

January 2007 Special Session
Senate Bill 1

Date of enactment: **February 2, 2007**
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AN ACT *to repeal* 5.05 (1) (a), 5.05 (3), 5.05 (5), 5.05 (6), 7.21 (2m), 11.38 (5), 13.69 (8), 15.07 (5) (k), 15.07 (5) (n), 15.61, 15.62, 19.42 (10) (a), 19.47 (1) and (2), 19.47 (4), 19.49 (title), 19.49 (1), 19.49 (3), 19.49 (4), 19.50 (title), 19.50 (2), 19.51 (title), 19.51 (1) (a) and (b), 19.51 (3), 19.52, 19.53 (intro.), 19.53 (1) to (5), 19.53 (7) and (8), 19.535, 19.54, 19.545, 20.510 (intro.), 20.510 (1) (title), 20.510 (1) (a), 20.510 (1) (gm), 20.510 (1) (h), 20.510 (1) (i), 20.511 (1) (c), 20.521 (intro.), 20.521 (1) (title), 20.521 (1) (a), 20.521 (1) (g), 20.521 (1) (i), 20.923 (4) (d) 3., 20.923 (4) (d) 4., 230.08 (2) (om), 230.08 (2) (wm) and 778.136; *to renumber* 19.47 (3), 19.47 (6), 19.49 (1m), 19.50 (4) and (5), 19.51 (2), 19.579, 20.510 (1) (b), 20.510 (1) (bm), 20.510 (1) (c), 20.510 (1) (d), 20.510 (1) (g), 20.510 (1) (j), 20.510 (1) (q), 20.510 (1) (t) and 20.510 (1) (x); *to renumber and amend* 15.617, 19.46 (2), 19.47 (5), 19.49 (2), 19.49 (5), 19.50 (intro.) and (1), 19.50 (3), 19.51 (1) (intro.), 19.53 (6), 19.55 (2) (a), 19.55 (2) (b), 20.521 (1) (b) and 20.521 (1) (h); *to amend* 5.02 (1s), 5.05 (title), 5.05 (1) (intro.), 5.05 (1) (b), 5.05 (1) (c), 5.05 (1) (e), 5.05 (9), 5.05 (11), 5.055, 5.056, 5.08, 5.09, 5.40 (7), 5.62 (4) (b), 6.26 (2) (b), 6.26 (2) (c), 6.36 (2) (a), 6.56 (3) to (5), 7.08 (title), 7.08 (7), 7.15 (1) (g), 7.31 (5), 7.60 (4) (a), 7.60 (5), 7.70 (1), 7.70 (5), 8.05 (1) (j) 3., 8.10 (5), 8.15 (4) (b), 8.18 (2), 8.20 (6), 8.50 (3) (a), 8.50 (3) (e), 9.01 (1) (a) 1., 9.01 (1) (ag) 4., 9.01 (1) (ar) 2., 9.01 (10), 10.06 (1) (title), 11.21 (title), 11.21 (7) (intro.), 11.22 (4), 11.60 (4), 11.60 (5), 11.61 (2), 13.123 (3) (b) 2., 13.23, 13.62 (4), 13.685 (title), 13.94 (1) (k), 14.58 (20), 15.07 (1) (cm), 15.07 (4), 16.753 (2), 16.79 (2), 16.96 (3) (b), 16.973 (6), 17.17 (1), 17.17 (4), 19.42 (3), 19.43 (4), 19.43 (5), 19.45 (6), 19.46 (1) (intro.), 19.55 (1), 19.55 (2) (c), 19.579 (title), 19.59 (1) (g) 8., 19.85 (1) (h), 20.455 (1) (b), 20.930, 46.95 (4), 59.605 (3) (a) 3., 67.05 (3) (b), 67.05 (6), 71.10 (3) (b), 73.0301 (1) (d) 13., 73.0301 (1) (e), 85.61 (1), 117.20 (2), 117.27 (2) (b) (intro.), 121.91 (3) (c), 125.05 (1) (b) 10., 165.25 (1), 165.25 (3r), 165.25 (8), 165.25 (8m), 165.93 (4), 198.08 (10), 200.09 (11) (am) 2. and 3., 227.03 (6), 227.45 (1), 227.46 (1) (intro.), 227.52 (6), 230.08 (4) (a), 234.02 (3m) (c), 301.03 (20m), 343.11 (2m), 560.04 (2m), 778.135, 801.52, 971.225 (1) (intro.) and 978.05 (1) and (2); *to repeal and recreate* 15.07 (1) (a) 2., 19.47 (title) and 20.005 (3) (schedule) 20.511; and *to create* 5.05 (1e), 5.05 (1m), 5.05 (2m), (2s) and (2w), 5.05 (3g), 5.05 (5f) (title), 5.05 (5s) (title), (d) and (e), 5.05 (5s) (f) 2. c., 5.052, 5.054, 8.30 (2m), 12.13 (5), 12.60 (1) (bm), 15.07 (2) (b), 15.07 (5) (m), 15.60, 15.603, 19.851, 20.511 (intro.) and (1) (title) and (a), 20.511 (1) (h) and (i), 20.923 (4) (f) 3j., 230.08 (2) (e) 4h., 230.08 (2) (on), 758.19 (9), 801.50 (5t), 801.64, 971.19 (12) and 971.223 of the statutes; **relating to:** creation of a Government Accountability Board, enforcement of elections, ethics, and lobbying regulation laws, venue for prosecution of certain offenses, granting rule-making authority, making appropriations, and providing penalties.

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

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

* Section 991.11, WISCONSIN STATUTES 2005-06 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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

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

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

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

5.05 (1) GENERAL AUTHORITY. (intro.) The elections government accountability board shall have the responsibility for the administration of chs. 5 to 12 and other laws relating to elections and election campaigns, subch. III of ch. 13, and subch. III of ch. 19. Pursuant to such responsibility, the board may:

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

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

5.05 (1) (b) In the discharge of its duties and ~~upon~~ after providing notice to the any party or parties being investigated who is the subject of an investigation, subpoena and bring before it any person in the state and require the production of any papers, books, or other records relevant to an investigation. Notwithstanding s. 885.01 (4), the issuance of a subpoena requires action by the board at a meeting of the board. A circuit court may by order permit the inspection and copying of the accounts and the depositor's and loan records at any financial institution, as defined in s. 705.01 (3), doing business in the state to obtain evidence of any violation of ch. 11 upon showing by the board of probable cause to believe there is a violation and that such accounts and records may have a substantial relation to the violation. In the discharge of its duties, the board may cause the deposition of witnesses to be taken in the manner prescribed for taking depositions in civil actions in circuit court.

SECTION 6. 5.05 (1) (c) of the statutes is amended to read:

5.05 (1) (c) Bring civil actions to require ~~forfeitures a forfeiture~~ for any violation of ~~ch. 11 under s. 11.60.~~ Forfeiture actions brought by the board may concern only violations with respect to reports or statements required by law to be filed with it, and other violations arising under elections for state office or statewide referenda chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 or a license revocation for any violation of subch. III of ch. 13 for which the offender is subject to a revocation. The board may compromise and settle any civil action or potential action brought or authorized to be brought by it ~~under ch. 11~~ which, in the opinion of the board, constitutes a minor violation, a violation caused by excusable neglect, or which for other good cause shown, should not in the public interest be prosecuted under such chapter. Notwithstanding s. 778.06, ~~an a civil~~ a civil action or proposed civil action authorized under this paragraph may be settled for such sum as may be agreed between the par-

ties. Any settlement made by the board shall be in such amount as to deprive the alleged violator of any benefit of his or her wrongdoing and may contain a penal component to serve as a deterrent to future violations. In settling civil actions or proposed civil actions, the board shall treat comparable situations in a comparable manner and shall assure that any settlement bears a reasonable relationship to the severity of the offense or alleged offense. ~~Forfeiture Except as otherwise provided in sub. (2m) (c) 15. and 16. and ss. 5.08, 5.081, 19.535, and 19.59 (8), forfeiture and license revocation~~ actions brought by the board shall be brought in the circuit court for the county where the defendant resides, or if the defendant is a non-resident of this state, in circuit court for the county wherein the violation is alleged to occur. For purposes of this paragraph, a person other than a natural person resides within a county if the person's principal place of operation is located within that county. Whenever the board enters into a settlement agreement with an individual who is accused of a civil violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 or who is investigated by the board for a possible civil violation of one of those provisions, the board shall reduce the agreement to writing, together with a statement of the board's findings and reasons for entering into the agreement and shall retain the agreement and statement in its office for inspection.

SECTION 7. 5.05 (1) (e) of the statutes is amended to read:

5.05 (1) (e) Delegate ~~to its executive director~~ its legal counsel the authority to ~~issue a subpoena under par. (b), apply for a search warrant under par. (b), commence an action under par. (d),~~ intervene in ~~an a civil~~ action or proceeding under sub. (9), issue an order under s. 5.06, exempt a polling place from accessibility requirements under s. 5.25 (4) (a), exempt a municipality from the requirement to use voting machines or an electronic voting system under s. 5.40 (5m), approve an electronic data recording system for maintaining poll lists under s. 6.79, or authorize nonappointment of an individual who is nominated to serve as an election official under s. 7.30 (4) (e), subject to such limitations as the board deems appropriate.

SECTION 8. 5.05 (1e) of the statutes is created to read:

5.05 (1e) ACTIONS BY THE BOARD. Any action by the board requires the affirmative vote of at least 4 members.

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

5.05 (1m) LEGAL COUNSEL. The board shall employ outside the classified service an individual to serve as legal counsel who shall perform legal and administrative functions for the board.

SECTION 10. 5.05 (2m), (2s) and (2w) of the statutes are created to read:

5.05 (2m) ENFORCEMENT. (a) The board shall investigate violations of laws administered by the board and

may prosecute alleged civil violations of those laws, directly or through its agents under this subsection, pursuant to all statutes granting or assigning that authority or responsibility to the board. Prosecution of alleged criminal violations investigated by the board may be brought only as provided in par. (c) 11., 14., 15., and 16. and s. 978.05 (1).

(c) 2. a. Any person may file a complaint with the board alleging a violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19. If the board finds, by a preponderance of the evidence, that a complaint is frivolous, the board may order the complainant to forfeit not more than the greater of \$500 or the expenses incurred by the division in investigating the complaint.

4. If the board reviews a complaint and fails to find that there is a reasonable suspicion that a violation under subd. 2. has occurred or is occurring, the board shall dismiss the complaint. If the board believes that there is reasonable suspicion that a violation under subd. 2. has occurred or is occurring, the board may by resolution authorize the commencement of an investigation. The resolution shall specifically set forth any matter that is authorized to be investigated. To assist in the investigation, the board may elect to retain a special investigator. If the board elects to retain a special investigator, the administrator of the ethics and accountability division shall submit to the board the names of 3 qualified individuals to serve as a special investigator. The board may retain one or more of the individuals. If the board retains a special investigator to investigate a complaint against a person who is a resident of this state, the board shall provide to the district attorney for the county in which the person resides a copy of the complaint and shall notify the district attorney that it has retained a special investigator to investigate the complaint. For purposes of this subdivision, a person other than a natural person resides within a county if the person's principal place of operation is located within that county. The board shall enter into a written contract with any individual who is retained as a special investigator setting forth the terms of the engagement. A special investigator who is retained by the board may request the board to issue a subpoena to a specific person or to authorize the special investigator to request a circuit court to issue a search warrant. The board may grant the request by approving a motion to that effect at a meeting of the board if the board finds that such action is legally appropriate.

5. Each special investigator who is retained by the board shall make periodic reports to the board, as directed by the board, but in no case may the interval for reporting exceed 30 days. If the board authorizes the administrator of the ethics and accountability division to investigate any matter without retaining a special investigator, the administrator shall make periodic reports to the board, as directed by the board, but in no case may the reporting interval exceed 30 days. During the pendency of any

investigation, the board shall meet for the purpose of reviewing the progress of the investigation at least once every 90 days. The special investigator or the administrator shall report in person to the board at that meeting concerning the progress of the investigation. If, after receiving a report, the board does not vote to continue an investigation for an additional period not exceeding 90 days, the investigation is terminated at the end of the reporting interval. The board shall not expend more than \$10,000 to finance the cost of an investigation before receiving a report on the progress of the investigation and a recommendation to commit additional resources. The board may vote to terminate an investigation at any time. If an investigation is terminated, any complaint from which the investigation arose is deemed to be dismissed by the board. Unless an investigation is terminated by the board, at the conclusion of each investigation, the administrator shall present to the board one of the following:

a. A recommendation to make a finding that probable cause exists to believe that one or more violations under subd. 2. have occurred or are occurring, together with a recommended course of action.

b. A recommendation for further investigation of the matter together with facts supporting that course of action.

c. A recommendation to terminate the investigation due to lack of sufficient evidence to indicate that a violation under subd. 2 has occurred or is occurring.

6. a. If the board finds that there is probable cause to believe that a violation under subd. 2. has occurred or is occurring, the board may authorize the administrator of the ethics and accountability division to file a civil complaint against the alleged violator. In such case, the administrator may request the assistance of special counsel to prosecute any action brought by the board. If the administrator requests the assistance of special counsel with respect to any matter, the administrator shall submit to the board the names of 3 qualified individuals to serve as special counsel. The board may retain one of the individuals to act as special counsel. The staff of the board shall provide assistance to the special counsel as may be required by the counsel to carry out his or her responsibilities.

b. The board shall enter into a written contract with any individual who is retained as special counsel setting forth the terms of the engagement. The contract shall set forth the compensation to be paid such counsel by the state. The contract shall be executed on behalf of the state by the board's legal counsel, who shall file the contract in the office of the secretary of state. The compensation shall be charged to the appropriation under s. 20.455 (1) (b).

7. No individual who is appointed or retained by the board to serve as special counsel or as a special investigator is subject to approval under s. 20.930.

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8. Upon employment of any individual to serve as special counsel or as a special investigator for the board, the administrator of the ethics and accountability division shall certify the maximum amount provided in the employment contract to the secretary of administration, and direct the department of administration to pay bills of the special counsel or special investigator related to that case within the certified amount.

11. If the board finds that there is probable cause to believe that a violation under subd. 2. has occurred or is occurring, the board may, in lieu of civil prosecution of any matter by the board, refer the matter to the district attorney for the county in which the alleged violator resides, or if the alleged violator is a nonresident, to the district attorney for the county where the matter arises, or if par. (i) applies, to the attorney general or a special prosecutor. For purposes of this subdivision, a person other than a natural person resides within a county if the person's principal place of operation is located within that county.

12. The board may, by rule, prescribe categories of civil offenses which the board will agree to compromise and settle without a formal investigation upon payment of specified amounts by the alleged offender. The board may authorize the administrator of the ethics and accountability division to compromise and settle such alleged offenses in the name of the board if the alleged offenses by an offender, in the aggregate, do not involve payment of more than \$1,000.

13. If a special investigator or the administrator of the ethics and accountability division, in the course of an investigation authorized by the board, discovers evidence that a violation under subd. 2. that was not within the scope of the authorized investigation has occurred or is occurring, the special investigator or the administrator may present that evidence to the board. If the board finds that there is a reasonable suspicion that a violation under subd. 2. that is not within the scope of the authorized investigation has occurred or is occurring, the board may authorize the special investigator or the administrator to investigate the alleged violation or may elect to authorize a separate investigation of the alleged violation as provided in subd. 4.

14. If a special investigator or the administrator of the ethics and accountability division of the board, in the course of an investigation authorized by the board, discovers evidence of a potential violation of a law that is not administered by the board arising from or in relation to the official functions of the subject of the investigation or any matter that involves elections, ethics, or lobbying regulation, the special investigator or the administrator may present that evidence to the board. The board may thereupon refer the matter to the appropriate district attorney specified in subd. 11.

15. Except as provided in subd. 17., if the board refers a matter to the district attorney specified in subd. 11. for

prosecution of a potential violation under subd. 2. or 14. and the district attorney informs the board that he or she declines to prosecute any alleged civil or criminal violation related to any matter referred to the district attorney by the board, or the district attorney fails to commence a prosecution of any civil or criminal violation related to any matter referred to the district attorney by the board within 60 days of the date of the board's referral, the board may refer the matter to the district attorney for another prosecutorial unit that is contiguous to the prosecutorial unit of the district attorney to whom the matter was originally referred. If there is more than one such prosecutorial unit, the chairperson of the board shall determine the district attorney to whom the matter shall be referred by publicly drawing lots at a meeting of the board. The district attorney may then commence a civil or criminal prosecution relating to the matter.

16. Except as provided in subd. 17., if the board refers a matter to a district attorney under subd. 15. for prosecution of a potential violation under subd. 2. or 14. and the district attorney informs the board that he or she declines to prosecute any alleged civil or criminal violation related to any matter referred to the district attorney by the board, or the district attorney fails to commence a prosecution of any civil or criminal violation related to any matter referred to the district attorney by the board within 60 days of the date of the board's referral, the board may refer the matter to the attorney general. The attorney general may then commence a civil or criminal prosecution relating to the matter.

17. The board is not authorized to act under subd. 15. or 16. if a special prosecutor is appointed under s. 978.045 in lieu of the district attorney specified in subd. 11.

18. Whenever the board refers a matter to special counsel or to a district attorney or to the attorney general under this subsection, the special counsel, district attorney, or attorney general shall report to the board concerning any action taken regarding the matter. The report shall be transmitted no later than 40 days after the date of the referral. If the matter is not disposed of during that period, the special counsel, district attorney, or attorney general shall file a subsequent report at the end of each 30-day period following the filing of the initial report until final disposition of the matter.

(d) 1. No individual who serves as the legal counsel to the board or as a division administrator for the board may have been a lobbyist, as defined in s. 13.62 (11). No such individual may have served in, or have been a candidate, as defined in s. 11.01 (1), for, a partisan state or local office.

2. No employee of the board, while so employed, may become a candidate, as defined in s. 11.01 (1), for a state or partisan local office. No individual who is retained by the board to serve as a special investigator or as special counsel may, while so retained become a candi-

date, as defined in s. 11.01 (1), for any state or local office. A filing officer shall decline to accept nomination papers or a declaration of candidacy from any individual who does not qualify to become a candidate under this paragraph.

(e) No individual who serves as an employee of the board and no individual who is retained by the board to serve as a special investigator or a special counsel may, while so employed or retained, make a contribution, as defined in s. 11.01 (6), to a candidate for state or local office. No individual who serves as an employee of the board and no individual who is retained by the board to serve as a special investigator or as special counsel, for 12 months prior to becoming so employed or retained, may have made a contribution, as defined in s. 11.01 (6), to a candidate for a partisan state or local office.

(h) If the defendant in an action for a civil violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 is a district attorney or a circuit judge or a candidate for either such office, the action shall be brought by the board. If the defendant in an action for a civil violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 is the attorney general or a candidate for that office, the board may appoint special counsel to bring suit on behalf of the state.

(i) If the defendant in an action for a criminal violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 is a district attorney or a circuit judge or a candidate for either such office, the action shall be brought by the attorney general. If the defendant in an action for a criminal violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 is the attorney general or a candidate for that office, the board may appoint a special prosecutor to conduct the prosecution on behalf of the state.

(j) Any special counsel or prosecutor who is appointed under par. (h) or (i) shall be independent of the attorney general and need not be a state employee at the time of his or her appointment.

(2s) ETHICS AND ACCOUNTABILITY DIVISION. The ethics and accountability division has the responsibility for administration of ch. 11, subch. III of ch. 13, and subch. III of ch. 19.

(2w) ELECTIONS DIVISION. The elections division has the responsibility for the administration of chs. 5 to 10 and 12.

SECTION 11. 5.05 (3) of the statutes is repealed.

SECTION 12. 5.05 (3g) of the statutes is created to read:

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

SECTION 13. 5.05 (5) of the statutes is repealed.

SECTION 14. 5.05 (5f) (title) of the statutes is created to read:

5.05 **(5f) (title) ADVICE TO BOARD.**

SECTION 15. 5.05 (5s) (title), (d) and (e) of the statutes are created to read:

5.05 **(5s) (title) ACCESS TO RECORDS.**

(d) If the board commences a civil prosecution of a person for an alleged violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 as the result of an investigation, the person who is the subject of the investigation may authorize the board to make available for inspection and copying under s. 19.35 (1) records of the investigation pertaining to that person if the records are available by law to the subject person and the board shall then make those records available.

(e) The following records of the board are open to public inspection and copying under s. 19.35 (1):

1. Any record of the action of the board authorizing the filing of a civil complaint under sub. (2m) (c) 6.

2. Any record of the action of the board referring a matter to a district attorney or other prosecutor for investigation or prosecution.

3. Any record containing a finding that a complaint does not raise a reasonable suspicion that a violation of the law has occurred.

4. Any record containing a finding, following an investigation, that no probable cause exists to believe that a violation of the law has occurred.

SECTION 16. 5.05 (5s) (f) 2. c. of the statutes is created to read:

5.05 **(5s) (f) 2. c.** The board shall make public advisory opinions and records obtained in connection with requests for advisory opinions relating to matters under the jurisdiction of the elections division.

SECTION 17. 5.05 (6) of the statutes is repealed.

SECTION 18. 5.05 (9) of the statutes is amended to read:

5.05 **(9) STANDING.** The board has standing to commence or intervene in ~~an~~ any civil action or proceeding for the purpose of enforcing the laws regulating the conduct of elections or election campaigns or ensuring their proper administration. If the board delegates authority to ~~the executive director~~ its legal counsel under sub. (1) (e) to act in its stead, ~~the executive director~~ legal counsel has standing to commence or intervene in such an action or proceeding.

SECTION 19. 5.05 (11) of the statutes is amended to read:

5.05 **(11) AIDS TO COUNTIES AND MUNICIPALITIES.** From the appropriations under s. ~~20.510~~ 20.511 (1) (t) and (x), the board may provide financial assistance to eligible counties and municipalities for election administration costs in accordance with the plan adopted under sub. (10). As a condition precedent to receipt of assistance under this subsection, the board shall enter into an agreement with the county or municipality receiving the assistance specifying the intended use of the assistance and shall ensure compliance with the terms of the agreement.

Each agreement shall provide that if the federal government objects to the use of any assistance moneys provided to the county or municipality under the agreement, the county or municipality shall repay the amount of the assistance provided to the board.

SECTION 20. 5.052 of the statutes is created to read:

5.052 Government accountability candidate committee. (1) The government accountability candidate committee shall meet whenever a vacancy occurs in the membership of the board that requires a nomination to be submitted to the governor under s. 15.60 (2).

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

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

- (a) To fill one vacancy, 2 nominations.
- (b) To fill 2 vacancies, 3 nominations.
- (c) To fill 3 vacancies, 5 nominations.
- (d) To fill 4 vacancies, 6 nominations.
- (e) To fill 5 vacancies, 7 nominations.

(4) If a nominee dies or withdraws, or if a nomination of the governor is withdrawn by the governor or rejected by the senate, the committee shall submit an additional nominee to the governor.

SECTION 21. 5.054 of the statutes is created to read:

5.054 Duties of the legal counsel. The board's legal counsel shall:

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

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

SECTION 22. 5.055 of the statutes is amended to read:

5.055 Election assistance commission standards board. The ~~executive director of~~ administrator of the elections division of the board shall, in consultation with the board, appoint an individual to represent this state as a member of the federal election assistance commission standards board. The ~~executive director~~ administrator shall also conduct and supervise a process for the selection of an election official by county and municipal clerks and boards of election commissioners to represent local election officials of this state as a member of the federal election assistance commission standards board. The ~~executive director~~ administrator shall ensure that the members of the federal election assistance commission standards board representing this state shall at no time be members of the same political party. Upon appointment or election of any new member of the federal election assistance commission standards board representing this state, the ~~executive director~~ administrator shall transmit a notice of that member's appointment or election to the officer or agency designated by federal law.

SECTION 23. 5.056 of the statutes is amended to read:

5.056 Matching program with secretary of transportation. The ~~executive director~~ administrator of the elections division of the board shall enter into the agreement with the secretary of transportation specified under s. 85.61 (1) to match personally identifiable information on the official registration list maintained by the board under s. 6.36 (1) with personally identifiable information maintained by the department of transportation.

SECTION 24. 5.08 of the statutes is amended to read:

5.08 Petition for enforcement. Any In addition to or in lieu of filing a complaint, any elector may file a verified petition alleging such facts as are within his or her knowledge to indicate that an election official has failed or is failing to comply with any law regulating the conduct of elections or election campaigns or proposes to act in a manner inconsistent with such a law, and requesting that an action be commenced for injunctive relief, a writ of mandamus or prohibition or other such legal or equitable relief as may be appropriate to compel compliance with the law. The petition shall be filed with the district attorney ~~of for the county where the violation or proposed action inconsistent with this chapter occurs or is proposed to occur~~ having jurisdiction to prosecute the alleged failure to comply under s. 978.05 (1) and (2). The district attorney may then commence the action or dismiss the petition. If the district attorney declines to act upon the petition or if the district attorney fails to act upon the petition within 15 days of the date of filing, the petitioner may file the same petition with the attorney general, who may then commence the action.

SECTION 25. 5.09 of the statutes is amended to read:

5.09 Certification of documents. Whenever the board is authorized or required to make a certification of any document in the custody of the board, and the authority to make the certification is lawfully delegated to the ~~executive director, the executive director~~ board's legal counsel, the legal counsel may, personally or through an employee authorized by the ~~director~~ legal counsel, affix his or her signature by means of a stamp, machine impression, reproduction print or similar process. This section does not apply to certificates of election.

SECTION 26. 5.40 (7) of the statutes is amended to read:

5.40 (7) Whenever a municipality adopts and purchases voting machines or an electronic voting system, or adopts and purchases a different type of voting machine or electronic voting system from the type it was previously using, the municipal clerk or executive director of the municipal board of election commissioners shall promptly notify the county clerk or executive director of the county board of election commissioners and the ~~executive director of the elections~~ administrator of the elections division of the board in writing.

SECTION 27. 5.62 (4) (b) of the statutes is amended to read:

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

SECTION 28. 6.26 (2) (b) of the statutes is amended to read:

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

SECTION 29. 6.26 (2) (c) of the statutes is amended to read:

6.26 (2) (c) No individual may serve as a special registration deputy in a municipality unless the individual is appointed by the municipal clerk or board of election commissioners of the municipality or the individual is appointed by the elections government accountability board to serve all municipalities and the individual completes training required under s. 7.315.

SECTION 30. 6.36 (2) (a) of the statutes is amended to read:

6.36 (2) (a) Except as provided in par. (b), each registration list prepared for use as a poll list at a polling place or for purposes of canvassing absentee ballots at an election shall contain the full name and address of each registered elector; a blank column for the entry of the serial number of the electors when they vote or the poll list number used by the municipal board of absentee ballot canvassers in canvassing absentee ballots; an indication next to the name of each elector for whom proof of residence under s. 6.34 is required; and a form of certificate bearing the certification of the ~~executive director~~ administrator of the elections division of the board stating that the list is a true and complete registration list of the municipality or the ward or wards for which the list is prepared.

SECTION 31. 6.56 (3) to (5) of the statutes are amended to read:

6.56 (3) Upon receipt of the list under sub. (1), the municipal clerk or board of election commissioners shall make an audit of all electors registering to vote at the polling place or other registration location under s. 6.55 (2) and all electors registering by agent on election day under s. 6.86 (3) (a) 2. unless the clerk or board of election commissioners receives notice from the board under sub. (7) that the board will perform the audit. The audit shall be

made by 1st class postcard. The postcard shall be marked in accordance with postal regulations to ensure that it will be returned to the clerk, board of election commissioners, or elections government accountability board if the elector does not reside at the address given on the postcard. If any postcard is returned undelivered, or if the clerk, board of election commissioners, or elections government accountability board is informed of a different address than the one specified by the elector which was apparently improper on the day of the election, the clerk, board of election commissioners, or elections government accountability board shall change the status of the elector from eligible to ineligible on the registration list, mail the elector a notice of the change in status, and provide the name of the elector to the district attorney for the county where the polling place is located and the government accountability board.

(3m) As soon as possible after all information relating to registrations after the close of registration for an election is entered on the registration list following the election under s. 6.33 (5) (a), the board shall compare the list of new registrants whose names do not appear on the poll lists for the election because the names were added after the board certified the poll lists for use at the election with the list containing the names transmitted to the board by the department of corrections under ~~s. 301.03 (20)~~ s. 301.03 (20m) as of election day. If the board finds that the name of any person whose name appears on the list transmitted under ~~s. 301.03 (20)~~ s. 301.03 (20m) has been added to the registration list, the board shall enter on the list the information transmitted to the board under ~~s. 301.03 (20)~~ s. 301.03 (20m) and shall notify the district attorney for the county where the polling place is located that the person appears to have voted illegally at the election.

(4) After each election, the municipal clerk shall perform an audit to assure that no person has been allowed to vote more than once. Whenever the municipal clerk has good reason to believe that a person has voted more than once in an election, the clerk shall send the person a 1st class letter marked in accordance with postal regulations to ensure that it will be returned to the clerk if the elector does not reside at the address given on the letter. The letter shall inform the person that all registrations relating to that person may be changed from eligible to ineligible status within 7 days unless the person contacts the office of the clerk to clarify the matter. A copy of the letter and of any subsequent information received from or about the addressee shall be sent to the district attorney for the county where the person resides and the board.

(5) Whenever any letter or postcard mailed under this section is returned undelivered, or whenever the U.S. postal service notifies the clerk of an improper address which was apparently improper on the day of the election or whenever it otherwise appears that a person has voted who is not qualified or has voted more than once in an

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election, and the person has been permitted to vote after corroboration was made under s. 6.55 (2) or 6.86 (3) (a) 2., the name of the corroborator shall also be provided to the district attorney for the county where the person resides and the board.

SECTION 32. 7.08 (title) of the statutes is amended to read:

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

SECTION 33. 7.08 (7) of the statutes is amended to read:

7.08 (7) VOTING SYSTEM TRANSITIONAL ASSISTANCE. From the appropriation under s. ~~20.510 (1)-(e)~~ **20.511 (1) (c).** provide assistance to municipalities that used punch card electronic voting systems at the 2001 spring election to enable the municipalities to employ another type of electronic voting system, and provide training for election officials in the use of replacement systems.

SECTION 34. 7.15 (1) (g) of the statutes is amended to read:

7.15 (1) (g) Report suspected election frauds, irregularities or violations of which the clerk has knowledge to the district attorney for the county where the suspected activity occurs and to the board.

SECTION 35. 7.21 (2m) of the statutes is repealed.

SECTION 36. 7.31 (5) of the statutes is amended to read:

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

SECTION 37. 7.60 (4) (a) of the statutes is amended to read:

7.60 (4) (a) The board of canvassers shall make separate duplicate statements showing the numbers of votes cast for the offices of president and vice president; state officials; U.S. senators and representatives in congress; state legislators; justice; court of appeals judge; circuit judges; district attorneys; and metropolitan sewerage commissioners, if the commissioners are elected under s. 200.09 (11) (am). If a municipal judge elected under s. 755.01 (4) serves a municipality that is located partially within the county and candidates for that judgeship file nomination papers in another county, the board of canvassers shall prepare a duplicate statement showing the numbers of votes cast for that judgeship in that county for transmittal to the other county. For partisan candidates, the statements shall include the political party or principle designation, if any, next to the name of each candidate. The board of canvassers shall also prepare a statement showing the results of any county, technical college district, or statewide referendum. Each statement shall state the total number of votes cast in the county for each

office; the names of all persons for whom the votes were cast, as returned; the number of votes cast for each person; and the number of votes cast for and against any question submitted at a referendum. The board of canvassers shall use one copy of each duplicate statement to report to the ~~elections~~ **government accountability** board, technical college district board, or board of canvassers of any other county and shall file the other statement in the office of the county clerk or board of election commissioners.

SECTION 38. 7.60 (5) of the statutes is amended to read:

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

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

government accountability board or secretary of the technical college district board.

SECTION 39. 7.70 (1) of the statutes is amended to read:

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

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

SECTION 40. 7.70 (5) of the statutes is amended to read:

7.70 (5) CERTIFICATES OF ELECTION. (a) The board shall record in its office each certified statement and determination made by the chairperson of the board or the chairperson's designee. Immediately after the expiration of the time allowed to file a petition for recount, the board shall make and transmit to each person declared elected a certificate of election under the seal of the board. It shall also prepare similar certificates, attested by the ~~executive director~~ administrator of the elections division of the board, addressed to the U.S. house of representatives, stating the names of those persons elected as representatives to the congress from this state. In the case of U.S. senators, the board shall prepare a certificate of election for the governor's signature, and the governor shall sign and affix the great seal of the state and transmit the certificate to the president of the U.S. senate. The certificate shall be countersigned by the secretary of state. If a person elected was elected to fill a vacancy, the certificate shall so state. When a valid petition for recount is filed, the chairperson of the board or the chairperson's designee may not certify a nomination, and the governor or board may not issue a certificate of election until the recount has been completed and the time allowed for filing an appeal has passed, or if appealed until the appeal is decided.

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

SECTION 41. 8.05 (1) (j) 3. of the statutes is amended to read:

8.05 (1) (j) 3. A candidate for municipal judge shall, in addition to making the filings required under subd. 2., file a statement of economic interests with the ~~ethics~~ board under s. 19.43 (4) no later than 4:30 p.m. on the 5th day after notification of nomination is mailed or personally delivered to the candidate, or no later than 4:30 p.m. on the next business day after the last day for filing a declaration of candidacy whenever that candidate is granted an extension of time for filing a declaration of candidacy under subd. 2.

SECTION 42. 8.10 (5) of the statutes is amended to read:

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

SECTION 43. 8.15 (4) (b) of the statutes is amended to read:

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

SECTION 44. 8.18 (2) of the statutes is amended to read:

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

SECTION 45. 8.20 (6) of the statutes is amended to read:

8.20 (6) Nomination papers shall be accompanied by a declaration of candidacy under s. 8.21. If a candidate for state or local office has not filed a registration statement under s. 11.05 at the time he or she files nomination

papers, the candidate shall file the statement with the papers. A candidate for state office shall also file a statement of economic interests with the ethics board under s. 19.43 (4) no later than 4:30 p.m. on the 3rd day following the last day for filing nomination papers under sub. (8) (a), or no later than 4:30 p.m. on the next business day after the last day whenever that candidate is granted an extension of time for filing nomination papers under sub. (8) (a).

SECTION 46. 8.30 (2m) of the statutes is created to read:

8.30 (2m) The official or agency with whom nomination papers and declarations of candidacy are required to be filed shall not place a candidate's name on the ballot if the candidate's name is ineligible for ballot placement under s. 5.05 (2m) (d) 2. or 15.60 (6).

SECTION 47. 8.50 (3) (a) of the statutes is amended to read:

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

SECTION 48. 8.50 (3) (e) of the statutes is amended to read:

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

SECTION 49. 9.01 (1) (a) 1. of the statutes is amended to read:

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

3rd business day following the last meeting day of the municipal or county board of canvassers determining the election for that office or on that referendum question prior to issuance of any amended return under s. 6.221 (6) (b) or, if more than one board of canvassers makes the determination, not later than 5 p.m. on the 3rd business day following the last meeting day of the last board of canvassers which makes a determination prior to issuance of any amended return under s. 6.221 (6) (b). If the chairperson of the board or chairperson's designee makes the determination for the office or the referendum question, the petitioner shall file the petition not earlier than the last meeting day of the last county board of canvassers to make a statement in the election or referendum and not later than 5 p.m. on the 3rd business day following the day on which the elections government accountability board receives the last statement from a county board of canvassers for the election or referendum.

SECTION 50. 9.01 (1) (ag) 4. of the statutes is amended to read:

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

SECTION 51. 9.01 (1) (ar) 2. of the statutes is amended to read:

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

SECTION 52. 9.01 (10) of the statutes is amended to read:

9.01 (10) STANDARD FORMS AND METHODS. The elections government accountability board shall prescribe standard forms and procedures for the making of recounts under this section. The procedures prescribed by the elections government accountability board shall require the boards of canvassers in recounts involving more than one board of canvassers to consult with the elections government accountability board staff prior to beginning any recount in order to ensure that uniform procedures are used, to the extent practicable, in such recounts.

SECTION 53. 10.06 (1) (title) of the statutes is amended to read:

10.06 (1) (title) ~~ELECTIONS~~ GOVERNMENT ACCOUNTABILITY BOARD.

SECTION 54. 11.21 (title) of the statutes is amended to read:

11.21 (title) Duties of the elections government accountability board.

SECTION 55. 11.21 (7) (intro.) of the statutes is amended to read:

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

SECTION 56. 11.22 (4) of the statutes is amended to read:

11.22 (4) Notify the board and the district attorney, or the attorney general where appropriate under ss. ~~11.60 (4) and 11.61 (2)~~ s. 5.05 (2m) (i), in writing, of any facts within the filing officer's knowledge or evidence in the officer's possession, including errors or discrepancies in reports or statements and delinquencies in filing which may be grounds for civil action or criminal prosecution. The filing officer shall transmit a copy of such notification to the board. The board and the district attorney or the attorney general shall advise the filing officer in writing at the end of each 30-day period of the status of such matter until the time of disposition. ~~The district attorney or attorney general shall transmit a copy of each such notice to the board.~~

SECTION 57. 11.38 (5) of the statutes is repealed.

SECTION 58. 11.60 (4) of the statutes is amended to read:

11.60 (4) Actions Except as otherwise provided in ss. 5.05 (2m) (c) 15. and 16. and (h), 5.08, and 5.081, actions under this section arising out of an election for state office or a statewide referendum may be brought by the board or by the district attorney of for the county where the defendant resides or, if the defendant is a nonresident, by the district attorney for the county where the violation is alleged to have occurred, except as specified in s. 11.38. Actions under this section arising out of an election for local office or a local referendum may be brought by the district attorney of the county where the violation is alleged to have occurred. Actions under this section arising out of an election for county office or a county referendum may be brought by the county board of election commissioners of the county wherein the violation is alleged to have occurred. If a violation concerns a district attorney or circuit judge or candidate for such offices, the action shall be brought by the attorney general. If a violation concerns the attorney general or a candidate for such office, the governor may appoint special counsel under s. 14.11 (2) to bring suit in behalf of the state. The counsel shall be independent of the attorney general and need not be a state employee at the time of appointment. For purposes of this subsection, a person other than a natural person resides within a county if the person's principal place of operation is located within that county.

SECTION 59. 11.60 (5) of the statutes is amended to read:

11.60 (5) Any elector may file a verified petition with the board, ~~the county board of election commissioners or the appropriate district attorney or with more than one of them where their authority is concurrent under sub. (4),~~

requesting that civil action under this chapter be brought against any person, committee or group. The petition shall allege such facts as are within the knowledge of the petitioner to show probable cause that a violation of this chapter has occurred.

SECTION 60. 11.61 (2) of the statutes is amended to read:

11.61 (2) Except as otherwise provided in ~~s. 11.38 (5) ss. 5.05 (2m) (c) 15. and 16. and (i), 5.08, and 5.081,~~ all prosecutions under this section shall be conducted by the district attorney of for the county where the defendant resides or, if the defendant is a nonresident, by the district attorney for the county where the violation is alleged to have occurred. ~~If the district attorney refuses to act upon a sworn complaint, or fails to act upon such a complaint within 60 days of the date on which the complaint is received, the attorney general may then conduct the prosecution under this section. If a violation concerns a district attorney or circuit judge or candidate for such offices, the prosecution shall be conducted by the attorney general. If a violation concerns the attorney general or a candidate for such office, the governor may appoint a special prosecutor under s. 14.11 (2) to conduct the prosecution in behalf of the state. The prosecutor shall be independent of the attorney general and need not be a state employee at the time of appointment. For purposes of this subsection, a person other than a natural person resides within a county if the person's principal place of operation is located within that county.~~

SECTION 61. 12.13 (5) of the statutes is created to read:

12.13 (5) UNAUTHORIZED RELEASE OF RECORDS OR INVESTIGATORY INFORMATION.

(a) Except as specifically authorized by law and except as provided in par. (b), no investigator, prosecutor, employee of an investigator or prosecutor, or member or employee of the board may disclose information related to an investigation or prosecution under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 or any other law specified in s. 978.05 (1) or (2) or provide access to any record of the investigator, prosecutor, or the board that is not subject to access under s. 5.05 (5s) to any person other than an employee or agent of the prosecutor or investigator or a member, employee, or agent of the board prior to presentation of the information or record in a court of law.

(b) This subsection does not apply to any of the following communications made by an investigator, prosecutor, employee of an investigator or prosecutor, or member or employee of the board:

1. Communications made in the normal course of an investigation or prosecution.
2. Communications with a local, state, or federal law enforcement or prosecutorial authority.
3. Communications made to the attorney of an investigator, prosecutor, employee, or member of the board or

to a person or the attorney of a person who is investigated or prosecuted by the board.

SECTION 62. 12.60 (1) (bm) of the statutes is created to read:

12.60 (1) (bm) Whoever violates s. 12.13 (5) may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

SECTION 63. 13.123 (3) (b) 2. of the statutes is amended to read:

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

SECTION 64. 13.23 of the statutes is amended to read:

13.23 Election contests; notice. Any person wishing to contest the election of any senator or member of the assembly shall, within 30 days after the decision of the board of canvassers, serve a notice in writing on the person whose election the contestant intends to contest, stating briefly that the election will be contested and the cause of such contest, and shall file a copy thereof in the office of the ~~elections~~ government accountability board at least 10 days before the day fixed by law for the meeting of the legislature. The ~~elections~~ government accountability board shall then send a copy of s. 13.24 to both contestants. If any contestant fails to so file a copy of such notice, the contestant shall not be entitled to any mileage or salary in case payment has been made therefor to the sitting member.

SECTION 65. 13.62 (4) of the statutes is amended to read:

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

SECTION 66. 13.685 (title) of the statutes is amended to read:

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

SECTION 67. 13.69 (8) of the statutes is repealed.

SECTION 68. 13.94 (1) (k) of the statutes is amended to read:

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

SECTION 69. 14.58 (20) of the statutes is amended to read:

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

SECTION 70. 15.07 (1) (a) 2. of the statutes is repealed and recreated to read:

15.07 (1) (a) 2. Members of the government accountability board shall be nominated by the governor, and with the advice and consent of two-thirds of the members

of the senate present and voting shall be appointed, to serve for terms prescribed by law.

SECTION 71. 15.07 (1) (cm) of the statutes is amended to read:

15.07 (1) (cm) The term of one member of the ~~ethics~~ government accountability board shall expire on each May 1. The terms of 3 members of the development finance board appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of every even-numbered year and the terms of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of every odd-numbered year. The terms of the 3 members of the land and water conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1. The term of the member of the land and water conservation board appointed under s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of members of the real estate board shall expire on July 1. The terms of the appraiser members of the real estate appraisers board and the terms of the auctioneer and auction company representative members of the auctioneer board shall expire on May 1 in an even-numbered year. The terms of the members of the cemetery board shall expire on July 1 in an even-numbered year. The term of the student member of the Board of Regents of the University of Wisconsin System who is at least 24 years old shall expire on May 1 of every even-numbered year.

SECTION 72. 15.07 (2) (b) of the statutes is created to read:

15.07 (2) (b) The chairperson of the governmental accountability board shall be chosen by lot by the current chairperson of the board at the first meeting of the board in January of each year.

SECTION 73. 15.07 (4) of the statutes is amended to read:

15.07 (4) QUORUM. A majority of the membership of a board constitutes a quorum to do business and, unless a more restrictive provision is adopted by the board, a majority of a quorum may act in any matter within the jurisdiction of the board. This subsection does not apply to actions of the ~~ethics~~ government accountability board or the school district boundary appeal board as provided in ss. 49.47 (4) ~~5.05 (1e)~~ and 117.05 (2) (a).

SECTION 74. 15.07 (5) (k) of the statutes is repealed.

SECTION 75. 15.07 (5) (m) of the statutes is created to read:

15.07 (5) (m) Members of the government accountability board, a per diem equal to the amount prescribed under s. 753.075 (3) (a) for reserve judges sitting in circuit court.

SECTION 76. 15.07 (5) (n) of the statutes is repealed.

SECTION 77. 15.60 of the statutes is created to read:

15.60 Government accountability board; creation. (1) There is created a government accountability board consisting of 6 persons. Members shall serve for 6-year terms.

(2) All members of the board shall be appointed from nominations submitted to the governor by a nominating committee to be called the governmental accountability candidate committee, which shall consist of one court of appeals judge from each of the court of appeals districts. The members of the committee shall serve for 2-year terms expiring on March 1. The court of appeals judges shall be chosen as members by lot by the chief justice of the supreme court in the presence of the other justices of the supreme court. Service on the committee is mandatory except as provided in s. 758.19 (9).

(3) Each member of the board shall be an individual who formerly served as a judge of a court of record in this state and who was elected to the position in which he or she served.

(4) No member may hold another office or position that is a state public office or a local public office, as defined in s. 19.42, except the office of circuit judge or court of appeals judge under s. 753.075.

(5) No member, for one year immediately prior to the date of nomination may have been, or while serving on the board may become, a member of a political party, an officer or member of a committee in any partisan political club or organization, or an officer or employee of a registrant under s. 11.05.

(6) No member, while serving on the board, may become a candidate, as defined in s. 11.01 (1), for state office or local office, as defined in s. 5.02.

(7) No member, while serving on the board, may make a contribution, as defined in s. 11.01 (6), to a candidate, as defined in s. 11.01 (1) for state office or local office, as defined in s. 5.02. No individual who serves as a member of the board, for 12 months prior to beginning that service, may have made a contribution, as defined in s. 11.01 (6), to a candidate for a partisan state or local office, as defined in s. 5.02.

(8) No member may be a lobbyist, as defined in s. 13.62 (11), or an employee of a principal, as defined in s. 13.62 (12), except that a member may serve as a circuit judge or court of appeals judge under s. 753.075.

SECTION 78. 15.603 of the statutes is created to read:

15.603 Same; specified divisions. (1) **ETHICS AND ACCOUNTABILITY DIVISION.** There is created in the government accountability board an ethics and accountability division. The ethics and accountability division shall be under the direction and supervision of an administrator, who shall be appointed by the board.

(2) **ELECTIONS DIVISION.** There is created in the government accountability board an elections division. The elections division shall be under the direction and supervision of an administrator, who shall be appointed by the board.

SECTION 79. 15.61 of the statutes is repealed.

SECTION 80. 15.617 of the statutes is renumbered 15.607, and 15.607 (1) of the statutes, as renumbered, is amended to read:

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

SECTION 81. 15.62 of the statutes is repealed.

SECTION 82. 16.753 (2) of the statutes is amended to read:

16.753 (2) Except as otherwise expressly provided, each agency shall provide to the ~~ethics~~ government accountability board for posting on the Internet a list identifying each solicitation for bids or competitive sealed proposals and each proposed order or contract of the agency for which bids or competitive sealed proposals will not be solicited that involves a major expenditure, together with all information required under sub. (4).

SECTION 83. 16.79 (2) of the statutes is amended to read:

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

SECTION 84. 16.96 (3) (b) of the statutes is amended to read:

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

SECTION 85. 16.973 (6) of the statutes is amended to read:

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

SECTION 86. 17.17 (1) of the statutes is amended to read:

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

SECTION 87. 17.17 (4) of the statutes is amended to read:

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

SECTION 88. 19.42 (3) of the statutes is amended to read:

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

SECTION 89. 19.42 (10) (a) of the statutes is repealed.

SECTION 90. 19.43 (4) of the statutes is amended to read:

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

SECTION 91. 19.43 (5) of the statutes is amended to read:

19.43 (5) Each member of the investment board and each employee of the investment board who is a state public official shall complete and file with the ethics government accountability board a quarterly report of economic transactions no later than the last day of the month following the end of each calendar quarter during any portion of which he or she was a member or employee of the investment board. Such reports of economic transac-

tions shall be in the form prescribed by the ethics government accountability board and shall identify the date and nature of any purchase, sale, put, call, option, lease, or creation, dissolution, or modification of any economic interest made during the quarter for which the report is filed and disclosure of which would be required by s. 19.44 if a statement of economic interests were being filed.

SECTION 92. 19.45 (6) of the statutes is amended to read:

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

SECTION 93. 19.46 (1) (intro.) of the statutes is amended to read:

19.46 (1) (intro.) Except in accordance with the board's advice under ~~sub. (2) s. 5.05 (6a)~~ and except as otherwise provided in sub. (3), no state public official may:

SECTION 94. 19.46 (2) of the statutes is renumbered 5.05 (6a) and amended to read:

5.05 (6a) ADVISORY OPINIONS. Any individual, either personally or on behalf of an organization or governmental body, may make a written or electronic request of the board for an advisory opinion regarding the propriety under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 of any matter to which the person is or may become a party; and any appointing officer, with the consent of a prospective appointee, may request of the board an advisory opinion regarding the propriety under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 of any matter to which the prospective appointee is or may become a party. The board shall review a request for an advisory opinion and may advise issue a formal written or electronic advisory opinion to the person making the request. ~~Advisory opinions and requests therefor shall be in writing. The~~ Except as authorized or required for opinions specified in sub. (5s) (f) 2., the board's deliberations and actions upon such requests shall be in meetings not open

to the public. It is prima facie evidence of intent to comply with this subchapter or subch. III of ch. 13 when a person refers a matter to the board and abides by the board's advisory opinion. No person acting in good faith upon an advisory opinion issued by the board is subject to criminal or civil prosecution for so acting, if the material facts are as stated in the opinion request. To have legal force and effect, each advisory opinion issued by the board must be supported by specific legal authority under a statute or other law, or by specific case or common law authority. Each advisory opinion shall include a citation to each statute or other law and each case or common law authority upon which the opinion is based, and shall specifically articulate or explain which parts of the cited authority are relevant to the board's conclusion and why they are relevant. The board may authorize the executive director its legal counsel to act in its stead in instances where delay is of substantial inconvenience or detriment to the requesting party. No issue an informal written advisory opinion or to transmit an informal advisory opinion electronically on behalf of the board, subject to such limitations as the board deems appropriate. Every informal advisory opinion shall be consistent with applicable formal advisory opinions issued by the board. If the board disagrees with an informal advisory opinion that has been issued on behalf of the board, the board may withdraw the opinion or issue a revised advisory opinion and no person acting after the date of the withdrawal or issuance of the revised advisory opinion is exempted from prosecution under this subsection if the opinion upon which the person's action is based has been withdrawn or revised in relevant degree. Except as authorized or required under sub. (5s) (f) 2., no member or employee of the board may make public the identity of the individual requesting an a formal or informal advisory opinion or of individuals or organizations mentioned in the opinion. Any person receiving a formal or informal advisory opinion under this subsection who disagrees with the opinion may request a public or private hearing before the board to discuss the opinion. The board shall grant a request for a public or private hearing under this subsection. After hearing the matter, the board may reconsider its opinion and may issue a revised opinion to the person. Promptly upon issuance of each formal advisory opinion that is not open to public access, the board shall publish a summary of the opinion that is consistent with applicable requirements under sub. (5s) (f).

SECTION 95. 19.47 (title) of the statutes is repealed and recreated to read:

19.47 (title) Statements of economic interests.

SECTION 96. 19.47 (1) and (2) of the statutes are repealed.

SECTION 97. 19.47 (3) of the statutes is renumbered 19.47.

SECTION 98. 19.47 (4) of the statutes is repealed.

SECTION 99. 19.47 (5) of the statutes is renumbered 5.05 (5e) and amended to read:

5.05 (5e) BIENNIAL REPORT. No later than September 1 of each year, the board shall submit a report concerning its actions in the preceding fiscal year to the governor and the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2). Such The board shall include in its biennial report shall contain under s. 15.04 (1) (d) the names and duties of all individuals employed by the board and a summary of its determinations and advisory opinions. The issued under sub. (6a). Except as authorized or required under sub. (5s) (f) 2., the board shall make sufficient alterations in the summaries to prevent disclosing the identities of individuals or organizations involved in the decisions or opinions. The board may also include in its biennial report any information compiled under s. 11.21 (7). The board shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as it deems desirable.

SECTION 100. 19.47 (6) of the statutes is renumbered 5.05 (5f).

SECTION 101. 19.49 (title) of the statutes is repealed.

SECTION 102. 19.49 (1) of the statutes is repealed.

SECTION 103. 19.49 (1m) of the statutes is renumbered 5.05 (2m) (c) 2. b.

SECTION 104. 19.49 (2) of the statutes is renumbered 5.05 (2m) (c) 3. and amended to read:

5.05 (2m) (c) 3. Any person to whom ~~this subchapter~~ or subch. III of ch. 13 or subch. III of ch. 19 may have application may request the board to make an investigation of his or her own conduct or of allegations made by other persons as to his or her conduct. Such a request shall be made in writing and shall set forth in detail the reasons therefor.

SECTION 105. 19.49 (3) of the statutes is repealed.

SECTION 106. 19.49 (4) of the statutes is repealed.

SECTION 107. 19.49 (5) of the statutes is renumbered 5.05 (2m) (g) and amended to read:

5.05 (2m) (g) 1. Except as provided in ~~par. (b) subd. 2.,~~ no action may be taken on any complaint that is filed later than 3 years after a violation of ~~this subchapter~~ or subch. III of ch. 13 or subch. III of ch. 19 is alleged to have occurred.

2. The period of limitation under ~~par. (a) subd. 1.~~ is tolled for a complaint alleging a violation of s. 19.45 (13) or 19.59 (1) (br) for the period during which such a complaint may not be filed under ~~s. 19.49 (1m) par. (c) 2. b.~~ or s. 19.59 (8) (cm).

SECTION 108. 19.50 (title) of the statutes is repealed.

SECTION 109. 19.50 (intro.) and (1) of the statutes are renumbered 5.05 (2m) (f) (intro.) and 1. and amended to read:

5.05 (2m) (f) (intro.) Pursuant to any investigation authorized under ~~s. 19.49 (3) or any hearing conducted~~

under this subchapter or subch. III of ch. 13 par. (c), the board has the power:

1. To require any person to submit in writing such reports and answers to questions relevant to the proceedings conducted under this subchapter or subch. III of ch. 13 as the board may prescribe, such submission to be made within such period and under oath or otherwise as the board may determine.

SECTION 110. 19.50 (2) of the statutes is repealed.

SECTION 111. 19.50 (3) of the statutes is renumbered 5.05 (2m) (f) 2. and amended to read:

5.05 (2m) (f) 2. To order testimony to be taken by deposition before any individual who is designated by the board and has the power to administer oaths, and, in such instances, to compel testimony and the production of evidence in the same manner as authorized by sub. (2) (1) (b).

SECTION 112. 19.50 (4) and (5) of the statutes are renumbered 5.05 (2m) (f) 4. and 5.

SECTION 113. 19.51 (title) of the statutes is repealed.

SECTION 114. 19.51 (1) (intro.) of the statutes is renumbered 5.05 (2m) (c) 9. and amended to read:

5.05 (2m) (c) 9. At the conclusion of its investigation, the board shall, in preliminary written findings of fact and conclusions based thereon, make a determination of whether or not probable cause exists to believe that a violation of this subchapter or subch. III of ch. 13 under subd. 2. has occurred or is occurring. If the board determines that no probable cause exists, it shall dismiss the complaint. Whenever the board dismisses a complaint or a complaint is deemed to be dismissed under subd. 5., the board shall immediately send written notice of such determination the dismissal to the accused and to the party who made the complaint. ~~If the board determines that there is probable cause for believing that a violation of this subchapter or subch. III of ch. 13 has been committed, its preliminary findings of fact and conclusions may contain:~~

SECTION 115. 19.51 (1) (a) and (b) of the statutes are repealed.

SECTION 116. 19.51 (2) of the statutes is renumbered 5.05 (2m) (c) 10.

SECTION 117. 19.51 (3) of the statutes is repealed.

SECTION 118. 19.52 of the statutes is repealed.

SECTION 119. 19.53 (intro.) of the statutes is repealed.

SECTION 120. 19.53 (1) to (5) of the statutes are repealed.

SECTION 121. 19.53 (6) of the statutes is renumbered 19.579 (1) and amended to read:

19.579 (1) ~~An order requiring the accused~~ Except as provided in sub. (2), any person who violates this subchapter may be required to forfeit not more than \$500 for each violation of s. 19.43, 19.44, or 19.56 (2) or not more than \$5,000 for each violation of any other provision of this subchapter, ~~or not more than the applicable amount~~

~~specified in s. 13.69 for each violation of subch. III of ch. 13.~~ If the ~~board~~ court determines that the accused has realized economic gain as a result of the violation, the ~~board~~ court may, in addition, order the accused to forfeit the amount gained as a result of the violation. In addition, if the ~~board~~ court determines that a state public official has violated s. 19.45 (13), the ~~board~~ court may order the official to forfeit an amount equal to the amount or value of any political contribution, service, or other thing of value that was wrongfully obtained. If the ~~board~~ court determines that a state public official has violated s. 19.45 (13) and no political contribution, service or other thing of value was obtained, the ~~board~~ court may order the official to forfeit an amount equal to the maximum contribution authorized under s. 11.26 (1) for the office held or sought by the official, whichever amount is greater. The attorney general, when so requested by the board, shall institute proceedings to recover any forfeiture incurred under this section ~~or s. 19.545~~ which is not paid by the person against whom it is assessed.

SECTION 122. 19.53 (7) and (8) of the statutes are repealed.

SECTION 123. 19.535 of the statutes is repealed.

SECTION 124. 19.54 of the statutes is repealed.

SECTION 125. 19.545 of the statutes is repealed.

SECTION 126. 19.55 (1) of the statutes is amended to read:

19.55 (1) Except as provided in sub. (2) and s. 5.05 (5s), all records under this subchapter or subch. III of ch. 13 in the possession of the board are open to public inspection at all reasonable times. The board shall require an individual wishing to examine a statement of economic interests or the list of persons who inspect any statements which are in the board's possession to provide his or her full name and address, and if the individual is representing another person, the full name and address of the person which he or she represents. Such identification may be provided in writing or in person. The board shall record and retain for at least 3 years information obtained by it pursuant to this subsection. No individual may use a fictitious name or address or fail to identify a principal in making any request for inspection.

SECTION 127. 19.55 (2) (a) of the statutes is renumbered 5.05 (5s) (f) 1. and amended to read:

5.05 (5s) (f) 1. Records ~~Except as authorized or required under subd. 2., records~~ obtained in connection with a request for an advisory opinion issued under s. 5.05 (6a), other than summaries of advisory opinions that do not disclose the identity of individuals requesting such opinions or organizations on whose behalf they are requested, are not subject to the right of inspection and copying under s. 19.35 (1). ~~Except as authorized or required under subd. 2., the board shall make sufficient alterations in the summaries to prevent disclosing the identities of individuals or organizations involved in the opinions.~~

2. a. The board may, ~~however,~~ make such records under subd. 1. public with the consent of the individual requesting the advisory opinion or the organization or governmental body on whose behalf it is requested.

b. A person who makes or purports to make public the substance of or any portion of an advisory opinion requested by or on behalf of the person is deemed to have waived the confidentiality of the request for an advisory opinion and of any records obtained or prepared by the board in connection with the request for an advisory opinion.

SECTION 128. 19.55 (2) (b) of the statutes is renumbered 5.05 (5s) (intro.) and amended to read:

5.05 (5s) (intro.) Records obtained or prepared by the board in connection with an investigation, including the full text of any complaint received by the board, are not subject to the right of inspection and copying under s. 19.35 (1), except as provided in pars. (d) and (e) and except that the:

(a) The board shall permit inspection of records that are made public distributed or discussed in the course of a meeting or hearing by the board to determine if a violation of this subchapter or subch. III of ch. 13 has occurred. Whenever the board refers such investigation and hearing records to a district attorney or to the attorney general, they in open session.

(b) Investigatory records of the board may be made public in the course of a prosecution initiated under this subchapter chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19.

(c) The board shall also provide information from investigation and hearing records that pertains to the location of individuals and assets of individuals as requested under s. 49.22 (2m) by the department of workforce development or by a county child support agency under s. 59.53 (5).

SECTION 129. 19.55 (2) (c) of the statutes is amended to read:

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

SECTION 135. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

SECTION 130. 19.579 (title) of the statutes is amended to read:

19.579 (title) Civil penalty penalties.

SECTION 131. 19.579 of the statutes is renumbered 19.579 (2).

SECTION 132. 19.59 (1) (g) 8. of the statutes is amended to read:

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

SECTION 133. 19.85 (1) (h) of the statutes is amended to read:

19.85 (1) (h) Consideration of requests for confidential written advice from the ethics government accountability board under s. ~~49.46 (2)~~ 5.05 (6a), or from any county or municipal ethics board under s. 19.59 (5).

SECTION 134. 19.851 of the statutes is created to read:

19.851 Closed sessions by government accountability board. The government accountability board shall hold each meeting of the board for the purpose of deliberating concerning an investigation of any violation of the law under the jurisdiction of the ethics and accountability division of the board in closed session under this section. Prior to convening under this section, the government accountability board shall vote to convene in closed session in the manner provided in s. 19.85 (1). No business may be conducted by the government accountability board at any closed session under this section except that which relates to the purposes of the session as authorized in this section or as authorized in s. 19.85 (1).

				2007-08	2008-09
(h)	Materials and services	PR	A	35,200	35,200
(i)	General program operations; program revenue	PR	A	448,700	448,700

SECTION 136. 20.005 (3) (schedule) 20.511 of the statutes is repealed and recreated to read:

				2007-08	2008-09
20.511	Government accountability board				
(1)	ADMINISTRATION OF ELECTIONS, ETHICS, AND LOBBYING LAWS				
(a)	General program operations; general purpose revenue	GPR	B	1,338,200	1,340,300

SECTION 137. 20.455 (1) (b) of the statutes is amended to read:

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

SECTION 138. 20.510 (intro.) of the statutes is repealed.

SECTION 139. 20.510 (1) (title) of the statutes is repealed.

SECTION 140. 20.510 (1) (a) of the statutes is repealed.

SECTION 141. 20.510 (1) (b) of the statutes is renumbered 20.511 (1) (b).

SECTION 142. 20.510 (1) (bm) of the statutes is renumbered 20.511 (1) (bm).

SECTION 143. 20.510 (1) (c) of the statutes is renumbered 20.511 (1) (c).

SECTION 144. 20.510 (1) (d) of the statutes is renumbered 20.511 (1) (d).

SECTION 145. 20.510 (1) (g) of the statutes is renumbered 20.511 (1) (g).

SECTION 146. 20.510 (1) (gm) of the statutes is repealed.

SECTION 147. 20.510 (1) (h) of the statutes is repealed.

SECTION 148. 20.510 (1) (i) of the statutes is repealed.

SECTION 149. 20.510 (1) (j) of the statutes is renumbered 20.511 (1) (j).

SECTION 150. 20.510 (1) (q) of the statutes is renumbered 20.511 (1) (q).

SECTION 151. 20.510 (1) (t) of the statutes is renumbered 20.511 (1) (t).

SECTION 152. 20.510 (1) (x) of the statutes is renumbered 20.511 (1) (x).

SECTION 153. 20.511 (intro.) and (1) (title) and (a) of the statutes are created to read.

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

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

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

SECTION 154. 20.511 (1) (c) of the statutes, as affected by 2007 Wisconsin Act (this act), is repealed.

SECTION 155. 20.511 (1) (h) and (i) of the statutes are created to read:

20.511 (1) (h) *Materials and services.* The amounts in the schedule for the costs of publishing documents, locating and copying records, and conducting programs under s. 19.48 (9) and administrative meetings and conferences, for compiling, disseminating, and making available information prepared by and filed with the board under s. 19.48 (10), and for supplies, postage, and shipping. All moneys received by the board from collections for sales of publications, copies of records, and supplies, for postage, for shipping and records location fees, from fees assessed under s. 19.48 (9) and (10), and for charges assessed to participants in administrative meetings and conferences shall be credited to this appropriation account.

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

SECTION 156. 20.521 (intro.) of the statutes is repealed.

SECTION 157. 20.521 (1) (title) of the statutes is repealed.

SECTION 158. 20.521 (1) (a) of the statutes is repealed.

SECTION 159. 20.521 (1) (b) of the statutes is renumbered 20.511 (1) (be) and amended to read:

20.511 (1) (be) *Code of ethics investigations Investigations.* Biennially, the amounts in the schedule A sum sufficient for the purpose of financing the costs of investigations authorized by the board of potential violations

of the code of ethics for state public officials and employees under chs. 5 to 12, subch. III of ch. 13, and subch. III of ch. 19.

SECTION 160. 20.521 (1) (g) of the statutes is repealed.

SECTION 161. 20.521 (1) (h) of the statutes is renumbered 20.511 (1) (jm) and amended to read:

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

SECTION 162. 20.521 (1) (i) of the statutes is repealed.

SECTION 163. 20.923 (4) (d) 3. of the statutes is repealed.

SECTION 164. 20.923 (4) (d) 4. of the statutes is repealed.

SECTION 165. 20.923 (4) (f) 3j. of the statutes is created to read:

20.923 (4) (f) 3j. Government accountability board: legal counsel.

SECTION 166. 20.930 of the statutes is amended to read:

20.930 Attorney fees. Except as provided in ss. 5.05 (2m) (c) 7., 46.27 (7g) (h), 49.496 (3) (f) and 49.682 (6), no state agency in the executive branch may employ any attorney until such employment has been approved by the governor.

SECTION 167. 46.95 (4) of the statutes is amended to read:

46.95 (4) LIST OF ELIGIBLE ORGANIZATIONS. The department shall certify to the elections government accountability board, on a continuous basis, a list containing the name and address of each organization that is eligible to receive grants under sub. (2).

SECTION 168. 59.605 (3) (a) 3. of the statutes is amended to read:

59.605 (3) (a) 3. The referendum shall be held in accordance with chs. 5 to 12. The governing body shall provide the election officials with all necessary election supplies. The form of the ballot shall correspond substantially with the standard form for referendum ballots prescribed by the elections government accountability board under ss. 5.64 (2) and 7.08 (1) (a). If the resolution under subd. 1. specifies the operating levy rate, the question shall be submitted as follows: "Under state law, the operating levy rate for the (name of county), for the tax to be imposed for the year (year), is limited to \$.... per \$1,000 of equalized value. Shall the (name of county) be allowed to exceed this rate limit for (a specified number of years) (an indefinite period) by \$.... per \$1,000 of equalized value that results in an operating levy rate of \$.... per \$1,000 of equalized value?" If the resolution under subd. 1. specifies the operating levy, the question shall be submitted as follows: "Under state law, the oper-

ating levy rate for the (name of county), for the tax to be imposed for the year (year), is limited to \$.... per \$1,000 of equalized value. Notwithstanding the operating levy rate limit, shall the (name of county) be allowed to levy an amount not to exceed \$.... (operating levy) for operating purposes for the year (year), which may increase the operating levy rate for (a specified number of years) (an indefinite period)? This would allow a% increase above the levy of \$.... (preceding year operating levy) for the year (preceding year)."

SECTION 169. 67.05 (3) (b) of the statutes is amended to read:

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

SECTION 170. 67.05 (6) of the statutes is amended to read:

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

SECTION 171. 71.10 (3) (b) of the statutes is amended to read:

71.10 (3) (b) The secretary of revenue shall provide a place for those designations on the face of the individual income tax return and shall provide next to that place a statement that a designation will not increase tax liability. Annually on August 15, the secretary of revenue shall certify to the elections government accountability board, the department of administration and the state treasurer

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under s. 11.50 the total amount of designations made during the preceding fiscal year. If any individual attempts to place any condition or restriction upon a designation, that individual is deemed not to have made a designation on his or her tax return.

SECTION 172. 73.0301 (1) (d) 13. of the statutes is amended to read:

73.0301 (1) (d) 13. A license issued by the ~~ethics gov-~~ ernment accountability board under s. 13.63 (1).

SECTION 173. 73.0301 (1) (e) of the statutes is amended to read:

73.0301 (1) (e) "Licensing department" means the department of administration; the board of commissioners of public lands; the department of commerce; the ~~eth-~~ ics government accountability board; the department of financial institutions; the department of health and family services; the department of natural resources; the department of public instruction; the department of regulation and licensing; the department of workforce development; the office of the commissioner of insurance; or the department of transportation.

SECTION 174. 85.61 (1) of the statutes is amended to read:

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

SECTION 175. 117.20 (2) of the statutes is amended to read:

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

SECTION 176. 117.27 (2) (b) (intro.) of the statutes is amended to read:

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

SECTION 177. 121.91 (3) (c) of the statutes is amended to read:

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

SECTION 178. 125.05 (1) (b) 10. of the statutes is amended to read:

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

SECTION 179. 165.25 (1) of the statutes is amended to read:

165.25 (1) REPRESENT STATE IN APPEALS AND ON REMAND. Except as provided in ~~s.~~ ss. 5.05 (2m) (a) and 978.05 (5), appear for the state and prosecute or defend all actions and proceedings, civil or criminal, in the court of appeals and the supreme court, in which the state is interested or a party, and attend to and prosecute or defend all civil cases sent or remanded to any circuit court in which the state is a party; ~~and, if.~~ Nothing in this subsection deprives or relieves the attorney general or the department of justice of any authority or duty under this chapter.

(1m) REPRESENT STATE IN OTHER MATTERS. If requested by the governor or either house of the legislature, appear for and represent the state, any state department, agency, official, employee or agent, whether required to appear as a party or witness in any civil or criminal matter, and prosecute or defend in any court or before any officer, any cause or matter, civil or criminal, in which the state or the people of this state may be interested. The public service commission may request under

s. 196.497 (7) that the attorney general intervene in federal proceedings. All expenses of the proceedings shall be paid from the appropriation under s. 20.455 (1) (d).

SECTION 180. 165.25 (3r) of the statutes is amended to read:

165.25 (3r) AVOID CONFLICT OF INTEREST. Require that attorneys in different organizational subunits in the department prosecute violations of chs. 562 to 569 or Indian gaming compacts entered into under s. 14.035 and defend any department, agency, official, employee or agent under subs. (1), ~~(1m)~~, (4) (a) and (6).

SECTION 181. 165.25 (8) of the statutes is amended to read:

165.25 (8) HISTORICAL SOCIETY CONTRACTS. In subs. (1), ~~(1m)~~, (6) and (6m), treat any nonprofit corporation operating a museum under a lease agreement with the state historical society as a department of state government and any official, employee or agent of such a corporation as a state official, employee or agent.

SECTION 182. 165.25 (8m) of the statutes is amended to read:

165.25 (8m) LOCAL EMERGENCY PLANNING COMMITTEES. In subs. (1), ~~(1m)~~, (6) and (6m), treat any local emergency planning committee appointed by a county board under s. 59.54 (8) (a) as a department of state government and any member of such a committee as a state official, employee or agent.

SECTION 183. 165.93 (4) of the statutes is amended to read:

165.93 (4) LIST OF ELIGIBLE ORGANIZATIONS. The department shall certify to the elections government accountability board, on a continuous basis, a list containing the name and address of each organization that is eligible to receive grants under sub. (2).

SECTION 184. 198.08 (10) of the statutes is amended to read:

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

SECTION 185. 200.09 (11) (am) 2. and 3. of the statutes are amended to read:

200.09 (11) (am) 2. No resolution passed under subd. 1. may authorize election of commissioners sooner than 6 months after the date of passage. The commission shall immediately notify the elections government accountability board under s. 5.05 upon passage of a resolution under subd. 1.

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

SECTION 186. 227.03 (6) of the statutes is amended to read:

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

SECTION 187. 227.45 (1) of the statutes is amended to read:

227.45 (1) Except as provided in ~~ss. 19.52 (3) and s. 901.05~~, an agency or hearing examiner shall not be bound by common law or statutory rules of evidence. The agency or hearing examiner shall admit all testimony having reasonable probative value, but shall exclude immaterial, irrelevant or unduly repetitious testimony or evidence that is inadmissible under s. 901.05. The agency or hearing examiner shall give effect to the rules of privilege recognized by law. Basic principles of relevancy, materiality and probative force shall govern the proof of all questions of fact. Objections to evidentiary offers and offers of proof of evidence not admitted may be made and shall be noted in the record.

SECTION 188. 227.46 (1) (intro.) of the statutes is amended to read:

227.46 (1) (intro.) Except as provided under s. 227.43 (1), an agency may designate an official of the agency or an employee on its staff or borrowed from another agency under s. 20.901 or 230.047 as a hearing examiner to preside over any contested case. ~~In hearings under s. 19.52, a reserve judge shall be appointed.~~ Subject to rules of the agency, examiners presiding at hearings may:

SECTION 189. 227.52 (6) of the statutes is amended to read:

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

SECTION 190. 230.08 (2) (e) 4h. of the statutes is created to read:

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

SECTION 191. 230.08 (2) (om) of the statutes is repealed.

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SECTION 192. 230.08 (2) (on) of the statutes is created to read:

230.08 (2) (on) The legal counsel to the government accountability board.

SECTION 193. 230.08 (2) (wm) of the statutes is repealed.

SECTION 194. 230.08 (4) (a) of the statutes is amended to read:

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

SECTION 195. 234.02 (3m) (c) of the statutes is amended to read:

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

SECTION 196. 301.03 (20m) of the statutes is amended to read:

301.03 (20m) Transmit to the ~~elections~~ government accountability board, on a continuous basis, a list containing the name of each living person who has been convicted of a felony under the laws of this state and whose civil rights have not been restored, together with his or her residential address and the date on which the department expects his or her civil rights to be restored.

SECTION 197. 343.11 (2m) of the statutes is amended to read:

343.11 (2m) Within 30 days following surrender of a license under sub. (1), the department shall provide notice to the ~~elections~~ government accountability board of the person’s name and address, the name of the jurisdiction issuing the surrendered license, and the date on which the license was surrendered.

SECTION 198. 560.04 (2m) of the statutes is amended to read:

560.04 (2m) DUTIES. The department may assign one or more full-time equivalent positions to the functions of coordinating the development and scheduling of training programs for local government officials by the University of Wisconsin–Extension, technical college system, department of revenue, ~~elections~~ government accountability board, and other state agencies in order to assure the effective delivery of training programs and to prevent

duplication of effort and of coordinating requests for management or personnel consultative services from government units other than the state and directing those requests to the appropriate division of the department of administration.

SECTION 199. 758.19 (9) of the statutes is created to read:

758.19 (9) If a court of appeals judge is appointed to serve as a member of the governmental accountability candidate committee and the judge has good cause for declining to serve, the director of state courts shall accept from the judge a written communication setting forth the reasons why the judge cannot or should not serve and the judge shall then be excused from service. Upon receipt of the communication, the director shall notify the chief justice and the vacancy shall then be filled as provided in ss. 15.60 (2) and 17.20 (1).

SECTION 200. 778.135 of the statutes is amended to read:

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

SECTION 201. 778.136 of the statutes is repealed.

SECTION 202. 801.50 (5t) of the statutes is created to read:

801.50 (5t) Except as otherwise provided in ss. 801.52 and 971.223 (1) and (2), venue in a civil action to impose a forfeiture upon a resident of this state for a violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, or for a violation of any other law arising from or in relation to the official functions of the subject of the investigation or any matter that involves elections, ethics, or lobbying regulation under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, shall be in circuit court for the county where the defendant resides. For purposes of this subsection, a person other than a natural person resides within a county if the person’s principal place of operation is located within that county. This subsection does not affect which prosecutor has responsibility under s. 978.05 (2) to prosecute civil actions arising from violations under s. 971.223 (1).

SECTION 203. 801.52 of the statutes is amended to read:

801.52 Discretionary change of venue. The court may at any time, upon its own motion, the motion of a party or the stipulation of the parties, change the venue to any county in the interest of justice or for the convenience of the parties or witnesses, except that venue in a civil action to impose forfeiture for a violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 or for a violation of any other law arising from or in relation to the official functions of the subject of the investigation or any matter that involves elections, ethics, or lobbying regulation under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, may be changed only as provided in s. 971.223 (1) and (2) or in the same manner that is authorized for a change in the venue of a criminal trial under s. 971.22. This section does not apply to proceedings under ch. 980.

SECTION 204. 801.64 of the statutes is created to read:

801.64 Legislative findings; 2007 Wisconsin Act (this act). The legislature finds that providing under 2007 Wisconsin Act (this act) for the place of trial in the county where the offender resides is consistent with the legislature's authority under article I, section 7, of the constitution and with previous acts by the legislature providing for the place of trial in counties other than where the elements of the offense may have occurred. The legislature further finds that allowing defendants charged with violating offenses covered by 2007 Wisconsin Act (this act) to request a trial in the county where the offense occurred is consistent with the protections in article I, section 7, of the constitution. The legislature finds that violations of offenses covered by 2007 Wisconsin Act (this act) are violations of the public trust that should be adjudicated in the county where the offender resides so the individuals who the defendant interacts with daily, serves, or represents as a public official or candidate and whose trust was violated by the offense will judge the defendant's guilt or innocence. The legislature further finds that to so provide is consistent with equal protection of the laws under article I, section 1, of the constitution. The legislature finds the venue provision in 2007 Wisconsin Act (this act) represents an appropriate balance between the rights of the defendant and the need to prevent and prosecute civil and criminal offenses covered by 2007 Wisconsin Act (this act).

SECTION 205. 971.19 (12) of the statutes is created to read:

971.19 (12) Except as provided in s. 971.223, in an action for a violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, or for a violation of any other law arising from or in relation to the official functions of the subject of the investigation or any matter that involves elections, ethics, or lobbying regulation under subch. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 a defendant who is a resident of this state shall be tried in circuit court for the county where the defendant resides. For purposes of this subsection, a person other than a natural person

resides within a county if the person's principal place of operation is located within that county.

SECTION 206. 971.223 of the statutes is created to read:

971.223 Change of Place of Trial for Certain Violations. (1) In an action for a violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, or for a violation of any other law arising from or in relation to the official functions of the subject of the investigation or any matter that involves elections, ethics, or lobbying regulation under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, a defendant who is a resident of this state may move to change the place of trial to the county where the offense was committed. The motion shall be in writing.

(2) The court shall grant a motion under this section if the court determines that the county where the offense was committed is different than the county where the defendant resides. If there is more than one county where the offense was committed, the court shall determine which of the counties where the offense was committed will be the place of trial. The judge who orders the change in the place of trial shall preside at the trial and the jury shall be chosen from the county where the trial will be held. Preliminary matters prior to trial may be conducted in either county at the discretion of the court. The judge shall determine where the record shall be kept and, if the defendant is in custody, where the defendant shall be held.

(3) This section does not affect which prosecutor has responsibility under s. 978.05 (1) to prosecute criminal actions arising from violations under sub. (1).

(4) This section does not affect the application of s. 971.22. In actions under sub. (1), the court may enter an order under s. 971.225 only if the order is agreed to by the defendant.

SECTION 207. 971.225 (1) (intro.) of the statutes is amended to read:

971.225 (1) (intro.) In lieu of changing the place of trial under s. 971.22 (3) or 971.223, the court may require the selection of a jury under sub. (2) if:

SECTION 208. 978.05 (1) and (2) of the statutes are amended to read:

978.05 (1) CRIMINAL ACTIONS. Except as otherwise provided by law, prosecute all criminal actions before any court within his or her prosecutorial unit and have sole responsibility for prosecution of all criminal actions arising from violations of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 and from violations of other laws arising from or in relation to the official functions of the subject of the investigation or any matter that involves elections, ethics, or lobbying regulation under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, that are alleged to be committed by a resident of his or her prosecutorial unit, or if alleged to be committed by a nonresident of this state, that are alleged to occur in his or her

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prosecutorial unit unless another prosecutor is substituted under s. 5.05 (2m) (i) or this chapter or by referral of the government accountability board under s. 5.05 (2m) (c) 15. or 16. For purposes of this subsection, a person other than a natural person is a resident of a prosecutorial unit if the person's principal place of operation is located in that prosecutorial unit.

(2) **FORFEITURES.** Except as otherwise provided by law, prosecute all state forfeiture actions, county traffic actions and actions concerning violations of county ordinances which are in conformity with state criminal laws in the courts within his or her prosecutorial unit and have joint responsibility, together with the government accountability board, for prosecution of all forfeiture actions arising from violations of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 and from violations of other laws arising from or in relation to the official functions of the subject of the investigation or any matter that involves elections, ethics, or lobbying regulation under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 that are alleged to be committed by a resident of his or her prosecutorial unit, or if alleged to be committed by a non-resident of this state, that are alleged to occur within his or her prosecutorial unit unless another prosecutor is substituted under s. 5.05 (2m) (h) or this chapter or by referral of the government accountability board under s. 5.05 (2m) (c) 15. or 16. For purposes of this subsection, a person other than a natural person is a resident of a prosecutorial unit if the person's principal place of operation is located in that prosecutorial unit.

SECTION 209. Nonstatutory provisions.

(1) **INITIATION DATE.** In this section, "initiation date" means the first day of the 7th month beginning after publication of this act, or the 31st day beginning after the date on which the government accountability board has given final approval to the hiring of individuals to initially fill the positions of legal counsel to the board, administrator of the ethics and accountability division of the board, and administrator of the elections division of the board, whichever is later.

(2) **TRANSFER OF ELECTIONS BOARD.**

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

(b) *Positions and employees.*

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

2. All incumbent employees holding positions in the elections board on the effective date of this subdivision, except the incumbent employee holding the position of executive director, are transferred on the effective date of this subdivision to the government accountability board.

3. Employees transferred under subdivision 2. have all the rights and the same status under subchapter V of

chapter 111 and chapter 230 of the statutes in the government accountability board that they enjoyed in the elections board immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

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

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

(e) *Rules and orders.* Within one year after the initiation date, the board shall hold one or more public hearings on the question of reaffirmation of each rule that has been promulgated and each order that has been issued by the elections board and that is in effect on that date. Except as authorized in this paragraph, every rule promulgated by the elections board that is in effect on the effective date of this paragraph remains in effect until its specified expiration date or until the end of the 365-day period beginning on the initiation date, whichever is earlier, unless that board repeals or amends the rule, effective on an earlier date, or unless that board specifically votes to reaffirm the rule. Except as authorized in this paragraph, every order issued by the elections board that is in effect on the effective date of this paragraph remains in effect until its specified expiration date or until the end of the 365-day period beginning on the initiation date, whichever is earlier, unless that board modifies or rescinds the order, effective on an earlier date, or unless that board specifically votes to reaffirm the order. Any action by the board to amend or repeal a rule shall be in accordance with subchapter II of chapter 227 of the statutes. The board may extend the expiration date of any rule or order under this paragraph for not more than 3 months in order to afford time for additional review, but no such extension or renewal of an extension may extend the expiration date of any rule or order by more than 6 months in all.

(f) *Formal opinions.* Within one year after the initiation date, the board shall hold one or more public hearings on the question of reaffirmation of each formal opinion that has been issued by the elections board and that has not been withdrawn or modified. Except as authorized in this paragraph, every formal opinion issued by the elections board that has not been withdrawn or modified on the initiation date remains in effect until the end of the 365-day period beginning on the initiation date unless that board withdraws or modifies the opinion on

an earlier date, or unless that board specifically votes to reaffirm the opinion on an earlier date. The board may extend the period of effectiveness of any formal opinion under this paragraph for not more than 3 months in order to afford time for additional review, but no such extension or renewal of an extension may extend the period of effectiveness of any opinion by more than 6 months in all.

(g) *Review of internal operating procedures.* During the 365-day period beginning on the initiation date, the board shall review all internal operating procedures of the elections board in effect on the initiation date that affect the manner in which the board interrelates with persons who are not employees of the board. The review shall specifically address the degree to which employees are authorized to perform their functions without direct supervision of or approval of the board. During the pendency of the review, no employee of the government accountability board may make any change in an internal operating procedure described in this paragraph unless that board first holds a public hearing concerning the proposed change and that board specifically approves the change.

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

(3) TRANSFER OF ETHICS BOARD.

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

(b) *Positions and employees.*

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

2. All incumbent employees holding positions in the ethics board on the effective date of this subdivision, except the incumbent employee holding the position of executive director, are transferred on the effective date of this subdivision to the government accountability board.

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

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

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

(e) *Rules and orders.* Within one year after the initiation date, the board shall hold one or more public hearings on the question of reaffirmation of each rule that has been promulgated and each order that has been issued by the ethics board and that is in effect on that date. Except as authorized in this paragraph, every rule promulgated by the ethics board that is in effect on the effective date of this paragraph remains in effect until its specified expiration date or until the end of the 365-day period beginning on the initiation date, whichever is earlier, unless that board amends or repeals the rule, effective on an earlier date, or unless that board specifically votes to reaffirm the rule. Except as authorized in this paragraph, every order issued by the ethics board that is in effect on the effective date of this paragraph remains in effect until its specified expiration date or until the end of the 365-day period beginning on the initiation date, whichever is earlier, unless that board modifies or rescinds the order, effective on an earlier date, or unless that board specifically votes to reaffirm the order. Any action by the board to amend or repeal a rule shall be in accordance with subchapter II of chapter 227 of the statutes. The board may extend the expiration date of any rule or order under this paragraph for not more than 3 months in order to afford time for additional review, but no such extension or renewal of an extension may extend the expiration date of any rule or order by more than 6 months in all.

(f) *Formal opinions.* Within one year after the initiation date, the board shall hold one or more public hearings on the question of reaffirmation of each formal opinion that has been issued by the ethics board and that has not been withdrawn or modified. If the formal opinion is confidential, the board shall hold the hearing on the question of reaffirmation of the summary of the opinion that has been published. Except as authorized in this paragraph, every formal opinion issued by the ethics board or by the executive director of the ethics board acting in its stead that has not been withdrawn or modified on the initiation date remains in effect until the end of the 365-day period beginning on the initiation date unless that board withdraws or modifies the opinion on an earlier date, or unless that board specifically votes to reaffirm the opinion on an earlier date. The board may extend the period of effectiveness of any formal opinion under this paragraph for not more than 3 months in order to afford time for additional review, but no such extension or renewal of an extension may extend the period of effectiveness of an opinion by more than 6 months in all.

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(g) *Review of guidelines.* Within one year after the initiation date, the board shall hold one or more public hearings for the purpose of reviewing the question of reaffirmation of each current guideline that has been issued by the ethics board. The review shall address the extent to which the guidelines are consistent with relevant law. Except as authorized in this paragraph, the government accountability board shall withdraw each guideline identified in this paragraph at the end of the 365-day period beginning on the initiation date, unless the board chooses to withdraw or revise the guideline at an earlier date or unless the board specifically votes to reaffirm the current text of the guideline as issued prior to the end of that period. The board may extend the circulation period of any guideline identified in this paragraph for not more than 3 months in order to afford time for additional review, but no such extension or renewal of an extension may extend the circulation period of a guideline by more than 6 months in all.

(h) *Review of internal operating procedures.* During the 365-day period beginning on the initiation date, the board shall review all internal operating procedures of the ethics board in effect on the initiation date that affect the manner in which the board interrelates with persons who are not employees of the board. The review shall specifically address the degree to which employees are authorized to perform their functions without direct supervision of or approval of the board. During the pendency of the review, no employee of the government accountability board may make any change in an internal operating procedure described in this paragraph unless that board first holds a public hearing concerning the proposed change and that board specifically approves the change.

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

(4) CONFIRMATION OF PERSONS NOMINATED TO INITIALLY FILL POSITIONS ON THE BOARD. Notwithstanding section 15.07 (1) (a) 2. of the statutes, as affected by this act, the governor shall submit the names of the nominees to initially fill 3 of the positions as members of the government accountability board to the assembly and shall submit the names of the nominees to initially fill 3 of the positions as members of the government accountability board to the senate, and the nominees to initially fill those positions are subject to confirmation solely by a majority of the members present and voting on a nomination in the house to which their names are submitted. Notwithstanding section 5.052 (4) of the statutes, as created by this act, if a nominee of the governor to initially fill a position as a member of the government accountability board dies or

withdraws, or if such a nomination is withdrawn by the governor or rejected by the house to which submitted under this subsection, the government accountability candidate committee shall submit an additional nominee to the governor for appointment to the board, subject to confirmation by the same house in accordance with this subsection.

(5) BOARD TRANSITIONS; INITIAL TERMS.

(a) Notwithstanding section 15.61, 2005 stats., section 15.62, 2005 stats., and section 15.07 (1) (c) of the statutes, the terms of office of all members of the elections board and all members of the ethics board holding office shall expire on the initiation date.

(b) Each member of the government accountability board who is appointed as provided in paragraph (c) and qualified to take office shall take office on the effective date of this paragraph, or upon qualification to take office, whichever is later. Notwithstanding section 15.07 (4) of the statutes, as affected by this act, the board does not have a quorum for transaction of business at its initial meeting until 6 members have initially been appointed and qualify to serve.

(c) The government accountability candidate committee shall submit to the governor the names of at least 8 qualified individuals to fill the initial positions as members of the government accountability board. In making nominations to initially fill positions as members of the government accountability board, the government accountability candidate committee shall draw lots at a meeting of the committee to assign a numerical sequence to each nomination, beginning with the number one. Notwithstanding section 15.60 (1) of the statutes, as created by this act, from the nominations submitted, the governor shall nominate the nominee who is assigned the lowest number to serve for a term expiring on May 1, 2014; the nominee having the next highest number to serve for a term expiring on May 1, 2013; the nominee having the next highest number to serve for a term expiring on May 1, 2012; the nominee having the next highest number to serve for a term expiring on May 1, 2011; the nominee having the next highest number to serve for a term expiring on May 1, 2010; and the nominee having the next highest number to serve for a term expiring on May 1, 2009.

(d) Notwithstanding section 15.60 (2) of the statutes, as created by this act, the initial members of the governmental accountability candidate committee shall serve for terms expiring on March 1, 2009.

(6) IMPLEMENTATION.

(a) Notwithstanding section 5.05 (1m) and (2m) of the statutes, as created by this act, and section 20.922 (1) of the statutes, the director of the legislative council staff shall provide such administrative support to the government accountability board as the board may require, without additional compensation for such service, until such time as the board initially appoints a legal counsel

to the board and the appointee takes office. The director of the legislative council staff is vested with full authority and responsibility to carry out all administrative functions of the legal counsel to the government accountability board, the divisions in the government accountability board, and the administrators of the divisions prior to appointment and qualification of the initial legal counsel, including the retention and termination of all staff not transferred to the board that the board is authorized to employ under this act.

(b) Notwithstanding section 15.07 (2) (b) of the statutes, as created by this act, the member of the government accountability board who is first nominated shall choose the initial chairperson of the board at the first meeting of the board in accordance with section 15.07 (2) (b) of the statutes, as created by this act.

(c) Prior to the initiation date, the government accountability board may expend moneys from the appropriation under section 20.511 (1) (a) of the statutes, as created by this act, for the purpose of meeting, employing staff, and preparing to assume its full authority and responsibilities on that date.

(7) JOINT COMMITTEE ON FINANCE. Of the moneys appropriated to the joint committee on finance under section 20.865 (4) (a) of the statutes for the 2005–07 fiscal biennium, \$155,400 is reserved to supplement the appropriation of the government accountability board under section 20.511 (1) (a) of the statutes, as created by this act, in fiscal year 2006–07 for the purposes described in SECTION 210 (5) of this act.

SECTION 210. Fiscal changes.

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

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

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

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

(5) In the schedule under section 20.005 (3) of the statutes for the appropriation to the joint committee on finance under section 20.865 (4) (a) of the statutes, as affected by the acts of 2005 and 2007, the dollar amount is increased by \$155,400 for fiscal year 2006–07 to provide funding for the government accountability board to hold meetings, employ staff, and prepare to assume its full authority and responsibilities under this act.

SECTION 211. Effective dates. This act takes effect on the initiation date specified in section 209 (1), except as follows:

(1) The treatment of sections 5.052, 5.054, 15.07 (1) (a) 2., (2) (b), and (5) (m), 15.60, 15.603, 20.511 (intro.) and (1) (title) and (a), 20.923 (4) (f) 3j., and 230.08 (2) (e) 4h. and (on) and (4) (a) of the statutes, SECTIONS 209 (5) to (7) and 210 (5) of this act take effect on the day after publication.

(2) The repeal and recreation of section 20.005 (3) (schedule) 20.511 of the statutes takes effect on July 1, 2007.

(3) The repeal of section 20.511 (1) (c) of the statutes takes effect on July 1, 2007.
