



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-5736/2
MPG:amn

2021 SENATE BILL 978

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

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

Analysis by the Legislative Reference Bureau

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

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

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

SENATE BILL 978

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

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

1 **SECTION 1.** 5.09 of the statutes is created to read:

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

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

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

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

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

SENATE BILL 978

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

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

6 (END)