

ENGROSSED 2005 SENATE BILL 1

November 7, 2005 – Printed by direction of ASSEMBLY CHIEF CLERK.

1 **AN ACT** *to repeal* 5.05 (1) (a), 5.05 (5), 5.05 (11), 7.08 (7), 9.01 (1) (ag) 4., 15.07
2 (1) (a) 2., 15.07 (5) (k), 15.07 (5) (n), 15.61, 15.62, 19.42 (10) (a), 19.47 (2), 19.47
3 (4), 20.510 (intro.), 20.510 (1) (title), 20.510 (1) (a), 20.510 (1) (bm), 20.510 (1)
4 (c), 20.510 (1) (d), 20.510 (1) (g), 20.510 (1) (h), 20.510 (1) (i), 20.510 (1) (j), 20.510
5 (1) (q), 20.510 (1) (t), 20.510 (1) (x), 20.521 (intro.), 20.521 (1) (title), 20.521 (1)
6 (a), 20.521 (1) (b), 20.521 (1) (g), 20.521 (1) (h), 20.521 (1) (i), 20.923 (4) (d) 3.,
7 20.923 (4) (d) 4., 230.08 (2) (om) and 230.08 (2) (wm); *to renumber and amend*
8 15.03 and 15.617; *to amend* 5.02 (1s), 5.05 (title), 5.05 (1) (intro.), 5.05 (1) (b),
9 5.05 (6), 5.40 (7), 5.62 (4) (b), 6.26 (2) (b), 6.26 (2) (c), 7.08 (title), 7.31 (5), 7.60
10 (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 (2), 8.20
11 (6), 8.50 (3) (a), 8.50 (3) (e), 9.01 (1) (a), 9.01 (1) (ar) 2., 9.01 (10), 11.21 (title),
12 11.21 (7) (intro.), 13.123 (3) (b) 2., 13.23, 13.62 (4), 13.685 (title), 13.94 (1) (k),
13 14.58 (20), 15.07 (1) (cm), 15.07 (4), 16.79 (2), 16.96 (3) (b), 16.973 (6), 17.07 (6),
14 17.17 (1), 17.17 (4), 19.42 (3), 19.43 (4), 19.43 (5), 19.45 (6), 19.46 (1) (intro.),

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

Analysis by the Legislative Reference Bureau

Engrossment information:

The text of Engrossed 2005 Senate Bill 1 consists of the following documents adopted by the senate on November 1, 2005: the bill as affected by Senate Amendments 1, 2, 3 (as affected by chief clerk's correction), 4, and 5.

Certain of these amendments affect the same text. In this bill, amendments are reconciled as follows:

1. Senate Amendment 1 affects the treatment by 2005 Senate Bill 1 of s. 5.05 (2m) (d) 1. Senate Amendment 3 removes the treatment of s. 5.05 (2m) (d) 1. This bill reflects the effect of Senate Amendment 3.

2. Senate Amendment 4 affects SECTION 141 (4) (b) of 2005 Senate Bill 1. Senate Amendment 3 removes SECTION 141 (4) (b). This bill reflects the effect of Senate Amendment 3.

Content of Engrossed 2005 Senate Bill 1:

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

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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 four members serving for staggered four-year terms who are nominated by the governor and appointed with the advice and consent of the senate. Each of the members must be appointed from nominations submitted by a Government Accountability Candidate Committee, which consists of the chief justice of the supreme court, the dean of the University of Wisconsin law school, and the dean of the Marquette University law school. A unanimous vote of the committee is 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, 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, a candidate for any partisan office or an officer or employee of a registrant under the campaign finance law. 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 but the bill does not authorize any new positions for the administrators under the bill. The bill transfers all members of the existing staffs of the Elections Board and Ethics Board and their positions to the Government Accountability Board. Under the bill, the staff members who have civil service rights retain those rights. The bill does not provide any funding for continued employment of the staff members, however.

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,

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exercise criminal enforcement authority. Under the bill, the Enforcement Division has independent authority to investigate violations of the elections, ethics, and lobbying regulation laws and to prosecute civil violations without the consent of the Government Accountability Board, except that the division must obtain the concurrence of the board before issuing a subpoena or obtaining a search warrant. The bill requires the Enforcement Division to obtain the approval of the board before commencing a criminal prosecution. 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. 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 repeals all appropriations to both boards and does not make any appropriations to the Government Accountability Board. Under the bill, the Government Accountability Board will be unable to operate unless funding is provided for the board by other legislation. 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, 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 the day after publication, after which date the members of the Government Accountability Board may be appointed and take office. However, the existing Elections Board and Ethics Board continue in operation until the first day of the sixth month beginning after publication, subject to appropriation of money for continued operation of the boards by other legislation.

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Under the bill, the Government Accountability Board may not exercise administrative or enforcement authority until the first day of the sixth month beginning after publication. The bill also provides that the director of the Legislative Council Staff shall serve as executive 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.

For further information see the *state* 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.** 5.02 (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

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1 loan records at any financial institution, as defined in s. 705.01 (3), doing business
2 in the state to obtain evidence of any violation of ch. 11 upon showing by the board
3 of probable cause to believe there is a violation and that such accounts and records
4 may have a substantial relation to the violation. In the discharge of its duties, the
5 board may cause the deposition of witnesses to be taken in the manner prescribed
6 for taking depositions in civil actions in circuit court. The board shall delegate to the
7 enforcement division the power to issue subpoenas and to obtain search warrants
8 under this paragraph on behalf of the board. The delegation is supplemental to the
9 board's exercise of direct authority under this paragraph.

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

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

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

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

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

24 (c) 1. The board shall employ at least one full-time attorney and at least one
25 full-time investigator within the enforcement division. Except as provided in subd.

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1 2., the enforcement division may, with or without approval of the board, investigate
2 or prosecute any civil or criminal violation of chs. 5 to 12, subch. III of ch. 13, or subch.
3 III of ch. 19 in the name of the board. The jurisdiction of the enforcement division
4 is concurrent with the jurisdiction of the board, the district attorneys, and the
5 attorney general to conduct investigations and enforce these laws. The enforcement
6 division may request assistance from the department of justice to conduct
7 investigations and prosecute violations of these laws.

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

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

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

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

2 5.05 **(3m)** CHIEF ELECTION OFFICER. The board shall designate an employee of
3 the board to serve as the chief election officer of this state.

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

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

6 5.05 **(6)** FORMAL OPINIONS. Any interested person may make written request to
7 the board executive director of the board to issue a formal opinion with respect to the
8 person's authority or responsibilities under chs. 5 to 12. The board executive director
9 shall within 15 days advise the person requesting an opinion whether or not a formal
10 opinion will be issued. If a formal opinion will be issued, it shall be issued within 30
11 days of the request. The executive director may consult with the board before issuing
12 a formal opinion. No person acting in good faith upon a formal opinion issued to the
13 person by the board executive director shall be subject to civil or criminal prosecution
14 for so acting, if the material facts are as stated in the opinion request. Nothing in
15 this subsection requires the issuance of an opinion by the board executive director,
16 nor precludes it the executive director from issuing an opinion or ruling in any other
17 manner.

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

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

20 **5.052 Government accountability candidate committee. (1)** The
21 government accountability candidate committee shall organize whenever a vacancy
22 occurs in the membership of the board that requires a nomination to be submitted
23 to the governor under s. 15.60 (2). The chief justice of the supreme court shall serve
24 as chairperson of the committee.

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1 **(2)** No person may be nominated by the committee unless the person receives
2 the unanimous approval of the committee.

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

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

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

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

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

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

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

12 **5.054 Duties of the executive director.** The executive director of the board
13 shall:

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

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

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

19 **5.066 Complaints and decision-making procedure. (1)** In this section:

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

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

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

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

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1 **(2)** Any person may file a verified complaint with the division alleging a
2 violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19. The division shall
3 investigate the complaint unless the division finds the complaint to be without merit.
4 The division may, on its own motion or upon direction of the board, investigate any
5 potential violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 whenever
6 the division has probable cause to believe that a violation has occurred. If the
7 division finds, by a preponderance of evidence, that a complaint is frivolous, the
8 division may order the complainant to forfeit not more than the greater of \$500 or
9 the expenses incurred in investigating the complaint. The attorney general, when
10 so requested by the division, shall institute proceedings to recover any forfeiture
11 incurred under this subsection that is not paid by the person against whom it is
12 assessed.

13 **(3)** If the complaint concerns a question as to whether an election official or a
14 private person is acting in conformity with the law or rules of the board, the person
15 filing the complaint shall serve a copy of the complaint upon that official or private
16 person and that official or private person shall be a party to the case. An election
17 official or private person may move to dismiss a complaint if it is clearly without
18 merit. If the division finds, in response to a motion, that a complaint is clearly
19 without merit, the division shall dismiss the complaint.

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

23 **(5)** The division may order an election official or a private person to act in
24 conformity with chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 or rules of the
25 board, or may, by order, impose a civil penalty under s. 11.60 or 12.60 (1) (c) or (d),

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1 13.69, or 19.579 for any violation of ch. 11 or 12, subch. III of ch. 13, or subch. III of
2 ch. 19 for which a civil penalty is applicable.

3 **(6)** Subject to the procedures under this subsection, the division may, in the
4 discharge of its functions under this section and after providing notice to any party
5 who is the subject of an investigation, subpoena and bring before it any person and
6 require the production of any papers, books, or other records relevant to an
7 investigation. Prior to issuing a subpoena or obtaining a search warrant, the division
8 shall submit a written request for this purpose to the board. If the board does not
9 disapprove the request within 7 days of receiving the request, the division may issue
10 the subpoena or obtain the search warrant. A circuit court may by order permit the
11 inspection and copying of the accounts and the depositor's and loan records at any
12 financial institution, as defined in s. 705.01 (3), doing business in this state to obtain
13 evidence of any violation of ch. 11 or 12, subch. III of ch. 13, or subch. III of ch. 19
14 upon a showing by the division of probable cause to believe there is a violation and
15 that such accounts and records may have a substantial relation to the violation. In
16 the discharge of its functions under this section, the division may cause the
17 deposition of witnesses to be taken in the manner prescribed for taking depositions
18 in civil actions in circuit court.

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

23 **(8)** Any party aggrieved by a proposed decision under sub. (4) may appeal the
24 proposed decision to the board within 20 days after service of a copy of the decision
25 upon the party. If no appeal is filed within 20 days of service of a copy of a proposed

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1 decision upon each party to the case in which the decision is made, the decision is
2 final and becomes the decision of the board. In appealing a decision of the division,
3 the appellant shall indicate in its appeal whether the appellant contests any finding
4 of fact made by the division. If an appellant does not contest a finding of fact, the
5 validity of which is reasonably ascertainable to the appellant at the time of the
6 appeal, that finding is conclusive against the appellant in all subsequent
7 proceedings.

8 **(9)** If a proposed decision of the division is appealed to the board, the board shall
9 hear the appeal at its next meeting occurring at least 3 working days after the appeal
10 is received by the board. In reviewing the decision of the division, the board is not
11 bound by any finding of fact that is contested or any conclusion of law made by the
12 division. After hearing the appeal, the board may issue a decision, which shall
13 include findings of fact and conclusions of law. In its decision, the board may affirm,
14 modify, or reverse an order issued by the division under sub. (5), and may order an
15 election official or a private person to act in conformity with chs. 5 to 12, subch. III
16 of ch. 13, or subch. III of ch. 19 or rules of the board, or may, by order, impose a civil
17 penalty under s. 11.60, 12.60 (1) (c) or (d), 13.69, or 19.579 for any violation of ch. 11
18 or 12, subch. III of ch. 13, or subch. III of ch. 19 for which a civil penalty is applicable.
19 If the board does not modify or reverse a decision of the division at the meeting at
20 which an appeal of a decision is heard, the decision is affirmed.

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

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1 **(11)** The defendant may appeal any decision of the division or the board in a
2 contested case arising under this section as provided in s. 227.57. If the board
3 modifies or reverses an order issued by the division under sub. (5), the division may
4 seek judicial review of the decision. In seeking judicial review of a decision of the
5 division or the board, the appellant shall indicate in its petition for review whether
6 the appellant contests any finding of fact made by the division or the board that is
7 not conclusive against the appellant. If the appellant does not contest any finding
8 of fact made by the division or the board, that finding is conclusive against the
9 appellant.

10 **(12)** When the enforcement division issues an order imposing a forfeiture
11 under sub. (2) or s. 11.60, 12.60 (1) (c) or (d), 13.69, or 19.579 that is not appealed in
12 a timely manner under sub. (8) or (11), or when the board issues an order imposing
13 a forfeiture under sub. (2) or s. 11.60, 12.60 (1) (c) or (d), 13.69, or 19.579 and the
14 period allowed under s. 227.57 for judicial review of the order expires, the division
15 or board may file a copy of its order with the clerk of circuit court for Dane County.
16 The clerk shall thereupon enter the order in the judgment and lien docket in the same
17 manner as provided for entry of civil judgments under s. 806.10. The division or
18 board may also enter the order on the judgment and lien docket of any other county
19 under s. 806.13. The order may be enforced and satisfied in the same manner as
20 provided for enforcement and satisfaction of civil judgments.

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

ENGROSSED SENATE BILL 1**SECTION 14**

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

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

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

7 **5.40 (7)** Whenever a municipality adopts and purchases voting machines or an
8 electronic voting system, or adopts and purchases a different type of voting machine
9 or electronic voting system from the type it was previously using, the municipal clerk
10 or executive director of the municipal board of election commissioners shall promptly
11 notify the county clerk or executive director of the county board of election
12 commissioners and the executive director of the ~~elections~~ government accountability
13 board in writing.

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

15 **5.62 (4) (b)** The county board of election commissioners in counties having a
16 population of more than 500,000 shall prepare the official primary ballot. The
17 commissioners shall arrange the names of all candidates for each office whose
18 nomination papers are filed at the county level, using the same method as that used
19 by the ~~elections~~ government accountability board under s. 5.60 (1) (b).

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

21 **6.26 (2) (b)** The municipal clerk, board of election commissioners, or ~~elections~~
22 government accountability board may appoint any applicant who qualifies under
23 this subsection, unless the applicant's appointment has been revoked by a
24 municipality or by the board for cause. The municipal clerk, board of election
25 commissioners, or ~~elections~~ government accountability board may revoke an

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1 appointment made by the clerk, board of election commissioners, or elections
2 government accountability board for cause at any time.

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

4 6.26 (2) (c) No individual may serve as a special registration deputy in a
5 municipality unless the individual is appointed by the municipal clerk or board of
6 election commissioners of the municipality or the individual is appointed by the
7 elections government accountability board to serve all municipalities.

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

9 **7.08 (title) Elections Government accountability board.**

10 **SECTION 20m.** 7.08 (7) of the statutes is repealed.

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

12 7.31 (5) The board shall conduct regular training programs to ensure that
13 individuals who are certified by the board under this section are knowledgeable
14 concerning their authority and responsibilities. ~~The board shall pay all costs~~
15 ~~required to conduct the training programs from the appropriation under s. 20.510 (1)~~
16 ~~(bm).~~

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

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

ENGROSSED SENATE BILL 1**SECTION 22**

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

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

14 7.60 (5) REPORTING. (a) Immediately following the canvass, the county clerk
15 shall deliver or send to the ~~elections~~ government accountability board, by 1st class
16 mail, a certified copy of each statement of the county board of canvassers for
17 president and vice president, state officials, senators and representatives in
18 congress, state legislators, justice, court of appeals judge, circuit judge, district
19 attorney, and metropolitan sewerage commissioners, if the commissioners are
20 elected under s. 200.09 (11) (am). The statement shall record the returns for each
21 office or referendum by ward, unless combined returns are authorized under s. 5.15
22 (6) (b) in which case the statement shall record the returns for each group of
23 combined wards. Following primaries the county clerk shall enclose on forms
24 prescribed by the ~~elections~~ government accountability board the names, party or
25 principle designation, if any, and number of votes received by each candidate

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1 recorded in the same manner. The county clerk shall deliver or transmit the certified
2 statement to the ~~elections~~ government accountability board no later than 7 days
3 after each primary and no later than 10 days after any other election. The board of
4 canvassers shall deliver or transmit a certified copy of each statement for any
5 technical college district referendum to the secretary of the technical college district
6 board.

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

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

20 7.70 (1) RECORDING AND PRESERVING RETURNS. (a) Upon receipt of the certified
21 statements from the county clerks, the ~~elections~~ board shall record the election
22 results by counties and file and carefully preserve the statements.

23 (b) If any county clerk fails or neglects to forward any statements, the ~~elections~~
24 board may require the clerk to do so immediately and if not received by the 8th day
25 after a primary, or by the 11th day after any other election, the ~~elections~~ board may

ENGROSSED SENATE BILL 1**SECTION 24**

1 dispatch a special messenger to obtain them. Whenever it appears upon the face of
2 any statement that an error has been made in reporting or computing, the elections
3 board may return it to the county clerk for correction.

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

5 7.70 (5) (b) For presidential electors, the elections board shall prepare a
6 certificate showing the determination of the results of the canvass and the names of
7 the persons elected, and the governor shall sign, affix the great seal of the state, and
8 transmit the certificate by registered mail to the U.S. administrator of general
9 services. The governor shall also prepare 6 duplicate originals of such certificate and
10 deliver them to one of the presidential electors on or before the first Monday after the
11 2nd Wednesday in December.

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

13 8.05 (1) (j) The municipal clerk shall notify in writing each candidate whose
14 name is certified as a nominee under par. (h) of his or her nomination. If a municipal
15 judge is elected under s. 755.01 (4), the county clerk of the county having the largest
16 portion of the population in the jurisdiction served by the judge shall make the
17 notification. Upon receipt of the notice, each candidate shall file a declaration of
18 candidacy in the manner prescribed by s. 8.21 with the municipal clerk making the
19 notification no later than 5 p.m. on the 5th day after the notification is mailed or
20 personally delivered to the candidate by the municipal clerk, except as authorized
21 in this paragraph. If an incumbent whose name is certified as a nominee fails to file
22 a declaration of candidacy within the time prescribed by this paragraph, each
23 certified candidate for the office held by the incumbent, other than the incumbent,
24 may file a declaration of candidacy no later than 72 hours after the latest time
25 prescribed in this paragraph. If the candidate has not filed a registration statement

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1 under s. 11.05 at the time of the notification, the candidate shall file the statement
2 with the declaration. A candidate for municipal judge shall also file a statement of
3 economic interests with the ethics board under s. 19.43 (4) no later than 4:30 p.m.
4 on the 5th day after notification of nomination is mailed or personally delivered to
5 the candidate, or no later than 4:30 p.m. on the next business day after the last day
6 for filing a declaration of candidacy whenever that candidate is granted an extension
7 of time for filing a declaration of candidacy under this paragraph. Upon receipt of
8 the declaration of candidacy and registration statement of each qualified candidate,
9 and upon filing of a statement of economic interests by each candidate for municipal
10 judge, the municipal clerk, or the county clerk if the judge is elected under s. 755.01
11 (4), shall place the name of the candidate on the ballot. No later than the end of the
12 3rd day following qualification by all candidates, the municipal clerk, or the county
13 clerk if the judge is elected under s. 755.01 (4), shall draw lots to determine the
14 arrangement of candidates' names on the spring election ballot.

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

16 8.10 (5) Nomination papers shall be accompanied by a declaration of candidacy
17 under s. 8.21. If a candidate has not filed a registration statement under s. 11.05 at
18 the time he or she files nomination papers, the candidate shall file the statement
19 with the papers. A candidate for state office or municipal judge shall also file a
20 statement of economic interests with the ethics board under s. 19.43 (4) no later than
21 4:30 p.m. on the 3rd day following the last day for filing nomination papers under
22 sub. (2) (a), or no later than 4:30 p.m. on the next business day after the last day
23 whenever that candidate is granted an extension of time for filing nomination papers
24 under sub. (2) (a).

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

ENGROSSED SENATE BILL 1**SECTION 28**

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

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

11 8.18 (2) The purpose of the convention is to nominate one presidential elector
12 from each congressional district and 2 electors from the state at large. The names
13 of the nominees shall be certified immediately by the chairperson of the state
14 committee of each party to the chairperson of the elections board.

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

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

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

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1 8.50 (3) (a) Nomination papers may be circulated no sooner than the day the
2 order for the special election is filed and shall be filed not later than 5 p.m. 28 days
3 before the day that the special primary will or would be held, if required, except when
4 a special election is held concurrently with the spring election or general election, the
5 deadline for filing nomination papers shall be specified in the order and the date shall
6 be no earlier than the date provided in s. 8.10 (2) (a) or 8.15 (1), respectively, and no
7 later than 35 days prior to the date of the spring or September primary. Nomination
8 papers may be filed in the manner specified in s. 8.10, 8.15, or 8.20. Each candidate
9 shall file a declaration of candidacy in the manner provided in s. 8.21 no later than
10 the latest time provided in the order for filing nomination papers. If a candidate for
11 state or local office has not filed a registration statement under s. 11.05 at the time
12 he or she files nomination papers, the candidate shall file the statement with the
13 papers. A candidate for state office shall also file a statement of economic interests
14 with the ethics board no later than the end of the 3rd day following the last day for
15 filing nomination papers specified in the order.

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

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

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

22 9.01 (1) (a) Any candidate voted for at any election or any elector who voted
23 upon any referendum question at any election may request a recount. The petitioner
24 shall file a verified petition or petitions with the proper clerk or body under par. (ar)
25 not earlier than the time of completion of the canvass and not later than 5 p.m. on

ENGROSSED SENATE BILL 1**SECTION 33**

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

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1 **SECTION 34m.** 9.01 (1) (ag) 4. of the statutes is repealed.

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

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

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

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

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

10 **11.21 (title) Duties of the elections board.**

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

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

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

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

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

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

ENGROSSED SENATE BILL 1**SECTION 40**

1 meeting of the legislature. The ~~elections~~ government accountability board shall then
2 send a copy of s. 13.24 to both contestants. If any contestant fails to so file a copy of
3 such notice, the contestant shall not be entitled to any mileage or salary in case
4 payment has been made therefor to the sitting member.

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

6 13.62 (4) “Board” means the ~~ethics~~ government accountability board.

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

8 **13.685** (title) **Duties of the ~~ethics~~ government accountability board.**

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

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

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

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

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

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

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1 independent agency, but budgeting, program coordination and related management
2 functions shall be performed under the direction and supervision of the head of the
3 department or independent agency, except that ~~with:~~

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

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

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

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

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

17 15.07 **(1)** (cm) ~~The term of one member of the ethics board shall expire on each~~
18 ~~May 1.~~ The terms of 3 members of the development finance board appointed under
19 s. 15.155 (1) (a) 6. shall expire on May 1 of every even-numbered year and the terms
20 of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of
21 every odd-numbered year. The terms of the 3 members of the land and water
22 conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1.
23 The term of the member of the land and water conservation board appointed under
24 s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of
25 members of the real estate board shall expire on July 1. The terms of the appraiser

ENGROSSED SENATE BILL 1**SECTION 49**

1 members of the real estate appraisers board and the terms of the auctioneer and
2 auction company representative members of the auctioneer board shall expire on
3 May 1 in an even-numbered year.

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

5 15.07 (4) QUORUM. A majority of the membership of a board constitutes a
6 quorum to do business and, unless a more restrictive provision is adopted by the
7 board, a majority of a quorum may act in any matter within the jurisdiction of the
8 board. This subsection does not apply to actions of the ethics board or the school
9 district boundary appeal board as provided in ~~ss. 19.47 (4) and s. 117.05 (2) (a).~~

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

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

12 15.07 (5) (m) Members of the government accountability board, \$25 per day.

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

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

15 **15.60 Government accountability board; creation. (1)** There is created
16 a government accountability board consisting of 4 persons. Members shall serve for
17 4-year terms.

18 **(2)** (a) All members of the board shall be appointed from nominations
19 submitted to the governor by a nominating committee to be called the governmental
20 accountability candidate committee, which shall consist of the following:

- 21 1. The chief justice of the supreme court.
- 22 2. The dean of the Marquette University law school.
- 23 3. The dean of the University of Wisconsin law school.

24 **(3)** No member may be a state public official or a local public official, as defined
25 in s. 19.42.

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1 **(4)** No member, for one year immediately prior to the date of appointment may
2 have been, or while serving on the board may become, a member of a political party,
3 an officer or member of a committee in any partisan political club or organization,
4 an officer or employee of a registrant under s. 11.05, or a candidate for any partisan
5 elective public office.

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

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

9 **15.603 Same; specified divisions. (1) ENFORCEMENT DIVISION.** There is
10 created in the government accountability board an enforcement division, which is
11 attached to the board under s. 15.03. The enforcement division shall be under the
12 direction and supervision of an administrator, who shall be appointed by the
13 executive director of the board, with the advice and consent of the board, to serve for
14 a term of not less than 4 years nor more than 6 years expiring on September 1 of an
15 odd-numbered year.

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

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

19 **15.607 (1) ELECTION ADMINISTRATION COUNCIL.** There is created in the ~~elections~~
20 government accountability board an election administration council consisting of
21 members appointed by the executive director of the ~~elections~~ government
22 accountability board, including the clerk or executive director of the board of election
23 commissioners of the 2 counties or municipalities in this state having the largest
24 population, one or more election officials of other counties or municipalities,
25 representatives of organizations that advocate for the interests of individuals with

ENGROSSED SENATE BILL 1**SECTION 57**

1 disabilities and organizations that advocate for the interests of the voting public, and
2 other electors of this state.

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

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

5 16.79 (2) The department shall distribute in pamphlet form copies of the
6 constitution and such laws as may be required to meet the public demand, including
7 the election laws. The department shall distribute election manuals, forms, and
8 supplies specified by the ~~elections~~ government accountability board. The laws,
9 manuals, forms, and supplies shall be sold by the department at cost, including
10 distribution cost as determined under s. 35.80. The ~~elections~~ government
11 accountability board shall inform the department in writing as to which election
12 manuals, forms, and supplies shall be offered for distribution under this subsection.

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

14 16.96 (3) (b) Maintain and keep current throughout the decade the maps of
15 congressional and legislative district boundaries received from the legislative
16 reference bureau under s. 13.92 (1) (a) 6. and provide copies thereof to the ~~elections~~
17 government accountability board.

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

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

23 **SECTION 61m.** 17.07 (6) of the statutes is amended to read:

24 17.07 (6) Other state officers serving in an office that is filled by appointment
25 of any officer or body without the concurrence of the governor, by the officer or body

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1 having the authority to make appointments to that office, at pleasure, except that
2 officers appointed according to merit and fitness under and subject to ch. 230 or
3 officers whose removal is governed by ch. 230 may be removed only in conformity
4 with that chapter, and except that the administrator of the enforcement division in
5 the government accountability board may be removed from office only by the
6 executive director of the board, for cause.

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

8 17.17 (1) SENATORS AND MEMBERS OF CONGRESS. In the office of United States
9 senator or member of congress from this state, by the county clerk of the county
10 wherein such officer resided at the time of election, to the elections government
11 accountability board.

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

13 17.17 (4) JUSTICES AND JUDGES. In the office of justice of the supreme court, court
14 of appeals judge, or judge of a circuit court, by the director of state courts to the
15 governor and the elections government accountability board.

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

17 19.42 (3) “Board” means the ethics government accountability board.

18 **SECTION 65m.** 19.42 (10) (a) of the statutes is repealed.

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

20 19.43 (4) A candidate for state public office shall file with the board a statement
21 of economic interests meeting each of the requirements of s. 19.44 (1) no later than
22 4:30 p.m. on the 3rd day following the last day for filing nomination papers for the
23 office which the candidate seeks, or no later than 4:30 p.m. on the next business day
24 after the last day whenever that candidate is granted an extension of time for filing
25 nomination papers or a declaration of candidacy under s. 8.05 (1) (j), 8.10 (2) (a), 8.15

ENGROSSED SENATE BILL 1**SECTION 67**

1 (1), or 8.20 (8) (a), no later than 4:30 p.m. on the 5th day after notification of
2 nomination is mailed or personally delivered to the candidate by the municipal clerk
3 in the case of a candidate who is nominated at a caucus, or no later than 4:30 p.m.
4 on the 3rd day after notification of nomination is mailed or personally delivered to
5 the candidate by the appropriate official or agency in the case of a write-in candidate
6 or candidate who is appointed to fill a vacancy in nomination under s. 8.35 (2) (a).
7 The information contained on the statement shall be current as of December 31 of
8 the year preceding the filing deadline. Before certifying the name of any candidate
9 for state public office under s. 7.08 (2) (a), the ~~elections~~ government accountability
10 board, municipal clerk, or board of election commissioners shall ascertain whether
11 that candidate has complied with this subsection. If not, the ~~elections~~ government
12 accountability board, municipal clerk, or board of election commissioners may not
13 certify the candidate's name for ballot placement.

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

15 19.43 (5) Each member of the investment board and each employee of the
16 investment board who is a state public official shall complete and file with the ~~ethics~~
17 government accountability board a quarterly report of economic transactions no
18 later than the last day of the month following the end of each calendar quarter during
19 any portion of which he or she was a member or employee of the investment board.
20 Such reports of economic transactions shall be in the form prescribed by the ~~ethics~~
21 government accountability board and shall identify the date and nature of any
22 purchase, sale, put, call, option, lease, or creation, dissolution, or modification of any
23 economic interest made during the quarter for which the report is filed and
24 disclosure of which would be required by s. 19.44 if a statement of economic interests
25 were being filed.

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

2 19.45 **(6)** No state public official, member of a state public official's immediate
3 family, nor any organization with which the state public official or a member of the
4 official's immediate family owns or controls at least 10% of the outstanding equity,
5 voting rights, or outstanding indebtedness may enter into any contract or lease
6 involving a payment or payments of more than \$3,000 within a 12-month period, in
7 whole or in part derived from state funds unless the state public official has first
8 made written disclosure of the nature and extent of such relationship or interest to
9 the board and to the department acting for the state in regard to such contract or
10 lease. Any contract or lease entered into in violation of this subsection may be voided
11 by the state in an action commenced within 3 years of the date on which the ethics
12 board, or the department or officer acting for the state in regard to the allocation of
13 state funds from which such payment is derived, knew or should have known that
14 a violation of this subsection had occurred. This subsection does not affect the
15 application of s. 946.13.

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

17 19.46 **(1)** (intro.) Except in accordance with the ~~board's~~ advice of the executive
18 director of the board under sub. (2) and except as otherwise provided in sub. (3), no
19 state public official may:

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

21 19.46 **(2)** Any individual, either personally or on behalf of an organization or
22 governmental body, may request of the ~~board~~ executive director of the board an
23 advisory opinion regarding the propriety under this subchapter or subch. III of ch.
24 13 of any matter to which the person is or may become a party; and any appointing
25 officer, with the consent of a prospective appointee, may request of the ~~board~~

ENGROSSED SENATE BILL 1**SECTION 71**

1 executive director an advisory opinion regarding the propriety under this subchapter
2 or subch. III of ch. 13 of any matter to which the prospective appointee is or may
3 become a party. ~~The board~~ executive director shall review a request for an advisory
4 opinion and may advise the person making the request. Advisory opinions and
5 requests therefor shall be in writing. ~~The board's deliberations and actions upon~~ The
6 executive director may consult with the board before issuing a formal opinion but
7 shall not reveal any information to the board that would identify the requester of the
8 opinion. All consultations with the board concerning such requests shall be in
9 meetings not open to the public. It is prima facie evidence of intent to comply with
10 this subchapter or subch. III of ch. 13 when a person refers a matter to the ~~board~~
11 executive director and abides by the ~~board's~~ executive director's advisory opinion, if
12 the material facts are as stated in the opinion request. ~~The board may authorize the~~
13 ~~executive director to act in its stead in instances where delay is of substantial~~
14 ~~inconvenience or detriment to the requesting party.~~ No member or employee of the
15 board may make public the identity of the individual requesting an advisory opinion
16 or of individuals or organizations mentioned in the opinion.

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

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

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

20 19.47 (5) ~~No later than September 1 of each year, the board shall submit a~~
21 ~~report concerning its actions in the preceding fiscal year to the governor and the chief~~
22 ~~clerk of each house of the legislature, for distribution to the legislature under s.~~
23 ~~13.172 (2).~~ The board shall include in its biennial report shall contain under
24 s. 15.04 (1) (d) the names and duties of all individuals employed by the board and a
25 summary of its determinations and advisory opinions issued by the executive

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1 director under s. 19.46 (2). The board shall make sufficient alterations in the
2 summaries to prevent disclosing the identities of individuals or organizations
3 involved in the decisions or opinions. The board may also include in its biennial
4 report any information compiled under s. 11.21 (7). The board shall make such
5 further reports on the matters within its jurisdiction and such recommendations for
6 further legislation as it deems desirable.

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

8 19.50 (2) To administer oaths and to require by subpoena issued by it the
9 attendance and testimony of witnesses and the production of any documentary
10 evidence relating to the investigation or hearing being conducted. ~~Notwithstanding~~
11 ~~s. 885.01 (4), the issuance of a subpoena requires action by the board in accordance~~
12 ~~with s. 19.47 (4).~~

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

14 19.54 (2) An application for rehearing is governed by such general rules as the
15 board may establish. Only one rehearing may be granted by the board. No order of
16 the board pursuant to this subchapter or subch. III of ch.13 becomes effective until
17 20 days after it is issued, or while an application for rehearing or a rehearing is
18 pending, or until 10 days after such application for rehearing is either denied,
19 expressly or by implication, or the board has announced its final determination on
20 rehearing.

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

22 19.55 (1) Except as provided in sub. (2), all records under this subchapter or
23 subch. III of ch. 13 in the possession of the board are open to public inspection at all
24 reasonable times. The board shall require an individual wishing to examine a
25 statement of economic interests or the list of persons who inspect any statements

ENGROSSED SENATE BILL 1**SECTION 77**

1 which are in the board's possession to provide his or her full name and address, and
2 if the individual is representing another person, the full name and address of the
3 person which he or she represents. Such identification may be provided in writing
4 or in person. The board shall record and retain for at least 3 years information
5 obtained by it pursuant to this subsection. No individual may use a fictitious name
6 or address or fail to identify a principal in making any request for inspection.

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

8 19.55 **(2)** (a) Records obtained in connection with a request for an advisory
9 opinion issued under s. 19.46 (2) other than summaries of advisory opinions that do
10 not disclose the identity of individuals requesting such opinions or organizations on
11 whose behalf they are requested. The executive director of the board may, however,
12 make such records public with the consent of the individual requesting the advisory
13 opinion or the organization or governmental body on whose behalf it is requested.
14 A person who makes or purports to make public the substance of or any portion of
15 an advisory opinion requested by or on behalf of the person is deemed to have waived
16 the confidentiality of the request for an advisory opinion and of any records obtained
17 or prepared by the board in connection with the request for an advisory opinion.

18 (b) Records obtained or prepared by the board in connection with an
19 investigation under this subchapter or subch. III of ch. 13, except that the board shall
20 permit inspection of records that are made public in the course of a hearing by the
21 board to determine if a violation of this subchapter or subch. III of ch. 13 has
22 occurred. Whenever the board refers such investigation and hearing records to a
23 district attorney or to the attorney general, they may be made public in the course
24 of a prosecution initiated under this subchapter. The board shall also provide
25 information from investigation and hearing records that pertains to the location of

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1 individuals and assets of individuals as requested under s. 49.22 (2m) by the
2 department of workforce development or by a county child support agency under s.
3 59.53 (5).

4 (c) Statements of economic interests and reports of economic transactions
5 which are filed with the ethics government accountability board by members or
6 employees of the investment board, except that the ethics government accountability
7 board shall refer statements and reports filed by such individuals to the legislative
8 audit bureau for its review, and except that a statement of economic interests filed
9 by a member or employee of the investment board who is also an official required to
10 file shall be open to public inspection.

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

12 **19.579 Civil penalty.** Any person who violates s. 19.43, 19.44, or 19.56 (2) may
13 be required to forfeit not more than \$500. Any person who violates any other
14 provision of this subchapter may be required to forfeit not more than \$5,000.

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

16 19.59 (1) (g) 8. No district board member, member of a district board member's
17 immediate family, nor any organization with which the district board member or a
18 member of the district board member's immediate family owns or controls at least
19 10% of the outstanding equity, voting rights, or outstanding indebtedness may enter
20 into any contract or lease involving a payment or payments of more than \$3,000
21 within a 12-month period, in whole or in part derived from district funds unless the
22 district board member has first made written disclosure of the nature and extent of
23 such relationship or interest to the ethics government accountability board and to
24 the district. Any contract or lease entered into in violation of this subdivision may
25 be voided by the district in an action commenced within 3 years of the date on which

ENGROSSED SENATE BILL 1**SECTION 80**

1 the ethics government accountability board, or the district, knew or should have
2 known that a violation of this subdivision had occurred. This subdivision does not
3 affect the application of s. 946.13.

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

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

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

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

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

11 **SECTION 87.** 20.510 (1) (bm) of the statutes is repealed.

12 **SECTION 88.** 20.510 (1) (c) of the statutes is repealed.

13 **SECTION 89.** 20.510 (1) (d) of the statutes is repealed.

14 **SECTION 90.** 20.510 (1) (g) of the statutes is repealed.

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

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

17 **SECTION 93.** 20.510 (1) (j) of the statutes is repealed.

18 **SECTION 94.** 20.510 (1) (q) of the statutes, as affected by 2001 Wisconsin Act
19 109, is repealed.

20 **SECTION 95.** 20.510 (1) (t) of the statutes is repealed.

21 **SECTION 96.** 20.510 (1) (x) of the statutes is repealed.

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

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

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

25 **SECTION 104.** 20.521 (1) (b) of the statutes is repealed.

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

2 **SECTION 106m.** 20.521 (1) (h) of the statutes is repealed.

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

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

5 20.923 **(4)** STATE AGENCY POSITIONS. (intro.) State agency heads, the
6 administrator of the division of merit recruitment and selection in the office of state
7 employment relations, the administrator of the enforcement division in the
8 government accountability board, and commission chairpersons and members shall
9 be identified and limited in number in accordance with the standardized
10 nomenclature contained in this subsection, and shall be assigned to the executive
11 salary groups listed in pars. (a) to (i). Except for positions specified in ~~par.~~ pars. (c)
12 3m. and (e) 2e. and sub. (12), all unclassified division administrator positions
13 enumerated under s. 230.08 (2) (e) shall be assigned, when approved by the joint
14 committee on employment relations, by the director of the office of state employment
15 relations to one of 10 executive salary groups. The joint committee on employment
16 relations, by majority vote of the full committee, may amend recommendations for
17 initial position assignments and changes in assignments to the executive salary
18 groups submitted by the director of the office of state employment relations. All
19 division administrator assignments and amendments to assignments of
20 administrator positions approved by the committee shall become part of the
21 compensation plan. Whenever a new unclassified division administrator position is
22 created, the appointing authority may set the salary for the position until the joint
23 committee on employment relations approves assignment of the position to an
24 executive salary group. If the committee approves assignment of the position to an
25 executive salary group having a salary range minimum or maximum inconsistent

ENGROSSED SENATE BILL 1**SECTION 108**

1 with the salary paid to the incumbent at the time of such approval, the incumbent's
2 salary shall be adjusted by the appointing authority to conform with the committee's
3 action, effective on the date of that action. Positions are assigned as follows:

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

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

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

7 20.923 (4) (e) 2e. Government accountability board: administrator of the
8 enforcement division.

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

10 20.923 (4) (f) 3j. Government accountability board: executive director.

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

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

13 The governing body shall provide the election officials with all necessary election
14 supplies. The form of the ballot shall correspond substantially with the standard
15 form for referendum ballots prescribed by the ~~elections~~ government accountability
16 board under ss. 5.64 (2) and 7.08 (1) (a). If the resolution under subd. 1. specifies the
17 operating levy rate, the question shall be submitted as follows: "Under state law, the
18 operating levy rate for the (name of county), for the tax to be imposed for the year
19 (year), is limited to \$.... per \$1,000 of equalized value. Shall the (name of
20 county) be allowed to exceed this rate limit for (a specified number of years) (an
21 indefinite period) by \$.... per \$1,000 of equalized value that results in an operating
22 levy rate of \$.... per \$1,000 of equalized value?" If the resolution under subd. 1.
23 specifies the operating levy, the question shall be submitted as follows: "Under state
24 law, the operating levy rate for the (name of county), for the tax to be imposed for
25 the year (year), is limited to \$.... per \$1,000 of equalized value. Notwithstanding

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1 the operating levy rate limit, shall the (name of county) be allowed to levy an
2 amount not to exceed \$.... (operating levy) for operating purposes for the year
3 (year), which may increase the operating levy rate for (a specified number of
4 years) (an indefinite period)? This would allow a% increase above the levy of \$....
5 (preceding year operating levy) for the year (preceding year).”

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

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

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

16 67.05 (6) REFERENDUM IN OTHER CASES. Whenever an initial resolution has been
17 adopted by the governing body of any municipality other than a county, a town, a city,
18 a village, a technical college district, a metropolitan sewerage district created under
19 ss. 200.01 to 200.15 or 200.21 to 200.65, a town sanitary district, a public inland lake
20 protection and rehabilitation district, or a board of park commissioners, the clerk of
21 such municipality shall immediately record the resolution and call a special meeting
22 for the purpose of submitting it to the electors of the municipality for ratification or
23 rejection. The calling and conduct of the meeting shall be governed by those statutes,
24 so far as applicable, which govern the calling and conduct of special meetings in
25 general. The notice of the meeting, which shall be publicly read before the balloting

ENGROSSED SENATE BILL 1**SECTION 115**

1 shall commence, and the ballot used, shall embody a copy of the resolution; the form
2 of the ballot shall correspond with the form prescribed by the ~~elections~~ government
3 accountability board under ss. 5.64 (2) and 7.08 (1) (a); and the question submitted
4 shall be whether the resolution shall be approved.

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

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

15 **SECTION 117.** 71.10 (3) (b) of the statutes, as affected by 2001 Wisconsin Act
16 109, is repealed and recreated to read:

17 71.10 (3) (b) The secretary of revenue shall ensure that space for the
18 designations under par. (am) is provided on the face of the individual income tax
19 return in a manner that is convenient to the individual filing the return. The
20 secretary of revenue shall provide next to the place on the return where designation
21 under par. (am) is made a statement that a designation will increase tax liability, that
22 the amount of a designation may be claimed as a credit under s. 71.07 (6s), and that
23 by making a designation the individual is also claiming the credit. The department
24 of revenue shall ensure that an individual may make the designation under par. (am)
25 and claim the credit under s. 71.07 (6s) by marking only one box, which shall be on

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1 the face of the individual income tax return. The secretary of revenue shall also
2 provide and highlight a place in the instructions that accompany the return for
3 information submitted to the secretary by the government accountability board
4 under s. 11.50 (2m) without cost to the board. Annually on August 15, the secretary
5 of revenue shall certify to the government accountability board, the department of
6 administration, and the state treasurer the total amount of designations made on
7 returns processed by the department of revenue during the preceding fiscal year and
8 the amount of designations made during that fiscal year for the general account and
9 for the account of each eligible political party. If any individual designates an
10 amount greater than the amount authorized under par. (am) or attempts to place any
11 condition or restriction upon a designation not authorized under par. (am), that
12 individual is deemed not to have made a designation on his or her tax return.

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

14 73.0301 (1) (d) 13. A license issued by the ~~ethics~~ government accountability
15 board under s. 13.63 (1).

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

17 73.0301 (1) (e) “Licensing department” means the department of
18 administration; the board of commissioners of public lands; the department of
19 commerce; the ~~ethics~~ government accountability board; the department of financial
20 institutions; the department of health and family services; the department of natural
21 resources; the department of public instruction; the department of regulation and
22 licensing; the department of workforce development; the office of the commissioner
23 of insurance; or the department of transportation.

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

ENGROSSED SENATE BILL 1**SECTION 120**

1 85.61 (1) The secretary of transportation and the executive director of the
2 elections government accountability board shall enter into an agreement to match
3 personally identifiable information on the official registration list maintained by the
4 elections government accountability board under s. 6.36 (1) with personally
5 identifiable information in the operating record file database under ch. 343 and
6 vehicle registration records under ch. 341 to the extent required to enable the
7 secretary of transportation and the executive director of the elections government
8 accountability board to verify the accuracy of the information provided for the
9 purpose of voter registration.

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

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

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

23 117.27 (2) (b) (intro.) The school district clerk shall include in the notice of the
24 spring election a statement that the election ballot will include a question on the
25 change requested by the petition. The form of the ballot shall correspond to the form

ENGROSSED SENATE BILL 1

1 prescribed by the ~~elections~~ government accountability board under ss. 5.64 (2) and
2 7.08 (1) (a) and the question on the ballot shall be:

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

4 121.91 (3) (c) The referendum shall be held in accordance with chs. 5 to 12. The
5 school district clerk shall provide the election officials with all necessary election
6 supplies. The form of the ballot shall correspond substantially with the standard
7 form for referendum ballots prescribed by the ~~elections~~ government accountability
8 board under ss. 5.64 (2) and 7.08 (1) (a). The question submitted shall be whether
9 the limit under sub. (2m) may be exceeded by a specified amount. If the resolution
10 provides that any of the excess revenue will be used for a nonrecurring purpose, the
11 ballot in the election shall so state and shall specify the amount that will be used for
12 a nonrecurring purpose. The limit otherwise applicable to the school district under
13 sub. (2m) is increased by the amount approved by a majority of those voting on the
14 question.

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

16 125.05 (1) (b) 10. Each question submitted to the electors shall conform to the
17 form prescribed by the ~~elections~~ government accountability board under ss. 5.64 (2)
18 and 7.08 (1) (a).

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

20 165.25 (1) REPRESENT STATE. Except as provided in s. ss. 5.05 (2m) (c) 1. and
21 978.05 (5), appear for the state and prosecute or defend all actions and proceedings,
22 civil or criminal, in the court of appeals and the supreme court, in which the state
23 is interested or a party, and attend to and prosecute or defend all civil cases sent or
24 remanded to any circuit court in which the state is a party; and, if requested by the
25 governor or either house of the legislature, appear for and represent the state, any

ENGROSSED SENATE BILL 1**SECTION 125**

1 state department, agency, official, employee, or agent, whether required to appear
2 as a party or witness in any civil or criminal matter, and prosecute or defend in any
3 court or before any officer, any cause or matter, civil or criminal, in which the state
4 or the people of this state may be interested. The public service commission may
5 request under s. 196.497 (7) that the attorney general intervene in federal
6 proceedings. All expenses of the proceedings shall be paid from the appropriation
7 under s. 20.455 (1) (d).

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

9 165.25 (4) (e) Provide assistance to the enforcement division of the government
10 accountability board in the investigation and prosecution of violations of chs. 5 to 12,
11 subch. III of ch. 13, and subch. III of ch. 19.

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

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

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

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1 200.09 **(11)** (am) 3. If the governing bodies of each city, town, and village
2 comprising the district pass a resolution to discontinue election of commissioners,
3 each commissioner may hold office until a successor is appointed and qualified. The
4 commission shall immediately notify the ~~elections~~ government accountability board
5 under s. 5.05 upon passage of a resolution under this subdivision.

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

7 227.03 **(6)** Orders of the ~~elections~~ government accountability board under s.
8 5.06 (6) are not subject to this chapter.

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

10 227.03 **(6m)** Cases before the enforcement division of the government
11 accountability board under s. 5.066 are not subject to this chapter.

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

13 227.52 **(6)** Decisions of the chairperson of the ~~elections~~ government
14 accountability board or the chairperson's designee.

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

16 230.08 **(2)** (e) 4h. Government accountability board — 3.

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

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

19 230.08 **(2)** (on) The executive director of the government accountability board.

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

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

22 230.08 **(4)** (a) The number of administrator positions specified in sub. (2) (e)
23 includes all administrator positions specifically authorized by law to be employed
24 outside the classified service in each department, board or commission and the
25 historical society. In this paragraph, "department" has the meaning given under s.

ENGROSSED SENATE BILL 1**SECTION 136**

1 15.01 (5), “board” means the educational communications board, government
2 accountability board, investment board, public defender board and technical college
3 system board and “commission” means the public service commission.
4 Notwithstanding sub. (2) (z), no division administrator position exceeding the
5 number authorized in sub. (2) (e) may be created in the unclassified service.

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

7 234.02 **(3m)** (c) The authority shall, with the advice of the ethics government
8 accountability board, adopt and enforce ethics guidelines applicable to its paid
9 consultants which are similar to subch. III of ch. 19, except that the authority may
10 not require its paid consultants to file financial disclosure statements.

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

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

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

22 **778.135 Campaign finance forfeitures; how recovered.** Notwithstanding
23 s. 778.13, whenever any action or proposed action by the elections government
24 accountability board under s. 5.05 (1) (c) is settled as a result of agreement between
25 the parties without approval of the court, the moneys accruing to the state on account

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1 of such settlement shall be paid to the board and deposited with the secretary of
2 administration. Whenever any proposed action by a county board of election
3 commissioners under s. 7.21 (2m) (a) is settled as a result of agreement between the
4 parties, the moneys accruing to the county on account of such settlement shall be
5 paid to the board of election commissioners and deposited with the county treasurer
6 in the same manner as provided for forfeitures under s. 778.13.

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

8 **778.136 Ethics and lobbying forfeitures; how recovered.**

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

14 **SECTION 141. Nonstatutory provisions.**

15 (1) TRANSFER OF ELECTIONS BOARD.

16 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
17 liabilities of the elections board shall become the assets and liabilities of the
18 government accountability board.

19 (b) *Positions and employees.*

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

22 2. All incumbent employees holding positions in the elections board are
23 transferred on the effective date of this subdivision to the government accountability
24 board.

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

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

10 (d) *Contracts.* All contracts entered into by the elections board in effect on the
11 effective date of this paragraph remain in effect and are transferred to the
12 government accountability board. The government accountability board shall carry
13 out any contractual obligations under such a contract until the contract is modified
14 or rescinded by the government accountability board to the extent allowed under the
15 contract.

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

22 (f) *Pending matters.* Any matter pending with the elections board on the
23 effective date of this paragraph is transferred to the government accountability
24 board, and all materials submitted to or actions taken by the elections board with

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1 respect to the pending matter are considered as having been submitted to or taken
2 by the government accountability board.

3 (2) TRANSFER OF ETHICS BOARD.

4 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
5 liabilities of the ethics board shall become the assets and liabilities of the government
6 accountability board.

7 (b) *Positions and employees.*

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

10 2. All incumbent employees holding positions in the ethics board are
11 transferred on the effective date of this subdivision to the government accountability
12 board.

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

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

22 (d) *Contracts.* All contracts entered into by the ethics board remain in effect
23 and are transferred to the government accountability board. The government
24 accountability board shall carry out any contractual obligations under such a

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1 contract until the contract is modified or rescinded by the government accountability
2 board to the extent allowed under the contract.

3 (e) *Rules and orders.* All rules promulgated by the ethics board that are in effect
4 on the effective date of this paragraph remain in effect until their specified expiration
5 dates or until amended or repealed by the government accountability board. All
6 orders issued by the ethics board that are in effect on the effective date of this
7 paragraph remain in effect until their specified expiration dates or until modified or
8 rescinded by the government accountability board.

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

14 (3) BOARD TRANSITIONS; INITIAL TERMS.

15 (a) Notwithstanding section 15.61, 2001 stats., section 15.62, 2003 stats., and
16 section 15.07 (1) (c) of the statutes, the terms of office of all members of the elections
17 board and all members of the ethics board holding office shall expire on the first day
18 of the 6th month beginning after the date of publication of this act.

19 (b) Each member of the government accountability board who is appointed as
20 provided in paragraph (c) and qualified to take office shall take office on the effective
21 date of this paragraph, or upon qualification to take office, whichever is later.

22 (c) Notwithstanding section 15.60 (1) of the statutes, as created by this act, and
23 section 15.07 (1) (c) of the statutes, of the members of the government accountability
24 board who are initially nominated by the governor, and with the advice and consent

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1 of the senate appointed, 2 shall be appointed to serve for terms expiring on May 1,
2 2007, and 2 shall be appointed to serve for terms expiring on May 1, 2009.

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

7 (4) IMPLEMENTATION.

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

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

