SECTION 91.** 20.510 (1) (h) of the statutes is repealed.

**SECTION 92.** 20.510 (1) (i) of the statutes is repealed.

**SENATE BILL 1**

1           **SECTION 93.** 20.510 (1) (j) of the statutes is renumbered 20.511 (1) (j).

2           **SECTION 94.** 20.510 (1) (q) of the statutes, as affected by 2001 Wisconsin Act  
3 109, is renumbered 20.511 (1) (q).

4           **SECTION 95.** 20.510 (1) (t) of the statutes is renumbered 20.511 (1) (t).

5           **SECTION 96.** 20.510 (1) (x) of the statutes is renumbered 20.511 (1) (x).

6           **SECTION 97.** 20.511 (intro.) and (1) (title) and (a) of the statutes are created to  
7 read.

8           **20.511 Government accountability board.** (intro.) There is appropriated  
9 from the general fund, except where otherwise indicated, to the government  
10 accountability board for the following programs:

11           **(1) (title)** ADMINISTRATION OF ELECTION, ETHICS, AND LOBBYING LAWS.

12           (a) *General program operations; general purpose revenue.* Biennially, the  
13 amounts in the schedule for general program operations of the board, except the  
14 enforcement division, including the printing of forms, materials, manuals, and  
15 election laws under ss. 7.08 (1) (b), (3), and (4) and 11.21 (3) and (14), and the training  
16 of election officials under s. 5.05 (7).

17           **SECTION 98.** 20.511 (1) (c) of the statutes, as affected by 2005 Wisconsin Act ....  
18 (this act), is repealed.

19           **SECTION 99.** 20.511 (1) (h) and (i) of the statutes are created to read:

20           20.511 **(1) (h)** *Materials and services.* The amounts in the schedule for the costs  
21 of publishing documents, locating and copying records, and conducting programs  
22 under s. 19.48 (9) and administrative meetings and conferences, for compiling,  
23 disseminating, and making available information prepared by and filed with the  
24 board under s. 19.48 (10), and for supplies, postage, and shipping. All moneys  
25 received by the board from collections for sales of publications, copies of records, and

**SENATE BILL 1****SECTION 99**

1 supplies, for postage, for shipping and records location fees, from fees assessed under  
2 s. 19.48 (9) and (10), and for charges assessed to participants in administrative  
3 meetings and conferences shall be credited to this appropriation account.

4 (i) *General program operations; program revenue.* The amounts in the schedule  
5 for general program operations of the board, except the enforcement division. All  
6 moneys received from fees imposed under ss. 11.055 (1) and 13.75 shall be credited  
7 to this appropriation account.

8 **SECTION 100.** 20.511 (2) of the statutes is created to read:

9 20.511 (2) ENFORCEMENT DIVISION. (a) *General program operations.* Biennially,  
10 the amounts in the schedule for the general program operations of the enforcement  
11 division.

12 **SECTION 101.** 20.521 (intro.) of the statutes is repealed.

13 **SECTION 102.** 20.521 (1) (title) of the statutes is repealed.

14 **SECTION 103.** 20.521 (1) (a) of the statutes is repealed.

15 **SECTION 104.** 20.521 (1) (b) of the statutes is renumbered 20.511 (1) (b).

16 **SECTION 105.** 20.521 (1) (g) of the statutes is repealed.

17 **SECTION 106.** 20.521 (1) (h) of the statutes is renumbered 20.511 (1) (jm) and  
18 amended to read:

19 20.511 (1) (jm) *Gifts and grants.* All moneys received by the board from gifts,  
20 grants, and bequests ~~and devises~~ to carry out the purposes, not inconsistent with  
21 subch. III of ch. 13 or subch. III of ch. 19 the law, for which made or received.

22 **SECTION 107.** 20.521 (1) (i) of the statutes is repealed.

23 **SECTION 108.** 20.923 (4) (intro.) of the statutes is amended to read:

24 20.923 (4) STATE AGENCY POSITIONS. (intro.) State agency heads, the  
25 administrator of the division of merit recruitment and selection in the office of state



**SENATE BILL 1**

1 employment relations, the administrator of the enforcement division in the  
2 government accountability board, and commission chairpersons and members shall  
3 be identified and limited in number in accordance with the standardized  
4 nomenclature contained in this subsection, and shall be assigned to the executive  
5 salary groups listed in pars. (a) to (i). Except for positions specified in ~~par.~~ pars. (c)  
6 3m. and (e) 2e. and sub. (12), all unclassified division administrator positions  
7 enumerated under s. 230.08 (2) (e) shall be assigned, when approved by the joint  
8 committee on employment relations, by the director of the office of state employment  
9 relations to one of 10 executive salary groups. The joint committee on employment  
10 relations, by majority vote of the full committee, may amend recommendations for  
11 initial position assignments and changes in assignments to the executive salary  
12 groups submitted by the director of the office of state employment relations. All  
13 division administrator assignments and amendments to assignments of  
14 administrator positions approved by the committee shall become part of the  
15 compensation plan. Whenever a new unclassified division administrator position is  
16 created, the appointing authority may set the salary for the position until the joint  
17 committee on employment relations approves assignment of the position to an  
18 executive salary group. If the committee approves assignment of the position to an  
19 executive salary group having a salary range minimum or maximum inconsistent  
20 with the salary paid to the incumbent at the time of such approval, the incumbent's  
21 salary shall be adjusted by the appointing authority to conform with the committee's  
22 action, effective on the date of that action. Positions are assigned as follows:

23 **SECTION 109.** 20.923 (4) (d) 3. of the statutes is repealed.

24 **SECTION 110.** 20.923 (4) (d) 4. of the statutes is repealed.

25 **SECTION 111.** 20.923 (4) (e) 2e. of the statutes is created to read:

**SENATE BILL 1**

1           20.923 (4) (e) 2e. Government accountability board: administrator of the  
2 enforcement division.

3           **SECTION 112.** 20.923 (4) (f) 3j. of the statutes is created to read:

4           20.923 (4) (f) 3j. Government accountability board: executive director.

5           **SECTION 113.** 59.605 (3) (a) 3. of the statutes is amended to read:

6           59.605 (3) (a) 3. The referendum shall be held in accordance with chs. 5 to 12.

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

25           **SECTION 114.** 67.05 (3) (b) of the statutes is amended to read:

**SENATE BILL 1**

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

9           **SECTION 115.** 67.05 (6) of the statutes is amended to read:

10           67.05 (6) REFERENDUM IN OTHER CASES. Whenever an initial resolution has been  
11           adopted by the governing body of any municipality other than a county, a town, a city,  
12           a village, a technical college district, a metropolitan sewerage district created under  
13           ss. 200.01 to 200.15 or 200.21 to 200.65, a town sanitary district, a public inland lake  
14           protection and rehabilitation district, or a board of park commissioners, the clerk of  
15           such municipality shall immediately record the resolution and call a special meeting  
16           for the purpose of submitting it to the electors of the municipality for ratification or  
17           rejection. The calling and conduct of the meeting shall be governed by those statutes,  
18           so far as applicable, which govern the calling and conduct of special meetings in  
19           general. The notice of the meeting, which shall be publicly read before the balloting  
20           shall commence, and the ballot used, shall embody a copy of the resolution; the form  
21           of the ballot shall correspond with the form prescribed by the elections government  
22           accountability board under ss. 5.64 (2) and 7.08 (1) (a); and the question submitted  
23           shall be whether the resolution shall be approved.

24           **SECTION 116.** 71.10 (3) (b) of the statutes is amended to read:

**SENATE BILL 1**

1           71.10 (3) (b) The secretary of revenue shall provide a place for those  
2 designations on the face of the individual income tax return and shall provide next  
3 to that place a statement that a designation will not increase tax liability. Annually  
4 on August 15, the secretary of revenue shall certify to the ~~elections~~ government  
5 accountability board, the department of administration and the state treasurer  
6 under s. 11.50 the total amount of designations made during the preceding fiscal  
7 year. If any individual attempts to place any condition or restriction upon a  
8 designation, that individual is deemed not to have made a designation on his or her  
9 tax return.

10           **SECTION 117.** 71.10 (3) (b) of the statutes, as affected by 2001 Wisconsin Act  
11 109, is repealed and recreated to read:

12           71.10 (3) (b) The secretary of revenue shall ensure that space for the  
13 designations under par. (am) is provided on the face of the individual income tax  
14 return in a manner that is convenient to the individual filing the return. The  
15 secretary of revenue shall provide next to the place on the return where designation  
16 under par. (am) is made a statement that a designation will increase tax liability, that  
17 the amount of a designation may be claimed as a credit under s. 71.07 (6s), and that  
18 by making a designation the individual is also claiming the credit. The department  
19 of revenue shall ensure that an individual may make the designation under par. (am)  
20 and claim the credit under s. 71.07 (6s) by marking only one box, which shall be on  
21 the face of the individual income tax return. The secretary of revenue shall also  
22 provide and highlight a place in the instructions that accompany the return for  
23 information submitted to the secretary by the government accountability board  
24 under s. 11.50 (2m) without cost to the board. Annually on August 15, the secretary  
25 of revenue shall certify to the government accountability board, the department of

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1 administration, and the state treasurer the total amount of designations made on  
2 returns processed by the department of revenue during the preceding fiscal year and  
3 the amount of designations made during that fiscal year for the general account and  
4 for the account of each eligible political party. If any individual designates an  
5 amount greater than the amount authorized under par. (am) or attempts to place any  
6 condition or restriction upon a designation not authorized under par. (am), that  
7 individual is deemed not to have made a designation on his or her tax return.

8 **SECTION 118.** 73.0301 (1) (d) 13. of the statutes is amended to read:

9 73.0301 (1) (d) 13. A license issued by the ~~ethics~~ government accountability  
10 board under s. 13.63 (1).

11 **SECTION 119.** 73.0301 (1) (e) of the statutes is amended to read:

12 73.0301 (1) (e) "Licensing department" means the department of  
13 administration; the board of commissioners of public lands; the department of  
14 commerce; the ~~ethics~~ government accountability board; the department of financial  
15 institutions; the department of health and family services; the department of natural  
16 resources; the department of public instruction; the department of regulation and  
17 licensing; the department of workforce development; the office of the commissioner  
18 of insurance; or the department of transportation.

19 **SECTION 120.** 85.61 (1) of the statutes is amended to read:

20 85.61 (1) The secretary of transportation and the executive director of the  
21 ~~elections~~ government accountability board shall enter into an agreement to match  
22 personally identifiable information on the official registration list maintained by the  
23 ~~elections~~ government accountability board under s. 6.36 (1) with personally  
24 identifiable information in the operating record file database under ch. 343 and  
25 vehicle registration records under ch. 341 to the extent required to enable the

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1 secretary of transportation and the executive director of the ~~elections~~ government  
2 accountability board to verify the accuracy of the information provided for the  
3 purpose of voter registration.

4 **SECTION 121.** 117.20 (2) of the statutes is amended to read:

5 117.20 (2) The clerk of each affected school district shall publish notice, as  
6 required under s. 8.55, in the territory of that school district. The procedures for  
7 school board elections under s. 120.06 (9), (11), (13), and (14) apply to a referendum  
8 held under this section. The school board and school district clerk of each affected  
9 school district shall each perform, for that school district, the functions assigned to  
10 the school board and the school district clerk, respectively, under those subsections.  
11 The form of the ballot shall correspond to the form prescribed by the ~~elections~~  
12 government accountability board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each  
13 affected school district shall file with the secretary of the board a certified statement  
14 prepared by the school district board of canvassers of the results of the referendum  
15 in that school district.

16 **SECTION 122.** 117.27 (2) (b) (intro.) of the statutes is amended to read:

17 117.27 (2) (b) (intro.) The school district clerk shall include in the notice of the  
18 spring election a statement that the election ballot will include a question on the  
19 change requested by the petition. The form of the ballot shall correspond to the form  
20 prescribed by the ~~elections~~ government accountability board under ss. 5.64 (2) and  
21 7.08 (1) (a) and the question on the ballot shall be:

22 **SECTION 123.** 121.91 (3) (c) of the statutes is amended to read:

23 121.91 (3) (c) The referendum shall be held in accordance with chs. 5 to 12. The  
24 school district clerk shall provide the election officials with all necessary election  
25 supplies. The form of the ballot shall correspond substantially with the standard

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1 form for referendum ballots prescribed by the elections government accountability  
2 board under ss. 5.64 (2) and 7.08 (1) (a). The question submitted shall be whether  
3 the limit under sub. (2m) may be exceeded by a specified amount. If the resolution  
4 provides that any of the excess revenue will be used for a nonrecurring purpose, the  
5 ballot in the election shall so state and shall specify the amount that will be used for  
6 a nonrecurring purpose. The limit otherwise applicable to the school district under  
7 sub. (2m) is increased by the amount approved by a majority of those voting on the  
8 question.

9 **SECTION 124.** 125.05 (1) (b) 10. of the statutes is amended to read:

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

13 **SECTION 125.** 165.25 (1) of the statutes is amended to read:

14 165.25 (1) REPRESENT STATE. Except as provided in s. ss. 5.05 (2m) (c) 1. and  
15 978.05 (5), appear for the state and prosecute or defend all actions and proceedings,  
16 civil or criminal, in the court of appeals and the supreme court, in which the state  
17 is interested or a party, and attend to and prosecute or defend all civil cases sent or  
18 remanded to any circuit court in which the state is a party; and, if requested by the  
19 governor or either house of the legislature, appear for and represent the state, any  
20 state department, agency, official, employee, or agent, whether required to appear  
21 as a party or witness in any civil or criminal matter, and prosecute or defend in any  
22 court or before any officer, any cause or matter, civil or criminal, in which the state  
23 or the people of this state may be interested. The public service commission may  
24 request under s. 196.497 (7) that the attorney general intervene in federal

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1 proceedings. All expenses of the proceedings shall be paid from the appropriation  
2 under s. 20.455 (1) (d).

3 **SECTION 126.** 165.25 (4) (e) of the statutes is created to read:

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

7 **SECTION 127.** 198.08 (10) of the statutes is amended to read:

8 198.08 (10) ELECTION STATISTICS. The clerk of the district shall seasonably  
9 obtain, compile, and file in his or her office, for the information of the public, a  
10 statement showing the total number of votes cast for the office of governor in the last  
11 preceding general election in each subdistrict of the district. The clerk of every  
12 municipality and the elections government accountability board shall furnish such  
13 information so far as obtainable from their records, duly certified, to the clerk of the  
14 district upon request therefor by the clerk of the district. If the total number of votes  
15 cast in any subdistrict for the office of governor in the last preceding election cannot,  
16 because of an intervening change of boundaries of election wards or for any reason,  
17 be ascertained from any official record the clerk of the district shall fairly estimate  
18 such number for the purposes of such statement to be filed in his or her office.

19 **SECTION 128.** 200.09 (11) (am) 3. of the statutes is amended to read:

20 200.09 (11) (am) 3. If the governing bodies of each city, town, and village  
21 comprising the district pass a resolution to discontinue election of commissioners,  
22 each commissioner may hold office until a successor is appointed and qualified. The  
23 commission shall immediately notify the elections government accountability board  
24 under s. 5.05 upon passage of a resolution under this subdivision.

25 **SECTION 129.** 227.03 (6) of the statutes is amended to read:



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1           227.03 (6) Orders of the elections government accountability board under s.  
2           5.06 (6) are not subject to this chapter.

3           **SECTION 130.** 227.03 (6m) of the statutes is created to read:

4           227.03 (6m) Cases before the enforcement division of the government  
5           accountability board under s. 5.066 are not subject to this chapter.

6           **SECTION 131.** 227.52 (6) of the statutes is amended to read:

7           227.52 (6) Decisions of the chairperson of the elections government  
8           accountability board or the chairperson's designee.

9           **SECTION 132.** 230.08 (2) (e) 4h. of the statutes is created to read:

10          230.08 (2) (e) 4h. Government accountability board — 3.

11          **SECTION 133.** 230.08 (2) (om) of the statutes is repealed.

12          **SECTION 134.** 230.08 (2) (on) of the statutes is created to read:

13          230.08 (2) (on) The executive director of the government accountability board.

14          **SECTION 135.** 230.08 (2) (wm) of the statutes is repealed.

15          **SECTION 136.** 230.08 (4) (a) of the statutes is amended to read:

16          230.08 (4) (a) The number of administrator positions specified in sub. (2) (e)  
17          includes all administrator positions specifically authorized by law to be employed  
18          outside the classified service in each department, board or commission and the  
19          historical society. In this paragraph, "department" has the meaning given under s.  
20          15.01 (5), "board" means the educational communications board, government  
21          accountability board, investment board, public defender board and technical college  
22          system board and "commission" means the public service commission.  
23          Notwithstanding sub. (2) (z), no division administrator position exceeding the  
24          number authorized in sub. (2) (e) may be created in the unclassified service.

25          **SECTION 137.** 234.02 (3m) (c) of the statutes is amended to read:

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1           234.02 **(3m)** (c) The authority shall, with the advice of the ethics government  
2 accountability board, adopt and enforce ethics guidelines applicable to its paid  
3 consultants which are similar to subch. III of ch. 19, except that the authority may  
4 not require its paid consultants to file financial disclosure statements.

5           **SECTION 138.** 560.04 (2m) of the statutes is amended to read:

6           560.04 **(2m)** DUTIES. The department may assign one or more full-time  
7 equivalent positions to the functions of coordinating the development and scheduling  
8 of training programs for local government officials by the University of  
9 Wisconsin–Extension, technical college system, department of revenue, elections  
10 government accountability board, and other state agencies in order to assure the  
11 effective delivery of training programs and to prevent duplication of effort and of  
12 coordinating requests for management or personnel consultative services from  
13 government units other than the state and directing those requests to the  
14 appropriate division of the department of administration.

15           **SECTION 139.** 778.135 of the statutes is amended to read:

16           **778.135 Campaign finance forfeitures; how recovered.** Notwithstanding  
17 s. 778.13, whenever any action or proposed action by the elections government  
18 accountability board under s. 5.05 (1) (c) is settled as a result of agreement between  
19 the parties without approval of the court, the moneys accruing to the state on account  
20 of such settlement shall be paid to the board and deposited with the secretary of  
21 administration. Whenever any proposed action by a county board of election  
22 commissioners under s. 7.21 (2m) (a) is settled as a result of agreement between the  
23 parties, the moneys accruing to the county on account of such settlement shall be  
24 paid to the board of election commissioners and deposited with the county treasurer  
25 in the same manner as provided for forfeitures under s. 778.13.

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1           **SECTION 140.** 778.136 of the statutes is amended to read:

2           **778.136 Ethics and lobbying forfeitures; how recovered.**

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

8           **SECTION 141. Nonstatutory provisions.**

9           (1) TRANSFER OF ELECTIONS BOARD.

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

13          (b) *Positions and employees.*

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

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

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

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

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

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

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

21           (2) TRANSFER OF ETHICS BOARD.

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

25           (b) *Positions and employees.*

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

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

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

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

15           (d) *Contracts.* All contracts entered into by the ethics board remain in effect  
16 and are transferred to the government accountability board. The government  
17 accountability board shall carry out any contractual obligations under such a  
18 contract until the contract is modified or rescinded by the government accountability  
19 board to the extent allowed under the contract.

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

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

6 (3) BOARD TRANSITIONS; INITIAL TERMS.

7 (a) Notwithstanding section 15.61, 2001 stats., section 15.62, 2003 stats., and  
8 section 15.07 (1) (c) of the statutes, the terms of office of all members of the elections  
9 board and all members of the ethics board holding office shall expire on May 1, 2006.

10 (b) Each member of the government accountability board who is appointed as  
11 provided in paragraph (c) and qualified to take office shall take office on November  
12 1, 2005, or upon qualification to take office, whichever is later.

13 (c) Notwithstanding section 15.60 (1) of the statutes, as created by this act, and  
14 section 15.07 (1) (c) of the statutes:

15 1. Of the members of the government accountability board who are initially  
16 nominated by the governor, and with the advice and consent of the senate appointed,  
17 2 shall be appointed to serve for terms expiring on May 1, 2007, and 2 shall be  
18 appointed to serve for terms expiring on May 1, 2009.

19 2. All members of the government accountability board who are initially  
20 appointed to represent political parties shall serve for terms expiring on May 1, 2009.

21 (d) Notwithstanding section 15.603 (1) of the statutes, as created by this act,  
22 the person who is initially appointed to serve as administrator of the enforcement  
23 division of the government accountability board shall serve for a term expiring on  
24 September 1, 2011.

25 (4) IMPLEMENTATION.

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

13 (b) Prior to May 1, 2006, the government accountability board may expend  
14 moneys from the appropriation under section 20.511 (1) (a) of the statutes for the  
15 purpose of meeting, employing staff, and preparing to assume its full authority and  
16 responsibilities on May 1, 2006.

17 (5) POSITION AUTHORIZATIONS.

18 (a) There is authorized for the government accountability board 1.0 FTE GPR  
19 executive director position, to be funded from the appropriation under section 20.511  
20 (1) (a) of the statutes, as created by this act.

21 (b) There is authorized for the government accountability board 1.0 FTE GPR  
22 division administrator position, 1.0 FTE GPR attorney position, and 1.0 FTE GPR  
23 investigator position, to be funded from the appropriation under section 20.511 (2)  
24 (a) of the statutes, as created by this act.

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1           (6) NONSEVERABILITY. Notwithstanding section 990.001 (11) of the statutes, if  
2 a court finds that the repeal and recreation of section 71.10 (3) (b) of the statutes by  
3 this act, or any part of the laws specified in 2001 Wisconsin Act 109, section 9115 (2y)  
4 (b), is unconstitutional, the repeal and recreation of section 71.10 (3) (b) of the  
5 statutes by this act is void.

**SECTION 142. Appropriation changes.**

6           (1) The unencumbered balance in the appropriation account under section  
7 20.510 (1) (h) of the statutes is transferred to the appropriation account under section  
8 20.511 (1) (h) of the statutes, as created by this act.

9           (2) The unencumbered balance in the appropriation account under section  
10 20.510 (1) (i) of the statutes is transferred to the appropriation account under section  
11 20.511 (1) (i) of the statutes, as created by this act.

12           (3) The unencumbered balance in the appropriation account under section  
13 20.521 (1) (g) of the statutes is transferred to the appropriation account under section  
14 20.511 (1) (i) of the statutes, as created by this act.

15           (4) The unencumbered balance in the appropriation account under section  
16 20.521 (1) (i) of the statutes is transferred to the appropriation account under section  
17 20.511 (1) (h) of the statutes, as created by this act.

18           **SECTION 143. Effective dates.** This act takes effect on May 1, 2006, except as  
19 follows:  
20

21           (1) The treatment of sections 5.052, 5.054, 15.07 (1) (a) 2m. and (5) (m), 15.60,  
22 15.603, 20.511 (intro.), (1) (title) and (a), and (2), 20.923 (4) (intro.), (e) 2e., and (f) 3j.,  
23 230.08 (2) (e) 4h. and (on) and (4) (a) of the statutes, the renumbering and  
24 amendment of section 15.03 of the statutes, the creation of section 15.03 (2) of the



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1 statutes, and SECTION 141 (3) (b) to (d), (4), and (5) of this act take effect on November  
2 1, 2005.

3 (2) The repeal of section 20.511 (1) (c) of the statutes takes effect on July 1, 2008.

4 (END)