



State of Wisconsin
2005 - 2006 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 1188**

May 2, 2006 – Offered by Representatives POCAN, PARISI and POPE-ROBERTS.

1 **AN ACT** *to repeal* 5.05 (1) (a), 5.05 (5), 5.05 (6), 5.05 (11), 7.08 (7), 9.01 (1) (ag) 4.,
2 15.07 (5) (k), 15.07 (5) (n), 15.61, 15.62, 19.42 (10) (a), 19.47 (2), 19.47 (4), 20.510
3 (intro.), 20.510 (1) (title), 20.510 (1) (a), 20.510 (1) (b), 20.510 (1) (bm), 20.510
4 (1) (c), 20.510 (1) (d), 20.510 (1) (g), 20.510 (1) (gm), 20.510 (1) (h), 20.510 (1) (i),
5 20.510 (1) (j), 20.510 (1) (q), 20.510 (1) (t), 20.510 (1) (x), 20.521 (intro.), 20.521
6 (1) (title), 20.521 (1) (a), 20.521 (1) (b), 20.521 (1) (g), 20.521 (1) (h), 20.521 (1)
7 (i), 20.923 (4) (d) 3., 20.923 (4) (d) 4., 230.08 (2) (om) and 230.08 (2) (wm); **to**
8 **renumber and amend** 15.03, 15.617, 19.46 (2), 19.55 (2) (a) and 19.55 (2) (b);
9 **to amend** 5.02 (1s), 5.05 (title), 5.05 (1) (intro.), 5.05 (1) (b), 5.05 (1) (c), 5.05 (3)
10 (a), 5.40 (7), 5.62 (4) (b), 6.26 (2) (b), 6.26 (2) (c), 6.56 (2) to (5), 7.08 (title), 7.08
11 (title), 7.15 (1) (g), 7.23 (2), 7.31 (5), 7.60 (4) (a), 7.60 (5), 7.70 (1), 7.70 (5) (b),
12 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
13 (1) (a) 1., 9.01 (1) (ar) 2., 9.01 (10), 11.21 (title), 11.21 (7) (intro.), 11.22 (4), 11.61

1 (2), 13.123 (3) (b) 2., 13.23, 13.62 (4), 13.685 (title), 13.94 (1) (k), 14.58 (20), 15.07
2 (1) (cm), 15.07 (4), 16.79 (2), 16.96 (3) (b), 16.973 (6), 17.07 (6), 17.17 (1), 17.17
3 (4), 19.42 (3), 19.43 (4), 19.43 (5), 19.45 (6), 19.46 (1) (intro.), 19.47 (5), 19.50 (2),
4 19.54 (2), 19.55 (1), 19.55 (2) (c), 19.59 (8) (a) and (c), 19.59 (8) (cn), 19.59 (8) (d),
5 19.85 (1) (h), 20.923 (4) (intro.), 59.605 (3) (a) 3., 67.05 (3) (b), 67.05 (6), 71.10
6 (3) (b), 73.0301 (1) (d) 13., 73.0301 (1) (e), 85.61 (1), 117.20 (2), 117.27 (2) (b)
7 (intro.), 121.91 (3) (c), 125.05 (1) (b) 10., 165.25 (1), 198.08 (10), 200.09 (11) (am)
8 3., 227.03 (6), 227.52 (6), 230.08 (4) (a), 234.02 (3m) (c), 560.04 (2m), 778.135 and
9 778.136; **to repeal and recreate** 11.60 (4), 15.07 (1) (a) 2. and 19.579; and **to**
10 **create** 5.05 (1m), 5.05 (2m), 5.05 (3m), 5.05 (5s) (title) and (d), 5.052, 5.054,
11 5.066, 15.03 (2), 15.07 (5) (m), 15.60, 15.603, 19.85 (1) (fm), 20.923 (4) (e) 2e.,
12 20.923 (4) (f) 3j., 165.25 (4) (e), 227.03 (6m), 230.08 (2) (e) 4h., 230.08 (2) (on),
13 230.40 (5m) and 971.19 (12) of the statutes; **relating to:** creation of a
14 Government Accountability Board, payment of health insurance premiums for
15 state employees who take certain leaves of absence, and providing penalties.

Analysis by the Legislative Reference Bureau

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

Currently, the Ethics Board consists of six members. Members of the Ethics Board are nominated by the governor, and with the advice and consent of the senate appointed, to serve for staggered six-year terms. All members must be U.S. citizens and residents of this state, and no member may hold any other office or employment in the government of this state or any political subdivision thereof or in any state department. In addition, no member, for one year immediately prior to the date of

appointment, may have been, and no member, while serving on the Ethics Board, may become, a member of a political party, an officer or member of a committee in any partisan political club or organization, or a candidate for any partisan office.

This substitute amendment abolishes both boards and replaces them with a Government Accountability Board. Under the substitute amendment, the board is composed of seven members serving for staggered four-year terms. Four members of the board must have prosecutorial experience. One member of the board is a retired judge of a court of record in this state. All of the members are nominated by the governor and appointed with the advice and consent of the assembly and senate. Each of the members must be appointed from nominations submitted by a Government Accountability Candidate Committee, which consists of one court of appeals judge from each of the court of appeals districts. The judges are chosen by lot by the chief justice of the supreme court in the presence of the other justices. A unanimous vote of the committee is required to nominate a candidate. No member of the Government Accountability Board may hold another position that is subject to the code of ethics for state public officials or the code of ethics for local public officials. No member, for one year immediately prior to the date of appointment, may have been, and no member while serving on the board may become, a member of a political party, an officer or member of a committee in any partisan political club or organization, a candidate for any partisan office or an officer or employee of a registrant under the campaign finance law. No member may be a lobbyist or an employee of a principal (person who employs a lobbyist).

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

The substitute amendment also permits the executive director to appoint up to two other division administrators outside the classified service but the substitute amendment does not authorize any new positions for the administrators. The substitute amendment transfers all members of the existing staffs of the Elections Board and Ethics Board and their positions to the Government Accountability Board. Under the substitute amendment, the staff members who have civil service rights retain those rights. The substitute amendment does not provide any funding for continued employment of the staff members, however.

The Enforcement Division is empowered to investigate violations and bring civil and criminal actions to enforce the elections, ethics, and lobbying regulation laws. Under current law, the Elections Board and Ethics Board share civil enforcement authority with district attorneys and in some cases with county boards of election commissioners, and with the attorney general; and the district attorneys, and in some cases the attorney general, exercise criminal enforcement authority. Under the substitute amendment, the Enforcement Division has independent authority to investigate violations of the elections, ethics, and lobbying regulation laws and to prosecute civil or criminal violations without the consent of the

Government Accountability Board, except that the division must obtain the concurrence of the board before issuing a subpoena or obtaining a search warrant. The substitute amendment permits the Enforcement Division to request the board to appoint special counsel to investigate or prosecute violations of the law. Under the substitute amendment, the board may retain special counsel to act as an investigator in any matter. The administrator of the Enforcement Division may also investigate any matter without retention of an investigator. An investigator or the administrator must report to the board concerning an investigation at least once every 90 days, after which the investigation may continue unless the board votes to terminate it. The substitute amendment also permits the Enforcement Division to request investigatory and prosecutorial assistance from the Department of Justice and directs the Department of Justice to provide such assistance upon request. Under the substitute amendment, the Enforcement Division is bound by applicable laws, rules, formal opinions, and actions of the board, except that the division may nonacquiesce in any formal opinion of the board by publishing a notice of nonacquiescence in the Wisconsin Administrative Register. Thereafter, the division is not bound by that opinion. The substitute amendment directs the Government Accountability Board and the district attorneys to share investigatory information concerning possible violations of the elections, ethics, and lobbying regulation laws and accords precedence to the board in conducting investigations and prosecutions. If a district attorney refers to the board a matter concerning a possible criminal violation of the elections, ethics, or lobbying regulation laws by a state official and the board determines not to commence a criminal prosecution, the substitute amendment directs the board to report to the district attorney within 30 days of the referral specifying the reasons why it will not commence a prosecution.

The substitute amendment directs a district attorney to notify the Government Accountability Board before commencing a criminal prosecution concerning any violation of the elections, ethics, or lobbying regulation laws. If the board notifies the district attorney that it will not commence a criminal prosecution, or the board does not commence a criminal prosecution within 30 days after receiving the notice, the district attorney may commence the prosecution.

The substitute amendment provides that if a district attorney opens an investigation of a possible criminal violation of the elections, ethics, or lobbying regulation laws, the district attorney must report to the Government Accountability Board concerning the status of the investigation no later than the end of each 90-day period until the investigation is concluded. Similarly, under the substitute amendment, if a district attorney commences a criminal prosecution for a violation of the elections, ethics, or lobbying regulation laws, the district attorney must report to the board concerning the status of the prosecution no later than the end of each 180-day period until the prosecution is concluded. Within 30 days after receiving any report, the substitute amendment permits the board to direct the district attorney to close the investigation or to terminate the prosecution, and the district attorney must do so.

Currently, the Elections and Ethics boards have sum certain appropriations derived from state general purpose revenue. In addition, both boards finance some

of their operations with program revenue. This substitute amendment repeals all appropriations to both boards and does not make any appropriations to the Government Accountability Board. Under the substitute amendment, the Government Accountability Board will be unable to operate unless funding is provided for the board by other legislation. The substitute amendment requires the board to forward the division's budget requests to the Department of Administration without change, except as concurred in by the division.

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

Currently, a defendant in a criminal trial is tried in the county where the the defendant's crime is alleged to have been committed, except that the defendant may request the judge to move the trial to another county and the judge may grant the request if the judge believes that an impartial trial cannot be had unless the trial is moved. This substitute amendment provides that if the defendant in a criminal trial for a violation of the elections, ethics, or lobbying regulation laws is a resident of this state, the trial shall be held in circuit court for the county where the defendant resides, subject to the current exception.

Currently, opinions of the Elections Board are open to public inspection, but opinions of the Ethics Board, with limited exceptions, are closed to public inspection. However, the Ethics Board publishes summaries of its opinions without divulging information that could reveal the identity of the requester. This substitute amendment makes all opinions issued by the Government Accountability Board closed to public inspection, subject to the current exceptions for opinions issued by the Ethics Board.

The substitute amendment provides for the substitute amendment to become law on January 1, 2007, after which date the members of the Government Accountability Board may be appointed and take office. However, the existing Elections Board and Ethics Board continue in operation until June 1, 2007, subject

to appropriation of money for continued operation of the boards by other legislation. Under the substitute amendment, the Government Accountability Board may not exercise administrative or enforcement authority until June 1, 2007. The substitute amendment also provides that the director of the Legislative Council Staff shall serve as executive director of the Government Accountability Board, without additional compensation, until the initial executive director of the Government Accountability Board is appointed and qualified, and may exercise all of the functions of the executive director of the Government Accountability Board, the enforcement division, and the administrator of the enforcement division.

Currently, state boards may meet in closed session to discuss the investigation of charges against specific persons. This substitute amendment provides specifically that the Government Accountability Board may meet in closed session to deliberate concerning any investigation under the board's jurisdiction.

Currently, for state employees, health insurance premiums are generally paid two months prior to the time that the employees actually receive the coverage. A state employee who terminates state employment or who takes a leave of absence therefore receives paid health insurance coverage for at least two months after his or her date of separation from employment. Currently, most of the premium cost for state employee health care coverage the state pays.

This bill provides that any state employee who takes a leave of absence may not receive during the leave of absence any health insurance coverage, the premiums of which are paid in whole or in part by the state, if during any part of the leave of absence the employee is a candidate for a partisan political office or a nonpartisan state elected office or the employee is employed by a political party, candidate, or political committee.

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

- 1 **SECTION 1.** 5.02 (1s) of the statutes is amended to read:
- 2 5.02 (1s) “Board” means the ~~elections~~ government accountability board.
- 3 **SECTION 2.** 5.05 (title) of the statutes is amended to read:
- 4 **5.05** (title) **Elections Government accountability board; powers and**
- 5 **duties.**
- 6 **SECTION 3.** 5.05 (1) (intro.) of the statutes is amended to read:
- 7 5.05 (1) **GENERAL AUTHORITY.** (intro.) The ~~elections~~ government accountability
- 8 board shall have the responsibility for the administration of chs. 5 to 12 and other

1 laws relating to elections and election campaigns. Pursuant to such responsibility,
2 the board may:

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

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

5 5.05 (1) (b) In the discharge of its duties and ~~upon~~ after providing notice to the
6 any party or parties being investigated who is the subject of an investigation,
7 subpoena and bring before it any person ~~in the state~~ and require the production of
8 any papers, books, or other records relevant to an investigation. A circuit court may
9 by order permit the inspection, and copying of the accounts and the depositor's and
10 loan records at any financial institution, as defined in s. 705.01 (3), doing business
11 in the state to obtain evidence of any violation of ch. 11 upon showing by the board
12 of probable cause to believe there is a violation and that such accounts and records
13 may have a substantial relation to the violation. In the discharge of its duties, the
14 board may cause the deposition of witnesses to be taken in the manner prescribed
15 for taking depositions in civil actions in circuit court. The board shall delegate to the
16 enforcement division the power to issue subpoenas and to obtain search warrants
17 under this paragraph on behalf of the board, subject to the procedures under s. 5.066
18 (6). The delegation is supplemental to the board's exercise of direct authority under
19 this paragraph.

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

21 5.05 (1) (c) Bring civil or criminal actions to require forfeitures for any violation
22 of ch. 11 under s. 11.60. ~~Forfeiture actions brought by the board may concern only~~
23 ~~violations with respect to reports or statements required by law to be filed with it,~~
24 ~~and other violations arising under elections for state office or statewide referenda~~
25 chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19. The board may compromise

1 and settle any civil action or potential action brought or authorized to be brought by
2 it ~~under ch.11~~ which, in the opinion of the board, constitutes a minor violation, a
3 violation caused by excusable neglect, or which for other good cause shown, should
4 not in the public interest be prosecuted under such chapter. Notwithstanding s.
5 778.06, an action or proposed action authorized under this paragraph may be settled
6 for such sum as may be agreed between the parties. Any settlement made by the
7 board shall be in such amount as to deprive the alleged violator of any benefit of his
8 or her wrongdoing and may contain a penal component to serve as a deterrent to
9 future violations. In settling actions or proposed actions, the board shall treat
10 comparable situations in a comparable manner and shall assure that any settlement
11 bears a reasonable relationship to the severity of the offense or alleged offense.
12 Forfeiture actions brought by the board shall be brought in the circuit court for the
13 county wherein the violation is alleged to occur.

14 **SECTION 7.** 5.05 (1m) of the statutes is created to read:

15 5.05 **(1m)** EXECUTIVE DIRECTOR; LEGAL COUNSEL. The board shall employ an
16 executive director outside the classified service and shall employ legal counsel to
17 perform legal services outside the enforcement division.

18 **SECTION 8.** 5.05 (2m) of the statutes is created to read:

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

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

4 (c) 1. The board shall employ at least one full-time attorney and at least one
5 full-time staff support individual within the enforcement division. The enforcement
6 division may, with or without approval of the board, investigate or prosecute any civil
7 or criminal violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 in the
8 name of the board. The jurisdiction of the enforcement division is concurrent with
9 the jurisdiction of the board, the district attorneys, and the attorney general to
10 conduct investigations and enforce these laws. The enforcement division may
11 request authorization of the board to obtain the assistance of special counsel to
12 conduct investigations or to prosecute violations of these laws. The enforcement
13 division may also request assistance from the department of justice to conduct
14 investigations or to prosecute violations of these laws.

15 2. Upon opening or concluding an investigation of any alleged violation of chs.
16 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, the board shall notify the district
17 attorney for the county wherein the violation is alleged to occur. Upon opening or
18 concluding an investigation of any alleged violation of chs. 5 to 12, subch. III of ch.
19 13, or subch. III of ch. 19, a district attorney shall notify the board. Upon request of
20 the board or a district attorney, the board and district attorney shall each share
21 information in their possession relating to any alleged violation of chs. 5 to 12, subch.
22 III of ch. 13, or subch. III of ch. 19. If the board notifies the district attorney for any
23 county that it has opened an investigation of a violation of chs. 5 to 12, subch. III of
24 ch. 13, or subch. III of ch. 19 that is alleged to have occurred in that county, the district
25 attorney shall suspend any investigation of the same alleged violation that the

1 district attorney is conducting until the board notifies the district attorney that it has
2 concluded its investigation and it will not prosecute the alleged violation or there
3 elapse 30 days from the date of the board’s notification that its investigation is
4 concluded and the board does not commence a prosecution of the alleged violation.

5 3. The district attorney for any county may refer any matter concerning a
6 possible civil or criminal violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of
7 ch. 19 to the board. If the board determines not to commence a criminal prosecution
8 with respect to a matter concerning an alleged criminal violation of chs. 5 to 12,
9 subch. III of ch. 13, or subch. III of ch. 19 by an elective state official, as defined in
10 s. 13.62 (6), or a state public official, as defined in s. 19.42 (14), that is referred to the
11 board under this subdivision, the board shall, within 30 days of receipt of the referral,
12 report to the district attorney in writing specifying the reasons why it has
13 determined not to commence a criminal prosecution.

14 4. If a district attorney opens an investigation of a possible criminal violation
15 of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, the district attorney shall
16 report to the board concerning the status of the investigation no later than the end
17 of each consecutive 90-day period, beginning on the day that the investigation is
18 opened and ending on the day that the investigation is concluded. Within 30 days
19 after receiving a report under this subdivision, the board may direct the district
20 attorney to close the investigation and the district attorney shall thereupon close the
21 investigation.

22 5. Prior to commencing any criminal prosecution with respect to an alleged
23 violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, a district attorney
24 shall provide written notice to the board. If the board notifies the district attorney
25 in writing that it will not commence a criminal prosecution with respect to that

1 alleged violation or the board fails to commence a criminal prosecution with respect
2 to that alleged violation within 30 days after receiving notice from the district
3 attorney under this subdivision, the district attorney may commence a criminal
4 prosecution with respect to that alleged violation.

5 6. If a district attorney commences a criminal prosecution for an alleged
6 violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, the district attorney
7 shall report to the board concerning the status of the prosecution no later than the
8 end of each consecutive 180-day period, beginning on the day that the prosecution
9 is commenced and ending on the day that the prosecution is concluded. Within 30
10 days after receiving a report under this subdivision, the board may direct the district
11 attorney to terminate the prosecution and the district attorney shall thereupon
12 terminate the prosecution.

13 7. If the board directs a district attorney to close an investigation of a person
14 under subd. 4. or to terminate a prosecution of a person under subd. 6. with respect
15 to an alleged violation of the law, the district attorney shall not open a new criminal
16 investigation or commence a new criminal prosecution of the same person with
17 respect to the same alleged violations of the law.

18 8. Each individual who is retained by the board to act as an investigator shall
19 make periodic reports to the board, as directed by the board, but in no case may the
20 interval for reporting exceed 90 days. If the administrator of the enforcement
21 division investigates any matter without retention of an investigator, the
22 administrator shall make periodic reports to the board, as directed by the board, but
23 in no case may the reporting interval exceed 90 days. If, after receiving a report, the
24 board does not vote to terminate the investigation, the investigation is continued.

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

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

11 **SECTION 9.** 5.05 (3) (a) of the statutes is amended to read:

12 5.05 (3) (a) The board shall upon complaint by any person or on its own motion
13 investigate violations of the elections laws and shall notify the district attorney of the
14 proper county, or the attorney general ~~or the governor~~ where appropriate under s.
15 11.60 (4) or 11.61 (2) of any facts within its knowledge or evidence in its possession
16 which may be grounds for civil action or criminal prosecution.

17 **SECTION 10.** 5.05 (3m) of the statutes is created to read:

18 5.05 (3m) CHIEF ELECTION OFFICER. The board shall designate an employee of
19 the board to serve as the chief election officer of this state.

20 **SECTION 11.** 5.05 (5) of the statutes is repealed.

21 **SECTION 12.** 5.05 (5s) (title) and (d) of the statutes are created to read:

22 5.05 (5s) (title) ACCESS TO RECORDS.

23 (d) All records of votes taken upon actions by the board are open to public
24 inspection and copying under s. 19.35.

25 **SECTION 13.** 5.05 (6) of the statutes is repealed.

1 **SECTION 14.** 5.05 (11) of the statutes is repealed.

2 **SECTION 15.** 5.052 of the statutes is created to read:

3 **5.052 Government accountability candidate committee.** (1) The
4 government accountability candidate committee shall organize whenever a vacancy
5 occurs in the membership of the board that requires a nomination to be submitted
6 to the governor under s. 15.60 (2).

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

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

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

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

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

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

15 (e) To fill 5 vacancies, 7 nominations.

16 (f) To fill 6 vacancies, 8 nominations.

17 (4) If a nomination of the governor is rejected by the senate or the assembly,
18 the committee shall submit an additional nominee to the governor.

19 **SECTION 16.** 5.054 of the statutes is created to read:

20 **5.054 Duties of the executive director.** The executive director of the board
21 shall:

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

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

1 **SECTION 17.** 5.066 of the statutes is created to read:

2 **5.066 Complaints and decision-making procedure. (1)** In this section:

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

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

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

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

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

21 **(3)** If the complaint concerns a question as to whether an election official or a
22 private person is acting in conformity with the law or rules of the board, the person
23 filing the complaint shall serve a copy of the complaint upon that official or private
24 person and that official or private person shall be a party to the case. An election
25 official or private person may move to dismiss a complaint if it is clearly without

1 merit. If the division finds, in response to a motion, that a complaint is clearly
2 without merit, the division shall dismiss the complaint.

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

6 (5) The division may order an election official or a private person to act in
7 conformity with chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 or rules of the
8 board, or may, by order, impose a civil penalty under s. 11.60 or 12.60 (1) (c) or (d),
9 13.69, or 19.579 for any violation of ch. 11 or 12, subch. III of ch. 13, or subch. III of
10 ch. 19 for which a civil penalty is applicable.

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

1 deposition of witnesses to be taken in the manner prescribed for taking depositions
2 in civil actions in circuit court.

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

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

17 (9) If a proposed decision of the division is appealed to the board, the board shall
18 hear the appeal at its next meeting occurring at least 3 working days after the appeal
19 is received by the board. In reviewing the decision of the division, the board is not
20 bound by any finding of fact that is contested or any conclusion of law made by the
21 division. After hearing the appeal, the board may issue a decision, which shall
22 include findings of fact and conclusions of law. In its decision, the board may affirm,
23 modify, or reverse an order issued by the division under sub. (5), and may order an
24 election official or a private person to act in conformity with chs. 5 to 12, subch. III
25 of ch. 13, or subch. III of ch. 19 or rules of the board, or may, by order, impose a civil

1 penalty under s. 11.60, 12.60 (1) (c) or (d), 13.69, or 19.579 for any violation of ch. 11
2 or 12, subch. III of ch. 13, or subch. III of ch. 19 for which a civil penalty is applicable.
3 If the board does not modify or reverse a decision of the division at the meeting at
4 which an appeal of a decision is heard, the decision is affirmed.

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

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

18 **(12)** When the enforcement division issues an order imposing a forfeiture
19 under sub. (2) or s. 11.60, 12.60 (1) (c) or (d), 13.69, or 19.579 that is not appealed in
20 a timely manner under sub. (8) or (11), or when the board issues an order imposing
21 a forfeiture under sub. (2) or s. 11.60, 12.60 (1) (c) or (d), 13.69, or 19.579 and the
22 period allowed under s. 227.57 for judicial review of the order expires, the division
23 or board may file a copy of its order with the clerk of circuit court for Dane County.
24 The clerk shall thereupon enter the order in the judgment and lien docket in the same
25 manner as provided for entry of civil judgments under s. 806.10. The division or

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

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

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

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

14 **SECTION 18.** 5.40 (7) of the statutes is amended to read:

15 5.40 (7) Whenever a municipality adopts and purchases voting machines or an
16 electronic voting system, or adopts and purchases a different type of voting machine
17 or electronic voting system from the type it was previously using, the municipal clerk
18 or executive director of the municipal board of election commissioners shall promptly
19 notify the county clerk or executive director of the county board of election
20 commissioners and the executive director of the elections government accountability
21 board in writing.

22 **SECTION 19.** 5.62 (4) (b) of the statutes is amended to read:

23 5.62 (4) (b) The county board of election commissioners in counties having a
24 population of more than 500,000 shall prepare the official primary ballot. The
25 commissioners shall arrange the names of all candidates for each office whose

1 nomination papers are filed at the county level, using the same method as that used
2 by the elections government accountability board under s. 5.60 (1) (b).

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

4 6.26 (2) (b) The municipal clerk, board of election commissioners, or elections
5 government accountability board may appoint any applicant who qualifies under
6 this subsection, unless the applicant's appointment has been revoked by a
7 municipality or by the board for cause. The municipal clerk, board of election
8 commissioners, or elections government accountability board may revoke an
9 appointment made by the clerk, board of election commissioners, or elections
10 government accountability board for cause at any time.

11 **SECTION 21.** 6.26 (2) (c) of the statutes is amended to read:

12 6.26 (2) (c) No individual may serve as a special registration deputy in a
13 municipality unless the individual is appointed by the municipal clerk or board of
14 election commissioners of the municipality or the individual is appointed by the
15 elections government accountability board to serve all municipalities.

16 **SECTION 22.** 6.56 (2) to (5) of the statutes are amended to read:

17 6.56 (2) Upon receipt of the list, the municipal clerk shall make a check to
18 determine whether each person who has been allowed to vote under s. 6.55 (3) is
19 properly registered. If so, the clerk shall correct the registration list. If the address
20 on the registration list is not correct, the clerk shall correct the address. The clerk
21 shall then notify the elector by postcard when he or she is properly registered. If such
22 person is found not to be properly registered, the clerk shall send the person a 1st
23 class letter with that information, containing a mail registration form under s. 6.30
24 (4). The letter shall be marked in accordance with postal regulations to ensure that
25 it will be returned to the clerk if the elector does not reside at the address given on

1 the postcard. If such letter is returned undelivered, or if the U.S. postal service
2 notifies the clerk of an improper address which was apparently improper on the day
3 of the election, the clerk shall notify the district attorney and the board.

4 (3) Upon receipt of the list under sub. (1), the municipal clerk or board of
5 election commissioners shall make an audit of all electors registering to vote at the
6 polling place or other registration location under s. 6.55 (2) and all electors
7 registering by agent on election day under s. 6.86 (3) (a) 2. The audit shall be made
8 by 1st class postcard. The postcard shall be marked in accordance with postal
9 regulations to ensure that it will be returned to the clerk or board of election
10 commissioners if the elector does not reside at the address given on the postcard. If
11 any postcard is returned undelivered, or if the clerk or board of election
12 commissioners is informed of a different address than the one specified by the elector
13 which was apparently improper on the day of the election, the clerk or board shall
14 change the status of the elector from eligible to ineligible on the registration list and
15 mail the elector a notice of the change in status and provide the name to the district
16 attorney for the county where the polling place is located and the board.

17 (4) After each election, the municipal clerk shall carefully check to assure that
18 no person has been allowed to vote more than once. Whenever the municipal clerk
19 has good reason to believe that a person has voted more than once in an election, the
20 clerk shall send the person a 1st class letter marked in accordance with postal
21 regulations to ensure that it will be returned to the clerk if the elector does not reside
22 at the address given on the letter. The letter shall inform the person that all
23 registrations relating to that person may be changed from eligible to ineligible status
24 within 7 days unless the person contacts the office of the clerk to clarify the matter.

1 A copy of the letter and of any subsequent information received from or about the
2 addressee shall be sent to the district attorney and the board.

3 (5) Whenever any letter or postcard mailed under this section is returned
4 undelivered, or whenever the U.S. postal service notifies the clerk of an improper
5 address which was apparently improper on the day of the election or whenever it
6 otherwise appears that a person has voted who is not qualified or has voted more
7 than once in an election, and the person has been permitted to vote after
8 corroboration was made under s. 6.55 (2) or (3) or 6.86 (3) (a) 2., the name of the
9 corroborator shall also be provided to the district attorney and the board.

10 **SECTION 23.** 7.08 (title) of the statutes is amended to read:

11 **7.08** (title) **Elections Government accountability board.**

12 **SECTION 24.** 7.08 (title) of the statutes is amended to read:

13 **7.08** (title) **Elections Government accountability board.**

14 **SECTION 25.** 7.08 (7) of the statutes is repealed.

15 **SECTION 26.** 7.15 (1) (g) of the statutes is amended to read:

16 7.15 (1) (g) Report suspected election frauds, irregularities or violations of
17 which the clerk has knowledge to the district attorney and the board.

18 **SECTION 27.** 7.23 (2) of the statutes is amended to read:

19 7.23 (2) If there is a demand for a recount, notice of an election contest or any
20 contest or litigation pending with respect to an election, materials may be destroyed
21 and recorders, units or compartments may be cleared or erased only by order of the
22 judge in whose court litigation is pending or if no litigation is pending, by order of any
23 circuit judge for the affected jurisdiction. Upon petition of the board, the attorney
24 general or, a district attorney or the U.S. attorney for the affected jurisdiction, a
25 circuit judge for the affected jurisdiction may order that specified materials not be

1 destroyed or that specified recorders, units or compartments not be cleared or erased
2 as otherwise authorized under this subsection until the court so permits. The
3 governor may by order permit the clearing of voting machine recorders on machines
4 needed to conduct a special election prior to the time authorized under this
5 subsection, unless there is a demand for recount, notice of an election contest or a
6 contest or litigation pending, or a court of record orders that the recorders not be
7 cleared.

8 **SECTION 28.** 7.31 (5) of the statutes is amended to read:

9 7.31 (5) The board shall conduct regular training programs to ensure that
10 individuals who are certified by the board under this section are knowledgeable
11 concerning their authority and responsibilities. ~~The board shall pay all costs~~
12 ~~required to conduct the training programs from the appropriation under s. 20.510 (1)~~
13 ~~(bm).~~

14 **SECTION 29.** 7.60 (4) (a) of the statutes is amended to read:

15 7.60 (4) (a) The board of canvassers shall make separate duplicate statements
16 showing the numbers of votes cast for the offices of president and vice president; state
17 officials; U.S. senators and representatives in congress; state legislators; justice;
18 court of appeals judge; circuit judges; district attorneys; and metropolitan sewerage
19 commissioners, if the commissioners are elected under s. 200.09 (11) (am). If a
20 municipal judge elected under s. 755.01 (4) serves a municipality that is located
21 partially within the county and candidates for that judgeship file nomination papers
22 in another county, the board of canvassers shall prepare a duplicate statement
23 showing the numbers of votes cast for that judgeship in that county for transmittal
24 to the other county. For partisan candidates, the statements shall include the
25 political party or principle designation, if any, next to the name of each candidate.

1 The board of canvassers shall also prepare a statement showing the results of any
2 county, technical college district, or statewide referendum. Each statement shall
3 state the total number of votes cast in the county for each office; the names of all
4 persons for whom the votes were cast, as returned; the number of votes cast for each
5 person; and the number of votes cast for and against any question submitted at a
6 referendum. The board of canvassers shall use one copy of each duplicate statement
7 to report to the elections government accountability board, technical college district
8 board, or board of canvassers of any other county and shall file the other statement
9 in the office of the county clerk or board of election commissioners.

10 **SECTION 30.** 7.60 (5) of the statutes is amended to read:

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

1 canvassers shall deliver or transmit a certified copy of each statement for any
2 technical college district referendum to the secretary of the technical college district
3 board.

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

16 **SECTION 31.** 7.70 (1) of the statutes is amended to read:

17 7.70 (1) RECORDING AND PRESERVING RETURNS. (a) Upon receipt of the certified
18 statements from the county clerks, the ~~elections~~ board shall record the election
19 results by counties and file and carefully preserve the statements.

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

1 **SECTION 32.** 7.70 (5) (b) of the statutes is amended to read:

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

9 **SECTION 33.** 8.05 (1) (j) 3. of the statutes, as affected by 2005 Wisconsin Act 149,
10 is amended to read:

11 8.05 **(1)** (j) 3. A candidate for municipal judge shall, in addition to making the
12 filings required under subd. 2., file a statement of economic interests with the ethics
13 board under s. 19.43 (4) no later than 4:30 p.m. on the 5th day after notification of
14 nomination is mailed or personally delivered to the candidate, or no later than
15 4:30 p.m. on the next business day after the last day for filing a declaration of
16 candidacy whenever that candidate is granted an extension of time for filing a
17 declaration of candidacy under subd. 2.

18 **SECTION 34.** 8.10 (5) of the statutes is amended to read:

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

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

3 **SECTION 35.** 8.15 (4) (b) of the statutes is amended to read:

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

13 **SECTION 36.** 8.18 (2) of the statutes is amended to read:

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

18 **SECTION 37.** 8.20 (6) of the statutes is amended to read:

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

1 day whenever that candidate is granted an extension of time for filing nomination
2 papers under sub. (8) (a).

3 **SECTION 38.** 8.50 (3) (a) of the statutes is amended to read:

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

19 **SECTION 39.** 8.50 (3) (e) of the statutes is amended to read:

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

24 **SECTION 40.** 9.01 (1) (a) 1. of the statutes, as affected by 2005 Wisconsin Act 149,
25 is amended to read:

1 9.01 (1) (a) 1. Any candidate voted for at any election or any elector who voted
2 upon any referendum question at any election may petition for a recount. The
3 petitioner shall file a verified petition or petitions with the proper clerk or body under
4 par. (ar) not earlier than the time of completion of the canvass and not later than 5
5 p.m. on the 3rd business day following the last meeting day of the municipal or
6 county board of canvassers determining the election for that office or on that
7 referendum question or, if more than one board of canvassers makes the
8 determination, not later than 5 p.m. on the 3rd business day following the last
9 meeting day of the last board of canvassers which makes a determination. If the
10 chairperson of the board or chairperson's designee makes the determination for the
11 office or the referendum question, the petitioner shall file the petition not earlier
12 than the last meeting day of the last county board of canvassers to make a statement
13 in the election or referendum and not later than 5 p.m. on the 3rd business day
14 following the day on which the ~~elections~~ government accountability board receives
15 the last statement from a county board of canvassers for the election or referendum.

16 **SECTION 41.** 9.01 (1) (ag) 4. of the statutes is repealed.

17 **SECTION 42.** 9.01 (1) (ar) 2. of the statutes is amended to read:

18 9.01 (1) (ar) 2. In the event of a recount for a referendum, the petition shall be
19 filed with the clerk of the jurisdiction in which the referendum is called, and, in the
20 case of the state, with the ~~elections~~ board.

21 **SECTION 43.** 9.01 (10) of the statutes is amended to read:

22 9.01 (10) STANDARD FORMS AND METHODS. The ~~elections~~ board shall prescribe
23 standard forms and procedures for the making of recounts under this section.

24 **SECTION 44.** 11.21 (title) of the statutes is amended to read:

25 **11.21 (title) Duties of the elections board.**

1 **SECTION 45.** 11.21 (7) (intro.) of the statutes is amended to read:

2 11.21 (7) (intro.) Include in its biennial report under s. ~~5.05 (5)~~ 15.04 (1) (d)
3 compilations of any of the following in its discretion:

4 **SECTION 46.** 11.22 (4) of the statutes is amended to read:

5 11.22 (4) Notify the board, the district attorney, or the attorney general where
6 appropriate under ss. 11.60 (4) and 11.61 (2), in writing, of any facts within the filing
7 officer's knowledge or evidence in the officer's possession, including errors or
8 discrepancies in reports or statements and delinquencies in filing which may be
9 grounds for civil action or criminal prosecution. The filing officer shall transmit a
10 copy of such notification to the board. The board, district attorney, or ~~the~~ attorney
11 general shall advise the filing officer in writing at the end of each 30-day period of
12 the status of such matter until the time of disposition. The district attorney or
13 attorney general shall transmit a copy of ~~each~~ any such notice to the board.

14 **SECTION 47.** 11.60 (4) of the statutes, as affected by 2005 Wisconsin Act 177,
15 is repealed and recreated to read:

16 11.60 (4) Actions under this section may be brought by the board or by the
17 district attorney for the county where the violation is alleged to have occurred, except
18 as specified in s. 11.38. Actions under this section arising out of an election for county
19 office or a county referendum may be brought by the county board of election
20 commissioners of the county where the violation is alleged to have occurred. If a
21 violation concerns a district attorney or circuit judge or a candidate for either such
22 office, the action shall be brought by the board or by the attorney general.

23 **SECTION 48.** 11.61 (2) of the statutes is amended to read:

24 11.61 (2) Except as provided in s. 11.38 (5), all prosecutions under this section
25 shall be conducted by the board or by district attorney ~~of~~ for the county where the

1 violation is alleged to have occurred. ~~If the district attorney refuses to act upon a~~
2 ~~sworn complaint, or fails to act upon such a complaint within 60 days of the date on~~
3 ~~which the complaint is received, the attorney general may then conduct the~~
4 ~~prosecution under this section.~~ If a violation concerns a district attorney or circuit
5 judge or a candidate for such offices either such office, the prosecution shall be
6 conducted by the board or by the attorney general. ~~If a violation concerns the~~
7 ~~attorney general or a candidate for such office, the governor may appoint a special~~
8 ~~prosecutor under s. 14.11 (2) to conduct the prosecution in behalf of the state. The~~
9 ~~prosecutor shall be independent of the attorney general and need not be a state~~
10 ~~employee at the time of appointment.~~

11 **SECTION 49.** 13.123 (3) (b) 2. of the statutes is amended to read:

12 13.123 **(3)** (b) 2. In making the determination under subd. 1., the chief clerk is
13 bound by the determination of the chairperson of the elections government
14 accountability board or the chairperson's designee if such determination has been
15 issued.

16 **SECTION 50.** 13.23 of the statutes is amended to read:

17 **13.23 Election contests; notice.** Any person wishing to contest the election
18 of any senator or member of the assembly shall, within 30 days after the decision of
19 the board of canvassers, serve a notice in writing on the person whose election the
20 contestant intends to contest, stating briefly that the election will be contested and
21 the cause of such contest, and shall file a copy thereof in the office of the elections
22 government accountability board at least 10 days before the day fixed by law for the
23 meeting of the legislature. ~~The elections~~ government accountability board shall then
24 send a copy of s. 13.24 to both contestants. If any contestant fails to so file a copy of

1 such notice, the contestant shall not be entitled to any mileage or salary in case
2 payment has been made therefor to the sitting member.

3 **SECTION 51.** 13.62 (4) of the statutes is amended to read:

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

5 **SECTION 52.** 13.685 (title) of the statutes is amended to read:

6 **13.685 (title) Duties of the ~~ethics~~ government accountability board.**

7 **SECTION 53.** 13.94 (1) (k) of the statutes is amended to read:

8 13.94 (1) (k) Provide auditing services at the direction of the ~~elections~~
9 government accountability board under s. 5.05 (2).

10 **SECTION 54.** 14.58 (20) of the statutes is amended to read:

11 14.58 (20) ELECTION CAMPAIGN FUND. Make disbursements to each candidate
12 certified under s. 7.08 (2) (c) or (cm) by the ~~elections~~ government accountability board
13 as eligible to receive moneys from the Wisconsin election campaign fund.

14 **SECTION 55.** 15.03 of the statutes is renumbered 15.03 (intro.) and amended
15 to read:

16 **15.03 Attachment for limited purposes.** (intro.) Any division, office,
17 commission, council or board attached under this section to a department or
18 independent agency or a specified division thereof shall be a distinct unit of that
19 department, independent agency or specified division. Any division, office,
20 commission, council or board so attached shall exercise its powers, duties and
21 functions prescribed by law, including rule making, licensing and regulation, and
22 operational planning within the area of program responsibility of the division, office,
23 commission, council or board, independently of the head of the department or
24 independent agency, but budgeting, program coordination and related management

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

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

9 **SECTION 56.** 15.03 (2) of the statutes is created to read:

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

14 **SECTION 57.** 15.07 (1) (a) 2. of the statutes is repealed and recreated to read:

15 15.07 (1) (a) 2. Members of the government accountability board shall be
16 nominated by the governor, and with the advice and consent of the assembly and
17 senate appointed, to serve for terms prescribed by law.

18 **SECTION 58.** 15.07 (1) (cm) of the statutes, as affected by 2005 Wisconsin Acts
19 25 and 76, is amended to read:

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

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

7 **SECTION 59.** 15.07 (4) of the statutes is amended to read:

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

13 **SECTION 60.** 15.07 (5) (k) of the statutes is repealed.

14 **SECTION 61.** 15.07 (5) (m) of the statutes is created to read:

15 15.07 (5) (m) Members of the government accountability board, \$25 per day.

16 **SECTION 62.** 15.07 (5) (n) of the statutes is repealed.

17 **SECTION 63.** 15.60 of the statutes is created to read:

18 **15.60 Government accountability board; creation.** (1) There is created
19 a government accountability board consisting of 7 persons. Members shall serve for
20 4-year terms.

21 (2) (a) All members of the board shall be appointed from nominations
22 submitted to the governor by a nominating committee to be called the governmental
23 accountability candidate committee, which shall consist of one court of appeals judge
24 from each of the court of appeals districts. The court of appeals judges shall be chosen

1 as members by lot by the chief justice of the supreme court in the presence of the other
2 justices of the supreme court.

3 (3) Four members of the board shall have prosecutorial experience. If, as a
4 result of a vacancy in the membership of the board, the remaining membership does
5 not satisfy the membership requirements of this subsection, no person may be
6 appointed to serve as a member if the person's qualifications would not contribute
7 to satisfaction of the membership requirements of this subsection.

8 (4) One member of the board shall be a retired judge of a court of record in this
9 state.

10 (5) No member may hold another office or position that is a state public office
11 or a local public office, as defined in s. 19.42.

12 (6) No member, for one year immediately prior to the date of appointment may
13 have been, or while serving on the board may become, a member of a political party,
14 an officer or member of a committee in any partisan political club or organization,
15 an officer or employee of a registrant under s. 11.05, or a candidate for any partisan
16 elective public office.

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

19 **SECTION 64.** 15.603 of the statutes is created to read:

20 **15.603 Same; specified divisions.** (1) ENFORCEMENT DIVISION. There is
21 created in the government accountability board an enforcement division, which is
22 attached to the board under s. 15.03. The enforcement division shall be under the
23 direction and supervision of an administrator, who shall be appointed by the
24 executive director of the board, with the advice and consent of the board, to serve for

1 a term of not less than 4 years nor more than 6 years expiring on September 1 of an
2 odd-numbered year.

3 **SECTION 65.** 15.61 of the statutes is repealed.

4 **SECTION 66.** 15.617 of the statutes is renumbered 15.607, and 15.607 (1) of the
5 statutes, as renumbered, is amended to read:

6 15.607 (1) ELECTION ADMINISTRATION COUNCIL. There is created in the ~~elections~~
7 government accountability board an election administration council consisting of
8 members appointed by the executive director of the ~~elections~~ government
9 accountability board, including the clerk or executive director of the board of election
10 commissioners of the 2 counties or municipalities in this state having the largest
11 population, one or more election officials of other counties or municipalities,
12 representatives of organizations that advocate for the interests of individuals with
13 disabilities and organizations that advocate for the interests of the voting public, and
14 other electors of this state.

15 **SECTION 67.** 15.62 of the statutes is repealed.

16 **SECTION 68.** 16.79 (2) of the statutes is amended to read:

17 16.79 (2) The department shall distribute in pamphlet form copies of the
18 constitution and such laws as may be required to meet the public demand, including
19 the election laws. The department shall distribute election manuals, forms, and
20 supplies specified by the ~~elections~~ government accountability board. The laws,
21 manuals, forms, and supplies shall be sold by the department at cost, including
22 distribution cost as determined under s. 35.80. The ~~elections~~ government
23 accountability board shall inform the department in writing as to which election
24 manuals, forms, and supplies shall be offered for distribution under this subsection.

25 **SECTION 69.** 16.96 (3) (b) of the statutes is amended to read:

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

5 **SECTION 70.** 16.973 (6) of the statutes is amended to read:

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

10 **SECTION 71.** 17.07 (6) of the statutes is amended to read:

11 17.07 (6) Other state officers serving in an office that is filled by appointment
12 of any officer or body without the concurrence of the governor, by the officer or body
13 having the authority to make appointments to that office, at pleasure, except that
14 officers appointed according to merit and fitness under and subject to ch. 230 or
15 officers whose removal is governed by ch. 230 may be removed only in conformity
16 with that chapter, and except that the administrator of the enforcement division in
17 the government accountability board may be removed from office only by the
18 executive director of the board, for cause.

19 **SECTION 72.** 17.17 (1) of the statutes is amended to read:

20 17.17 (1) SENATORS AND MEMBERS OF CONGRESS. In the office of United States
21 senator or member of congress from this state, by the county clerk of the county
22 wherein such officer resided at the time of election, to the elections government
23 accountability board.

24 **SECTION 73.** 17.17 (4) of the statutes is amended to read:

1 17.17 (4) JUSTICES AND JUDGES. In the office of justice of the supreme court, court
2 of appeals judge, or judge of a circuit court, by the director of state courts to the
3 governor and the ~~elections~~ government accountability board.

4 **SECTION 74.** 19.42 (3) of the statutes is amended to read:

5 19.42 (3) “Board” means the ~~ethics~~ government accountability board.

6 **SECTION 75.** 19.42 (10) (a) of the statutes is repealed.

7 **SECTION 76.** 19.43 (4) of the statutes is amended to read:

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

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

3 **SECTION 77.** 19.43 (5) of the statutes is amended to read:

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

15 **SECTION 78.** 19.45 (6) of the statutes is amended to read:

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

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

5 **SECTION 79.** 19.46 (1) (intro.) of the statutes is amended to read:

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

9 **SECTION 80.** 19.46 (2) of the statutes is renumbered 5.05 (6a) and amended to
10 read:

11 5.05 (6a) Any individual, either personally or on behalf of an organization or
12 governmental body, may request of the ~~board~~ executive director of the board an
13 advisory opinion regarding the propriety under chs. 5 to 12, subch. III of ch. 13, or
14 subch. III of ch. 19 of any matter to which the person is or may become a party; and
15 any appointing officer, with the consent of a prospective appointee, may request of
16 the ~~board~~ executive director an advisory opinion regarding the propriety under chs.
17 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 of any matter to which the
18 prospective appointee is or may become a party. The ~~board~~ executive director shall
19 review a request for an advisory opinion and may advise the person making the
20 request. Advisory opinions and requests therefor shall be in writing. ~~The board's~~
21 ~~deliberations and actions upon~~ The executive director may consult with the board
22 before issuing a formal opinion but shall not reveal any information to the board that
23 would identify the requester of the opinion. All consultations with the board
24 concerning such requests shall be in meetings not open to the public. It is prima facie
25 evidence of intent to comply with ~~this subchapter~~ chs. 5 to 12 or subch. III of ch. 13

1 ~~or subch. III of ch. 19 when a person refers a matter to the board~~ executive director
2 and abides by the board's executive director's advisory opinion, if the material facts
3 are as stated in the opinion request. ~~The board may authorize the executive director~~
4 ~~to act in its stead in instances where delay is of substantial inconvenience or~~
5 ~~detriment to the requesting party.~~ No member or employee of the board may make
6 public the identity of the individual requesting an advisory opinion or of individuals
7 or organizations mentioned in the opinion.

8 **SECTION 81.** 19.47 (2) of the statutes is repealed.

9 **SECTION 82.** 19.47 (4) of the statutes is repealed.

10 **SECTION 83.** 19.47 (5) of the statutes is amended to read:

11 19.47 (5) ~~No later than September 1 of each year, the board shall submit a~~
12 ~~report concerning its actions in the preceding fiscal year to the governor and the chief~~
13 ~~clerk of each house of the legislature, for distribution to the legislature under s.~~
14 ~~13.172 (2). Such~~ The board shall include in its biennial report shall contain under
15 s. 15.04 (1) (d) the names and duties of all individuals employed by the board and a
16 summary of its determinations and advisory opinions issued by the executive
17 director under s. 5.05 (6a). The board shall make sufficient alterations in the
18 summaries to prevent disclosing the identities of individuals or organizations
19 involved in the decisions or opinions. The board may also include in its biennial
20 report any information compiled under s. 11.21 (7). The board shall make such
21 further reports on the matters within its jurisdiction and such recommendations for
22 further legislation as it deems desirable.

23 **SECTION 84.** 19.50 (2) of the statutes is amended to read:

24 19.50 (2) To administer oaths and to require by subpoena issued by it the
25 attendance and testimony of witnesses and the production of any documentary

1 evidence relating to the investigation or hearing being conducted. ~~Notwithstanding~~
2 ~~s. 885.01 (4), the issuance of a subpoena requires action by the board in accordance~~
3 ~~with s. 19.47 (4).~~

4 **SECTION 85.** 19.54 (2) of the statutes is amended to read:

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

12 **SECTION 86.** 19.55 (1) of the statutes is amended to read:

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

24 **SECTION 87.** 19.55 (2) (a) of the statutes is renumbered 5.05 (5s) (b) and
25 amended to read:

1 5.05 (5s) (b) Records obtained in connection with a request for an advisory
2 opinion issued under s. 5.05 (6a), other than summaries of advisory opinions that do
3 not disclose the identity of individuals requesting such opinions or organizations on
4 whose behalf they are requested, are not subject to the right of inspection and
5 copying under s. 19.35 (1). The executive director of the board may, however, make
6 such records public with the consent of the individual requesting the advisory
7 opinion or the organization or governmental body on whose behalf it is requested.
8 A person who makes or purports to make public the substance of or any portion of
9 an advisory opinion requested by or on behalf of the person is deemed to have waived
10 the confidentiality of the request for an advisory opinion and of any records obtained
11 or prepared by the board in connection with the request for an advisory opinion.

12 **SECTION 88.** 19.55 (2) (b) of the statutes is renumbered 5.05 (5s) (a) (intro.) and
13 amended to read:

14 5.05 (5s) (a) (intro.) Records obtained or prepared by the board in connection
15 with an investigation are not subject to the right of inspection and copying under s.
16 19.35 (1), except as provided in par. (d) and except that the:

17 1. The board shall permit inspection of records that are made public in the
18 course of a hearing by the board to determine if a violation of this subchapter chs. 5
19 to 12 or subch. III of ch. 13 or subch. III of ch. 19 has occurred. ~~Whenever the board~~
20 ~~refers such investigation and hearing records to a district attorney or to the attorney~~
21 ~~general, they~~

22 2. Investigatory records of the board may be made public in the course of a
23 prosecution initiated under ~~this subchapter~~ chs. 5 to 12, subch. III of ch. 13, or subch.
24 III of ch. 19.

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

5 **SECTION 89.** 19.55 (2) (c) of the statutes is amended to read:

6 19.55 (2) (c) Statements of economic interests and reports of economic
7 transactions which are filed with the ethics government accountability board by
8 members or employees of the investment board, except that the ethics government
9 accountability board shall refer statements and reports filed by such individuals to
10 the legislative audit bureau for its review, and except that a statement of economic
11 interests filed by a member or employee of the investment board who is also an
12 official required to file shall be open to public inspection.

13 **SECTION 90.** 19.579 of the statutes is repealed and recreated to read:

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

17 **SECTION 91.** 19.59 (8) (a) and (c) of the statutes are amended to read:

18 19.59 (8) (a) Subsection (1) shall be enforced in the name and on behalf of the
19 state by action of the board or, subject to the procedures prescribed in s. 5.05 (2m) (c),
20 by action of the district attorney of for any county wherein a violation may occur,
21 upon the verified complaint of any person.

22 (c) If Unless the district attorney is precluded from commencing an action
23 under s. 5.05 (2m) (c), if the district attorney fails to commence an action to enforce
24 sub. (1) (a), (b), or (c) to (g) within 20 days after receiving a verified complaint or if
25 the district attorney refuses to commence such an action, the person making the

1 complaint may petition the attorney general to act upon the complaint. The attorney
2 general may then bring an action under par. (a) or (b), or both.

3 **SECTION 92.** 19.59 (8) (cn) of the statutes is amended to read:

4 19.59 (8) (cn) If Subject to the procedures prescribed in s. 5.05 (2m) (c), if the
5 board or district attorney for the county in which a violation of sub. (1) (br) is alleged
6 to occur receives a verified complaint alleging a violation of sub. (1) (br), the board
7 or district attorney shall, within 30 days after receipt of the complaint, either
8 commence an investigation of the allegations contained in the complaint or dismiss
9 the complaint. If the district attorney dismisses the complaint, with or without
10 investigation, the district attorney shall notify the complainant in writing. Upon
11 receiving notification of the dismissal, the complainant may then file the complaint
12 with the attorney general or the district attorney for a county that is adjacent to the
13 county in which the violation is alleged to occur. The attorney general or district
14 attorney may then investigate the allegations contained in the complaint and
15 commence a prosecution.

16 **SECTION 93.** 19.59 (8) (d) of the statutes is amended to read:

17 19.59 (8) (d) If the district attorney prevails in such an action, the court shall
18 award any forfeiture recovered together with reasonable costs to the county wherein
19 the violation occurs. If the board or attorney general prevails in such an action, the
20 court shall award any forfeiture recovered together with reasonable costs to the
21 state.

22 **SECTION 94.** 19.85 (1) (fm) of the statutes is created to read:

23 19.85 (1) (fm) Deliberating by the government accountability board concerning
24 any investigation under the board's jurisdiction.

25 **SECTION 95.** 19.85 (1) (h) of the statutes is amended to read:

1 19.85 (1) (h) Consideration of requests for confidential written advice from the
2 ethics executive director of the government accountability board under s. 19.46 (2)
3 s. 5.05 (6a), or from any county or municipal ethics board under s. 19.59 (5).

4 **SECTION 96.** 20.510 (intro.) of the statutes is repealed.

5 **SECTION 97.** 20.510 (1) (title) of the statutes is repealed.

6 **SECTION 98.** 20.510 (1) (a) of the statutes is repealed.

7 **SECTION 99.** 20.510 (1) (b) of the statutes, as created by 2005 Wisconsin Act 333,
8 is repealed.

9 **SECTION 100.** 20.510 (1) (bm) of the statutes is repealed.

10 **SECTION 101.** 20.510 (1) (c) of the statutes is repealed.

11 **SECTION 102.** 20.510 (1) (d) of the statutes is repealed.

12 **SECTION 103.** 20.510 (1) (g) of the statutes is repealed.

13 **SECTION 104.** 20.510 (1) (gm) of the statutes, as created by 2005 Wisconsin Act
14 25, is repealed.

15 **SECTION 105.** 20.510 (1) (h) of the statutes is repealed.

16 **SECTION 106.** 20.510 (1) (i) of the statutes is repealed.

17 **SECTION 107.** 20.510 (1) (j) of the statutes is repealed.

18 **SECTION 108.** 20.510 (1) (q) of the statutes, as affected by 2005 Wisconsin Act
19 178, is repealed.

20 **SECTION 109.** 20.510 (1) (t) of the statutes is repealed.

21 **SECTION 110.** 20.510 (1) (x) of the statutes is repealed.

22 **SECTION 111.** 20.521 (intro.) of the statutes is repealed.

23 **SECTION 112.** 20.521 (1) (title) of the statutes is repealed.

24 **SECTION 113.** 20.521 (1) (a) of the statutes is repealed.

25 **SECTION 114.** 20.521 (1) (b) of the statutes is repealed.

1 **SECTION 115.** 20.521 (1) (g) of the statutes is repealed.

2 **SECTION 116.** 20.521 (1) (h) of the statutes is repealed.

3 **SECTION 117.** 20.521 (1) (i) of the statutes is repealed.

4 **SECTION 118.** 20.923 (4) (intro.) of the statutes is amended to read:

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

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

4 **SECTION 119.** 20.923 (4) (d) 3. of the statutes is repealed.

5 **SECTION 120.** 20.923 (4) (d) 4. of the statutes is repealed.

6 **SECTION 121.** 20.923 (4) (e) 2e. of the statutes is created to read:

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

9 **SECTION 122.** 20.923 (4) (f) 3j. of the statutes is created to read:

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

11 **SECTION 123.** 59.605 (3) (a) 3. of the statutes is amended to read:

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

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

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

6 **SECTION 124.** 67.05 (3) (b) of the statutes is amended to read:

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

15 **SECTION 125.** 67.05 (6) of the statutes is amended to read:

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

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

5 **SECTION 126.** 71.10 (3) (b) of the statutes, as affected by 2005 Wisconsin Acts
6 177 and 178, is amended to read:

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

16 **SECTION 127.** 73.0301 (1) (d) 13. of the statutes is amended to read:

17 73.0301 (1) (d) 13. A license issued by the ethics government accountability
18 board under s. 13.63 (1).

19 **SECTION 128.** 73.0301 (1) (e) of the statutes is amended to read:

20 73.0301 (1) (e) "Licensing department" means the department of
21 administration; the board of commissioners of public lands; the department of
22 commerce; the ethics government accountability board; the department of financial
23 institutions; the department of health and family services; the department of natural
24 resources; the department of public instruction; the department of regulation and

1 licensing; the department of workforce development; the office of the commissioner
2 of insurance; or the department of transportation.

3 **SECTION 129.** 85.61 (1) of the statutes is amended to read:

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

13 **SECTION 130.** 117.20 (2) of the statutes is amended to read:

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

25 **SECTION 131.** 117.27 (2) (b) (intro.) of the statutes is amended to read:

1 117.27 (2) (b) (intro.) The school district clerk shall include in the notice of the
2 spring election a statement that the election ballot will include a question on the
3 change requested by the petition. The form of the ballot shall correspond to the form
4 prescribed by the ~~elections~~ government accountability board under ss. 5.64 (2) and
5 7.08 (1) (a) and the question on the ballot shall be:

6 **SECTION 132.** 121.91 (3) (c) of the statutes is amended to read:

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

18 **SECTION 133.** 125.05 (1) (b) 10. of the statutes is amended to read:

19 125.05 (1) (b) 10. Each question submitted to the electors shall conform to the
20 form prescribed by the ~~elections~~ government accountability board under ss. 5.64 (2)
21 and 7.08 (1) (a).

22 **SECTION 134.** 165.25 (1) of the statutes is amended to read:

23 165.25 (1) REPRESENT STATE. Except as provided in s. ss. 5.05 (2m) (c) 1. and
24 978.05 (5), appear for the state and prosecute or defend all actions and proceedings,
25 civil or criminal, in the court of appeals and the supreme court, in which the state

1 is interested or a party, and attend to and prosecute or defend all civil cases sent or
2 remanded to any circuit court in which the state is a party; and, if requested by the
3 governor or either house of the legislature, appear for and represent the state, any
4 state department, agency, official, employee, or agent, whether required to appear
5 as a party or witness in any civil or criminal matter, and prosecute or defend in any
6 court or before any officer, any cause or matter, civil or criminal, in which the state
7 or the people of this state may be interested. The public service commission may
8 request under s. 196.497 (7) that the attorney general intervene in federal
9 proceedings. All expenses of the proceedings shall be paid from the appropriation
10 under s. 20.455 (1) (d).

11 **SECTION 135.** 165.25 (4) (e) of the statutes is created to read:

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

15 **SECTION 136.** 198.08 (10) of the statutes is amended to read:

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

1 be ascertained from any official record the clerk of the district shall fairly estimate
2 such number for the purposes of such statement to be filed in his or her office.

3 **SECTION 137.** 200.09 (11) (am) 3. of the statutes is amended to read:

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

9 **SECTION 138.** 227.03 (6) of the statutes is amended to read:

10 227.03 (6) Orders of the ~~elections~~ government accountability board under s.
11 5.06 (6) are not subject to this chapter.

12 **SECTION 139.** 227.03 (6m) of the statutes is created to read:

13 227.03 (6m) Cases before the enforcement division of the government
14 accountability board under s. 5.066 are not subject to this chapter.

15 **SECTION 140.** 227.52 (6) of the statutes is amended to read:

16 227.52 (6) Decisions of the chairperson of the ~~elections~~ government
17 accountability board or the chairperson's designee.

18 **SECTION 141.** 230.08 (2) (e) 4h. of the statutes is created to read:

19 230.08 (2) (e) 4h. Government accountability board — 3.

20 **SECTION 142.** 230.08 (2) (om) of the statutes is repealed.

21 **SECTION 143.** 230.08 (2) (on) of the statutes is created to read:

22 230.08 (2) (on) The executive director of the government accountability board.

23 **SECTION 144.** 230.08 (2) (wm) of the statutes is repealed.

24 **SECTION 145.** 230.08 (4) (a) of the statutes is amended to read:

1 230.08 (4) (a) The number of administrator positions specified in sub. (2) (e)
2 includes all administrator positions specifically authorized by law to be employed
3 outside the classified service in each department, board or commission and the
4 historical society. In this paragraph, “department” has the meaning given under s.
5 15.01 (5), “board” means the educational communications board, government
6 accountability board, investment board, public defender board and technical college
7 system board and “commission” means the public service commission.
8 Notwithstanding sub. (2) (z), no division administrator position exceeding the
9 number authorized in sub. (2) (e) may be created in the unclassified service.

10 **SECTION 146.** 230.40 (5m) of the statutes is created to read:

11 230.40 (5m) (a) Notwithstanding s. 40.05 (4) (a) 3., a classified or unclassified
12 employee who takes a leave of absence may not receive during the leave of absence
13 any health insurance coverage under subch. IV of ch. 40, the premiums of which are
14 paid in whole or in part by the state, if any of the following occur:

15 1. During any part of the leave of absence the employee is a candidate for a
16 partisan political office or a nonpartisan state elected office.

17 2. During any part of the leave of absence the employee is employed by a
18 candidate for a partisan political office or a nonpartisan state elected office, a
19 political party, as defined in s. 5.02 (13), or by a committee, as defined in s. 11.01 (4).

20 (b) An employee described under par. (a) 1. or 2. may elect to continue to receive
21 the health insurance coverage under subch. IV of ch. 40 that he or she received
22 immediately before taking a leave of absence by paying the entire premium cost for
23 the health insurance coverage.

24 **SECTION 147.** 234.02 (3m) (c) of the statutes is amended to read:

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

5 **SECTION 148.** 560.04 (2m) of the statutes is amended to read:

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

15 **SECTION 149.** 778.135 of the statutes is amended to read:

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

1 **SECTION 150.** 778.136 of the statutes is amended to read:

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

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

8 **SECTION 151.** 971.19 (12) of the statutes is created to read:

9 **971.19 (12)** In an action for a violation of chs. 5 to 12, subch. III of ch. 13, or
10 subch. III of ch. 19, a defendant who is a resident of this state shall be tried in circuit
11 court for the county where the defendant resides.

12 **SECTION 152. Nonstatutory provisions.**

13 (1) TRANSFER OF ELECTIONS BOARD.

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

17 (b) *Positions and employees.*

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

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

23 3. Employees transferred under subdivision 2. have all the rights and the same
24 status under subchapter V of chapter 111 and chapter 230 of the statutes in the
25 government accountability board that they enjoyed in the elections board

1 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,
2 no employee so transferred who has attained permanent status in class is required
3 to serve a probationary period.

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

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

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

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

24 (2) TRANSFER OF ETHICS BOARD.

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

4 (b) *Positions and employees.*

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

7 2. All incumbent employees holding positions in the ethics board are
8 transferred on the effective date of this subdivision to the government accountability
9 board.

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

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

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

24 (e) *Rules and orders.* All rules promulgated by the ethics board that are in effect
25 on the effective date of this paragraph remain in effect until their specified expiration

1 dates or until amended or repealed by the government accountability board. All
2 orders issued by the ethics board that are in effect on the effective date of this
3 paragraph remain in effect until their specified expiration dates or until modified or
4 rescinded by the government accountability board.

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

10 (3) BOARD TRANSITIONS; INITIAL TERMS.

11 (a) Notwithstanding section 15.61, 2001 stats., section 15.62, 2003 stats., and
12 section 15.07 (1) (c) of the statutes, the terms of office of all members of the elections
13 board and all members of the ethics board holding office shall expire on June 1, 2007.

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

17 (c) Notwithstanding section 15.60 (1) of the statutes, as created by this act, and
18 section 15.07 (1) (c) of the statutes, of the members of the government accountability
19 who are initially nominated by the governor, and with the advice and consent of the
20 assembly and the senate appointed, 2 members who have prosecutorial experience
21 and one other member who is not a retired judge of a court of record in this state shall
22 be appointed to serve for terms expiring on May 1, 2009, and 2 members who have
23 prosecutorial experience and one member who is a retired judge of a court of record
24 in this state and one other member shall be appointed to serve for terms expiring on
25 May 1, 2011.

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

5 (4) IMPLEMENTATION.

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

18 (5) INITIAL NOMINATIONS. The governmental accountability candidate
19 committee under section 15.60 (2) of the statutes, as created by this act, shall submit
20 its initial nominations of individuals to serve as members of the government
21 accountability board no later than November 1, 2006.

22 **SECTION 153. Initial applicability.**

23 (1) The treatment of section 230.40 (5m) of the statutes first applies to state
24 employees who begin leaves of absence on the effective date of this subsection.

