



State of Wisconsin
2005 - 2006 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 3,
TO 2005 SENATE BILL 1**

February 27, 2006 – Offered by Representative GUNDRUM.

1 **AN ACT** *to repeal* 5.05 (1) (a), 5.05 (3), 5.05 (5), 5.05 (6), 5.05 (11), 5.07, 5.08, 7.08
2 (7), 7.21 (2m), 9.01 (1) (ag) 4., 13.69 (8), 15.07 (5) (k), 15.07 (5) (n), 15.61, 15.62,
3 19.42 (10) (a), 19.47 (2), 19.47 (4), 19.49 (title), 19.49 (1), 19.49 (3), 19.49 (4),
4 19.50 (title), 19.51 (title), 19.51 (1) (a) and (b), 19.51 (3), 19.52, 19.53 (intro.),
5 19.53 (1) to (5), 19.53 (7) and (8), 19.535, 19.54, 19.545, 19.59 (8) (c), 19.59 (8)
6 (cn) and (d), 20.510 (intro.), 20.510 (1) (title), 20.510 (1) (a), 20.510 (1) (bm),
7 20.510 (1) (c), 20.510 (1) (d), 20.510 (1) (g), 20.510 (1) (h), 20.510 (1) (i), 20.510
8 (1) (j), 20.510 (1) (q), 20.510 (1) (t), 20.510 (1) (x), 20.521 (intro.), 20.521 (1)
9 (title), 20.521 (1) (a), 20.521 (1) (b), 20.521 (1) (g), 20.521 (1) (h), 20.521 (1) (i),
10 20.923 (4) (d) 3., 20.923 (4) (d) 4., 230.08 (2) (om), 230.08 (2) (wm) and 778.136;
11 **to renumber** 19.49 (1m), 19.50 (4) and (5), 19.51 (2) and 19.579; **to renumber**
12 **and amend** 15.617, 19.46 (2), 19.49 (2), 19.49 (5), 19.50 (intro.) and (1) to (3),
13 19.51 (1) (intro.), 19.53 (6), 19.55 (2) (a) and 19.55 (2) (b); **to amend** 5.02 (1s),

1 5.05 (title), 5.05 (1) (intro.), 5.05 (1) (b), 5.05 (1) (c), 5.05 (1) (e), 5.06 (2), 5.081,
2 5.40 (7), 5.62 (4) (b), 6.26 (2) (b), 6.26 (2) (c), 6.56 (2) to (5), 7.08 (title), 7.15 (1)
3 (g), 7.23 (2), 7.31 (5), 7.60 (4) (a), 7.60 (5), 7.70 (1), 7.70 (5) (b), 8.05 (1) (j), 8.10
4 (5), 8.15 (4) (b), 8.18 (2), 8.20 (6), 8.28, 8.50 (3) (a), 8.50 (3) (e), 9.01 (1) (a), 9.01
5 (1) (ar) 2., 9.01 (10), 11.21 (title), 11.21 (7) (intro.), 11.22 (4), 11.38 (5), 11.60 (5),
6 11.61 (2), 13.123 (3) (b) 2., 13.23, 13.62 (4), 13.685 (title), 13.94 (1) (k), 14.58 (20),
7 15.07 (1) (cm), 15.07 (4), 16.79 (2), 16.96 (3) (b), 16.973 (6), 17.07 (6), 17.17 (1),
8 17.17 (4), 19.42 (3), 19.43 (4), 19.43 (5), 19.45 (6), 19.46 (1) (intro.), 19.47 (5),
9 19.55 (1), 19.55 (2) (c), 19.579 (title), 19.59 (1) (g) 8., 19.59 (8) (a) and (b), 19.85
10 (1) (h), 20.923 (4) (intro.), 20.930, 59.605 (3) (a) 3., 67.05 (3) (b), 67.05 (6), 71.10
11 (3) (b), 73.0301 (1) (d) 13., 73.0301 (1) (e), 85.61 (1), 117.20 (2), 117.27 (2) (b)
12 (intro.), 121.91 (3) (c), 125.05 (1) (b) 10., 165.25 (1), 198.08 (10), 200.09 (11) (am)
13 3., 227.03 (6), 227.45 (1), 227.46 (1) (intro.), 227.52 (6), 230.08 (4) (a), 234.02
14 (3m) (c), 560.04 (2m), 778.135 and 971.22 (2) and (3); **to repeal and recreate**
15 11.60 (4), 15.07 (1) (a) 2. and 71.10 (3) (b); and **to create** 5.05 (1e), 5.05 (1m),
16 5.05 (2m), 5.05 (3g), 5.05 (5s) (title), (d) and (e), 5.052, 5.054, 12.13 (5), 12.60 (1)
17 (bm), 15.07 (5) (m), 15.60, 15.603, 19.85 (1) (fm), 20.923 (4) (e) 2e., 20.923 (4) (f)
18 3j., 230.08 (2) (e) 4h., 230.08 (2) (on) and 971.22 (4) of the statutes; **relating to:**
19 creation of a Government Accountability and Integrity Board, granting
20 rule-making authority, 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 and Integrity Board. Under the substitute amendment, the board is composed of seven members serving for staggered four-year terms who are nominated by the governor and appointed with the advice and consent of the senate and assembly. Four of the members must have prosecutorial experience, two of the members must have prior service as a nonpartisan elective official of a local governmental unit, and one must be a retired judge. Each of the members must be appointed from nominations submitted by a Government Accountability and Integrity 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 and Integrity 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 concurrence of at least four members is required for the board to take action.

The substitute amendment creates three divisions within the Government Accountability and Integrity Board. The divisions are an Enforcement Division, and Accountability and Integrity Division and an Elections Division. The Enforcement Division is headed by an administrator who is appointed by 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 must be an attorney licensed to practice law in this state who has criminal justice experience. The administrator may not be removed during his or her term except for cause. The other two divisions are headed by division administrators who are appointed outside the classified service by the board to serve at its pleasure. The board must employ at least one full-time attorney and one full-time investigator within the Enforcement Division. The staff of the board is headed by an executive director who

is appointed by the board to serve at its pleasure. The executive director assigns work to the employees of the board in accordance with good management practices as the workload of the board requires without respect to divisional structure, except that the executive director is precluded from reassigning the administrator or the minimum full-time attorney or investigator within the Enforcement Division to perform work outside that division if the division has work to be performed.

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 and Integrity 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.

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 the attorney general; and the district attorneys, and in some cases the attorney general, exercise criminal enforcement authority. Currently, the Elections Board and Ethics Board may investigate violations of the law, with or without complaint, and may enforce their respective laws. The Elections Board may file civil actions to collect forfeitures (civil monetary penalties) for violations of the law and the Ethics Board may, after an administrative hearing, assess civil forfeitures or impose certain other remedies for violations of the law. Currently, the Elections Board has an administrative procedure for processing of complaints from electors alleging that an action or failure to act on the part of an election official is contrary to law, or that an official has abused his or her discretion. Under the procedure, the board may order the official to conform his or her conduct to the law or may prosecute the official for a civil violation of the law. If either board finds a criminal violation of the law, it may refer the matter to the appropriate district attorney, or in certain cases the attorney general.

This substitute amendment substitutes a different investigatory and prosecution procedure that is uniformly applicable to the the elections, ethics and lobbying regulation laws. Under the substitute amendment, only the Government Accountability and Integrity Board has authority to investigate and prosecute civil and criminal violations of the elections, ethics and lobbying regulation laws. Any person may file a complaint with the Enforcement Division alleging a violation of the elections, ethics, or lobbying regulation laws, and the Enforcement Division may investigate a potential violation on its own motion or upon the direction of the board if it has a reasonable suspicion that a violation has occurred or is occurring. The administrator of the Enforcement Division initially determines whether there is a reasonable suspicion that a violation of the elections, ethics, or lobbying regulation laws has occurred or is occurring and whether an investigation is appropriate. The administrator must notify the board within ten days of opening an investigation. If any member of the board requests the chairperson to call a meeting to discuss the investigation, and the member requests that the investigation be suspended until the meeting is held, the investigation is suspended until the meeting is held. If an

investigation is suspended, the meeting must be held within 10 working days of receipt of the request. If the board determines to proceed with the investigation, it may direct the administrator to submit the names of three qualified investigators. The board may retain one or more of the investigators. The board may also authorize the administrator of the Enforcement Division to investigate any matter without retaining 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 terminates unless the board votes to continue it. If the board determines to file civil or criminal charges against an alleged offender, it may request the administrator to submit the names of three individuals to act as special counsel. Once retained, the special counsel proceeds with the case in the manner he or she sees fit, with the assistance of the Enforcement Division. The substitute amendment provides that any individual who is appointed by the board to serve as special counsel shall be a retired judge of a court of record in this state or an attorney who, at the time of appointment, has senior status as a member of the State Bar of Wisconsin, as defined by the supreme court.

The substitute amendment provides that whenever the Government Accountability and Integrity Board authorizes commencement of a prosecution, and the prosecution is not concluded in circuit court or settled within six months of the board's action, the prosecution may not proceed unless the board authorizes the prosecution to proceed for an additional period not exceeding six months. The substitute amendment permits the Government Accountability and Integrity Board, by rule, to authorize the administrator of the Enforcement Division to compromise and settle specified categories of offenses in the name of the board without a formal investigation, if the offenses by any given alleged offender do not involve payment of more than \$500. The substitute amendment provides that no individual who serves as an employee in the Enforcement Division and no individual who is retained to serve as an investigator or special counsel for the division may, during such service or for 12 months after ceasing to be so employed or retained, become a candidate for a state or local elective office.

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 permits the defendant in any criminal trial for an alleged violation of the elections, ethics, or lobbying regulation laws to request and obtain one change in the place of the trial without providing a reason for the change. The trial is then moved to a county determined by the chief justice of the Supreme Court on a random basis, but it may not be moved to the county where the defendant resides.

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 and

Integrity Board closed to public inspection, subject to the current exceptions for opinions issued by the Ethics Board.

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 and Integrity Board. Under the substitute amendment, the Government Accountability and Integrity Board will be unable to operate unless funding is provided for the board by other legislation.

Under the substitute amendment, any person may file a sworn complaint with the board alleging a violation of the elections, ethics, or lobbying regulation laws. The substitute amendment also permits the board to investigate any violation of the elections, ethics, or lobbying regulation laws on its own initiative.

The substitute amendment provides for the substitute amendment to become law on January 1, 2007, after which date the members of the Government Accountability and Integrity Board may be appointed and take office. However, the existing Elections Board and Ethics Board continue in operation until July 1, 2007. Under the substitute amendment, the Government Accountability and Integrity Board may not exercise administrative or enforcement authority until July 1, 2007. The substitute amendment also provides that the director of the Legislative Council Staff shall serve as executive director of the Government Accountability and Integrity Board, without additional compensation, until the initial executive director of the Government Accountability and Integrity Board is appointed and qualified, and may exercise all of the functions of the executive director of the Government Accountability and Integrity Board, the divisions within the board, and the administrators of the divisions.

Currently, except as otherwise provided by law, public records may be examined or copied by any person unless the custodian demonstrates that the public interest in withholding access to a record outweighs the public interest in providing access. With certain exceptions, records obtained and prepared by the Ethics Board in connection with an investigation are specifically exempted from public access. This substitute amendment provides specifically that investigatory records of the Government Accountability and Integrity Board are exempted from the right of public access, subject to the current exceptions, except that if the board commences a prosecution of a person as a result of an investigation, the person who is the subject of the investigation may direct the board to provide access to records of the investigation pertaining to that person if the records are available by law to the subject person, and except that records of the board containing a finding that a complaint does not raise a reasonable suspicion that a violation of the law has occurred or records containing a finding that no probable cause exists to believe that a violation of the law has occurred are open to public access. Under the substitute amendment, any person other than the subject of an investigation who provides public access to a record of the board that is not accessible to the public is guilty of a misdemeanor and may be fined not more than \$500 or imprisoned for not more than 30 days or both.

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 and Integrity Board may meet in closed session to deliberate concerning any investigation under the board's jurisdiction.

Under current law, if a court finds that any provision of a legislative act is unconstitutional and there are other provisions that are not dependent for their operation upon the unconstitutional provision, the other provisions remain valid. This substitute amendment provides that if a court finds that any provision of the act resulting from the substitute amendment is unconstitutional, the entire act is void.

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 and integrity
3 board.

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

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

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

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

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

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

14 5.05 (1) (b) In the discharge of its duties and ~~upon~~ after providing notice to ~~the~~
15 any party or parties being investigated who is the subject of an investigation,
16 subpoena and bring before it any person ~~in the state~~ and require the production of
17 any papers, books, or other records relevant to an investigation. A circuit court may

1 by order permit the inspection, and copying of the accounts and the depositor's and
2 loan records at any financial institution, as defined in s. 705.01 (3), doing business
3 in the state to obtain evidence of any violation of ch. 11 upon showing by the board
4 of probable cause to believe there is a violation and that such accounts and records
5 may have a substantial relation to the violation. In the discharge of its duties, the
6 board may cause the deposition of witnesses to be taken in the manner prescribed
7 for taking depositions in civil actions in circuit court.

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

9 5.05 (1) (c) ~~Bring civil or criminal actions to require forfeitures for any violation~~
10 ~~of ch. 11 under s. 11.60. Forfeiture actions brought by the board may concern only~~
11 ~~violations with respect to reports or statements required by law to be filed with it,~~
12 ~~and other violations arising under elections for state office or statewide referenda~~
13 chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19. The board may compromise
14 and settle any ~~civil~~ action or potential action brought or authorized to be brought by
15 it ~~under ch.11~~ which, in the opinion of the board, constitutes a minor violation, a
16 violation caused by excusable neglect, or which for other good cause shown, should
17 not in the public interest be prosecuted under such chapter. Notwithstanding s.
18 778.06, an action or proposed action authorized under this paragraph may be settled
19 for such sum as may be agreed between the parties. Any settlement made by the
20 board shall be in such amount as to deprive the alleged violator of any benefit of his
21 or her wrongdoing and may contain a penal component to serve as a deterrent to
22 future violations. In settling actions or proposed actions, the board shall treat
23 comparable situations in a comparable manner and shall assure that any settlement
24 bears a reasonable relationship to the severity of the offense or alleged offense.
25 Forfeiture actions brought by the board shall be brought in the circuit court for the

1 county wherein the violation is alleged to occur. Whenever the board enters into a
2 settlement agreement with an individual who is accused of a violation of chs. 5 to 12,
3 subch. III of ch. 13, or subch. III of ch. 19 or who is investigated by the board for a
4 possible violation of one of those provisions, the board shall reduce the agreement to
5 writing, together with a statement of the board's findings and reasons for entering
6 into the agreement and shall retain the agreement and statement in its office for
7 inspection.

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

9 5.05 (1) (e) Delegate to its executive director the authority to issue a subpoena
10 under par. (b), apply for a search warrant under par. (b), commence an action under
11 par. (d), intervene in an action or proceeding under sub. (9), issue an order under s.
12 5.06, exempt a polling place from accessibility requirements under s. 5.25 (4) (a),
13 exempt a municipality from the requirement to use voting machines or an electronic
14 voting system under s. 5.40 (5m), approve an electronic data recording system for
15 maintaining poll lists under s. 6.79, or authorize nonappointment of an individual
16 who is nominated to serve as an election official under s. 7.30 (4) (e), subject to such
17 limitations as the board deems appropriate.

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

19 5.05 (1e) ACTIONS BY THE BOARD. Any action by the board requires the
20 affirmative vote of at least 4 members.

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

22 5.05 (1m) EXECUTIVE DIRECTOR; LEGAL COUNSEL. The board shall employ an
23 executive director outside the classified service and shall employ legal counsel to
24 perform legal services outside the enforcement division.

25 **SECTION 10.** 5.05 (2m) of the statutes is created to read:

1 5.05 (2m) ENFORCEMENT DIVISION. (a) The enforcement division, under the
2 direction and supervision of the board, shall investigate and prosecute alleged
3 violations of laws administered by the board pursuant to all statutes granting or
4 assigning that authority or responsibility to the board.

5 (c) 1. The board shall employ at least one full-time attorney and at least one
6 full-time investigator within the enforcement division.

7 2. a. Any person may file a complaint with the enforcement division alleging
8 a violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19. The division may,
9 on its own motion or upon direction of the board, investigate any potential violation
10 of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 whenever the division has
11 a reasonable suspicion that a violation has occurred or is occurring. If the
12 enforcement division finds, by a preponderance of the evidence, that a complaint
13 filed with the division is frivolous, the division may order the complainant to forfeit
14 not more than the greater of \$500 or the expenses incurred by the division in
15 investigating the complaint. The enforcement division may, in accordance with this
16 paragraph, investigate or prosecute any civil or criminal violation of chs. 5 to 12,
17 subch. III of ch. 13, or subch. III of ch. 19 in the name of the board. Only the
18 enforcement division may investigate or prosecute civil or criminal violations of chs.
19 5 to 12, subch. III of ch. 13, or subch. III of ch. 19.

20 4. The administrator of the enforcement division shall make an initial
21 determination as to whether there is a reasonable suspicion that a violation under
22 subd. 2. has occurred or is occurring and whether an investigation of the suspected
23 violation is appropriate. The administrator shall notify the board within 10 days of
24 opening an investigation of any matter. If, within 10 days of receiving notification,
25 any member of the board requests the chairperson to call a meeting of the board be

1 held to discuss the investigation, and the member requests that the investigation be
2 suspended until the meeting is held, the administrator shall suspend the
3 investigation until the board directs the investigation to proceed. The chairperson
4 of the board shall thereupon call a meeting of the board to discuss the investigation.
5 If an investigation is suspended, the meeting shall be held within 10 working days,
6 as defined in s. 227.01 (14), of receiving the request. If the board believes that there
7 is reasonable suspicion that a violation under subd. 2. has occurred or is occurring,
8 the board may elect to proceed with the investigation and may, in addition, elect to
9 retain an investigator. If the board elects to retain an investigator, the administrator
10 shall submit to the board the names of 3 qualified individuals to serve as an
11 investigator. The board may retain one or more of the investigators. Each
12 investigator who is retained by the board shall make periodic reports to the board,
13 as directed by the board, but in no case may the interval for reporting exceed 90 days.
14 If the board authorizes the administrator to investigate any matter without
15 retaining an investigator, the administrator shall make periodic reports to the board,
16 as directed by the board, but in no case may the reporting interval exceed 90 days.
17 If, after receiving a report, the board does not vote to continue an investigation for
18 an additional period not exceeding 90 days, the investigation is terminated at the end
19 of the reporting interval. Unless an investigation is terminated by the board, at the
20 conclusion of each investigation, the administrator of the enforcement division shall
21 present to the board one of the following:

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

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

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

5 5. The enforcement division may file a complaint against any person only upon
6 authorization by the board. The enforcement division may request the assistance of
7 special counsel to prosecute any action brought by the board. If the enforcement
8 division requests the assistance of special counsel with respect to any matter, the
9 administrator of the enforcement division shall submit to the board the names of 3
10 qualified individuals to serve as special counsel. Any individual so appointed shall
11 meet the qualifications prescribed in subd. 7. The board may retain one of the
12 individuals to act as special counsel. The staff of the enforcement division shall
13 provide assistance to the special counsel as may be required by the counsel to carry
14 out his or her responsibilities.

15 6. Upon employment of any individual to serve as special counsel for the
16 enforcement division, the administrator of the enforcement division shall certify the
17 maximum amount provided in the employment contract to the secretary of
18 administration, and direct the department of administration to pay special counsel
19 bills related to that case within the certified amount.

20 7. Any individual who is appointed by the board to serve as special counsel shall
21 be a retired judge of a court of record in this state or an attorney who, at the time of
22 appointment, has senior status as a member of the state bar of Wisconsin, as defined
23 by the supreme court. No individual who is appointed or retained by the board to
24 serve as special counsel or as an investigator is subject to approval under s. 20.930.

1 8. Whenever the board authorizes commencement of a prosecution and the
2 prosecution is not concluded in circuit court or settled within 6 months of the date
3 of the board's action, the administrator of the enforcement division or any special
4 counsel who is retained to conduct the prosecution shall not proceed with the
5 prosecution or shall move to dismiss the prosecution unless the board authorizes the
6 prosecution to proceed for an additional period, not to exceed 6 months.

7 9. The board may, by rule, prescribe categories of civil offenses which the board
8 will agree to compromise and settle without a formal investigation upon payment of
9 specified amounts by the alleged offender. The board may authorize the
10 administrator of the enforcement division to compromise and settle such alleged
11 offenses in the name of the board if the alleged offenses by an offender, in the
12 aggregate, do not involve payment of more than \$500.

13 (d) No individual who serves as an employee in the enforcement division and
14 no individual who is retained by the board to serve as an investigator or as special
15 counsel may, while so employed or retained or for 12 months after ceasing to be so
16 employed or retained, become a candidate, as defined in s. 11.01 (1), for state or local
17 office. A filing officer shall decline to accept nomination papers or a declaration of
18 candidacy from any individual who does not qualify to become a candidate under this
19 paragraph.

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

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

22 5.05 (3g) CHIEF ELECTION OFFICER. The board shall designate an employee of
23 the board to serve as the chief election officer of this state.

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

25 **SECTION 14.** 5.05 (5s) (title), (d) and (e) of the statutes are created to read:

1 5.05 **(5s)** (title) ACCESS TO RECORDS. (d) If the board commences a prosecution
2 of a person for an alleged violation of chs. 5 to 12, subch. III of ch. 13, or subch. III
3 of ch. 19 as the result of an investigation, the person who is the subject of the
4 investigation may authorize the board to make available for inspection and copying
5 under s. 19.35 (1) records of the investigation pertaining to that person if the records
6 are available by law to the subject person and the board shall then make those
7 records available.

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

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

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

14 **SECTION 15.** 5.05 (6) of the statutes is repealed.

15 **SECTION 16.** 5.05 (11) of the statutes is repealed.

16 **SECTION 17.** 5.052 of the statutes is created to read:

17 **5.052 Government accountability and integrity candidate committee.**

18 **(1)** The government accountability and integrity candidate committee shall
19 organize whenever a vacancy occurs in the membership of the board that requires
20 a nomination to be submitted to the governor under s. 15.60 (2).

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

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

1 (a) To fill any vacancy if the member must be a retired judge of a court of record
2 in this state, 2 nominations.

3 (b) To fill one vacancy if the member must be a former elective official of a local
4 governmental unit, 2 nominations.

5 (c) To fill 2 vacancies, if both members must be former elective officials of local
6 governmental units in this state, 3 nominations.

7 (d) To fill one vacancy in any other position, 2 nominations.

8 (e) To fill 2 vacancies in any other positions, 3 nominations.

9 (f) To fill 3 vacancies in any other positions, 5 nominations.

10 (g) To fill 4 vacancies in any other positions, 6 nominations.

11 (4) If a nomination of the governor is rejected by the assembly or the senate,
12 the committee shall submit an additional nominee to the governor from the same
13 membership category as the original nominee.

14 **SECTION 18.** 5.054 of the statutes is created to read:

15 **5.054 Duties of the executive director.** The executive director of the board
16 shall:

17 (1) Assign work to the employees of the board as good management practices
18 and the workload of the board require without respect to divisional structure, except
19 that the executive director shall not reassign the administrator of the enforcement
20 division or the attorney or investigator whose employment is required under s. 5.05
21 (2m) (c) 1. to perform work outside the enforcement division if the enforcement
22 division has work to be performed.

23 (2) Whenever a vacancy occurs on the board, call a meeting of the government
24 accountability and integrity candidate committee.

1 **(3)** Assist the government accountability and integrity candidate committee in
2 the performance of its functions.

3 **SECTION 19.** 5.06 (2) of the statutes is amended to read:

4 **5.06 (2)** No person who is authorized to file a complaint under sub. (1), ~~other~~
5 ~~than the attorney general or a district attorney,~~ may commence an action or
6 proceeding to test the validity of any decision, action or failure to act on the part of
7 any election official with respect to any matter specified in sub. (1) without first filing
8 a complaint under sub. (1), nor prior to disposition of the complaint by the board. A
9 complaint is deemed disposed of if the board fails to transmit an acknowledgment of
10 receipt of the complaint within 5 business days from the date of its receipt or if the
11 board concludes its investigation without a formal decision.

12 **SECTION 20.** 5.07 of the statutes is repealed.

13 **SECTION 21.** 5.08 of the statutes is repealed.

14 **SECTION 22.** 5.081 of the statutes is amended to read:

15 **5.081 Petition for enforcement of voting rights.** The attorney general
16 board shall accept a verified petition from any person alleging failure to comply with
17 section 2 of the federal voting rights act, 42 USC 1973 (a) and (b). The attorney
18 general board may commence an action or proceeding in any court of competent
19 jurisdiction on behalf of any elector of this state whose rights under 42 USC 1973 (a)
20 and (b) are violated.

21 **SECTION 23.** 5.40 (7) of the statutes is amended to read:

22 **5.40 (7)** Whenever a municipality adopts and purchases voting machines or an
23 electronic voting system, or adopts and purchases a different type of voting machine
24 or electronic voting system from the type it was previously using, the municipal clerk
25 or executive director of the municipal board of election commissioners shall promptly

1 notify the county clerk or executive director of the county board of election
2 commissioners and the executive director of the elections government accountability
3 and integrity board in writing.

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

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

10 **SECTION 25.** 6.26 (2) (b) of the statutes is amended to read:

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

18 **SECTION 26.** 6.26 (2) (c) of the statutes is amended to read:

19 6.26 (2) (c) No individual may serve as a special registration deputy in a
20 municipality unless the individual is appointed by the municipal clerk or board of
21 election commissioners of the municipality or the individual is appointed by the
22 elections government accountability and integrity board to serve all municipalities.

23 **SECTION 27.** 6.56 (2) to (5) of the statutes are amended to read:

24 6.56 (2) Upon receipt of the list, the municipal clerk shall make a check to
25 determine whether each person who has been allowed to vote under s. 6.55 (3) is

1 properly registered. If so, the clerk shall correct the registration list. If the address
2 on the registration list is not correct, the clerk shall correct the address. The clerk
3 shall then notify the elector by postcard when he or she is properly registered. If such
4 person is found not to be properly registered, the clerk shall send the person a 1st
5 class letter with that information, containing a mail registration form under s. 6.30
6 (4). The letter shall be marked in accordance with postal regulations to ensure that
7 it will be returned to the clerk if the elector does not reside at the address given on
8 the postcard. If such letter is returned undelivered, or if the U.S. postal service
9 notifies the clerk of an improper address which was apparently improper on the day
10 of the election, the clerk shall notify the ~~district attorney~~ board.

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

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

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

18 **SECTION 28.** 7.08 (title) of the statutes is amended to read:

19 **7.08** (title) **Elections Government accountability and integrity board.**

20 **SECTION 29.** 7.08 (7) of the statutes is repealed.

21 **SECTION 30.** 7.15 (1) (g) of the statutes is amended to read:

22 7.15 (1) (g) Report suspected election frauds, irregularities or violations of
23 which the clerk has knowledge to the ~~district attorney~~ board.

24 **SECTION 31.** 7.21 (2m) of the statutes is repealed.

25 **SECTION 32.** 7.23 (2) of the statutes is amended to read:

1 7.23 (2) If there is a demand for a recount, notice of an election contest or any
2 contest or litigation pending with respect to an election, materials may be destroyed
3 and recorders, units or compartments may be cleared or erased only by order of the
4 judge in whose court litigation is pending or if no litigation is pending, by order of any
5 circuit judge for the affected jurisdiction. Upon petition of the ~~attorney general or~~
6 ~~a district attorney or board or the~~ U.S. attorney for the affected jurisdiction, a circuit
7 judge for the affected jurisdiction may order that specified materials not be destroyed
8 or that specified recorders, units or compartments not be cleared or erased as
9 otherwise authorized under this subsection until the court so permits. The governor
10 may by order permit the clearing of voting machine recorders on machines needed
11 to conduct a special election prior to the time authorized under this subsection,
12 unless there is a demand for recount, notice of an election contest or a contest or
13 litigation pending, or a court of record orders that the recorders not be cleared.

14 **SECTION 33.** 7.31 (5) of the statutes is amended to read:

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

20 **SECTION 34.** 7.60 (4) (a) of the statutes is amended to read:

21 7.60 (4) (a) The board of canvassers shall make separate duplicate statements
22 showing the numbers of votes cast for the offices of president and vice president; state
23 officials; U.S. senators and representatives in congress; state legislators; justice;
24 court of appeals judge; circuit judges; district attorneys; and metropolitan sewerage
25 commissioners, if the commissioners are elected under s. 200.09 (11) (am). If a

1 municipal judge elected under s. 755.01 (4) serves a municipality that is located
2 partially within the county and candidates for that judgeship file nomination papers
3 in another county, the board of canvassers shall prepare a duplicate statement
4 showing the numbers of votes cast for that judgeship in that county for transmittal
5 to the other county. For partisan candidates, the statements shall include the
6 political party or principle designation, if any, next to the name of each candidate.
7 The board of canvassers shall also prepare a statement showing the results of any
8 county, technical college district, or statewide referendum. Each statement shall
9 state the total number of votes cast in the county for each office; the names of all
10 persons for whom the votes were cast, as returned; the number of votes cast for each
11 person; and the number of votes cast for and against any question submitted at a
12 referendum. The board of canvassers shall use one copy of each duplicate statement
13 to report to the ~~elections~~ government accountability and integrity board, technical
14 college district board, or board of canvassers of any other county and shall file the
15 other statement in the office of the county clerk or board of election commissioners.

16 **SECTION 35.** 7.60 (5) of the statutes is amended to read:

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

1 combined wards. Following primaries the county clerk shall enclose on forms
2 prescribed by the elections government accountability and integrity board the
3 names, party or principle designation, if any, and number of votes received by each
4 candidate recorded in the same manner. The county clerk shall deliver or transmit
5 the certified statement to the elections government accountability and integrity
6 board no later than 7 days after each primary and no later than 10 days after any
7 other election. The board of canvassers shall deliver or transmit a certified copy of
8 each statement for any technical college district referendum to the secretary of the
9 technical college district board.

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

22 **SECTION 36.** 7.70 (1) of the statutes is amended to read:

23 7.70 (1) RECORDING AND PRESERVING RETURNS. (a) Upon receipt of the certified
24 statements from the county clerks, the elections board shall record the election
25 results by counties and file and carefully preserve the statements.

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

7 **SECTION 37.** 7.70 (5) (b) of the statutes is amended to read:

8 7.70 (5) (b) For presidential electors, the elections board shall prepare a
9 certificate showing the determination of the results of the canvass and the names of
10 the persons elected, and the governor shall sign, affix the great seal of the state, and
11 transmit the certificate by registered mail to the U.S. administrator of general
12 services. The governor shall also prepare 6 duplicate originals of such certificate and
13 deliver them to one of the presidential electors on or before the first Monday after the
14 2nd Wednesday in December.

15 **SECTION 38.** 8.05 (1) (j) of the statutes is amended to read:

16 8.05 (1) (j) The municipal clerk shall notify in writing each candidate whose
17 name is certified as a nominee under par. (h) of his or her nomination. If a municipal
18 judge is elected under s. 755.01 (4), the county clerk of the county having the largest
19 portion of the population in the jurisdiction served by the judge shall make the
20 notification. Upon receipt of the notice, each candidate shall file a declaration of
21 candidacy in the manner prescribed by s. 8.21 with the municipal clerk making the
22 notification no later than 5 p.m. on the 5th day after the notification is mailed or
23 personally delivered to the candidate by the municipal clerk, except as authorized
24 in this paragraph. If an incumbent whose name is certified as a nominee fails to file
25 a declaration of candidacy within the time prescribed by this paragraph, each

1 certified candidate for the office held by the incumbent, other than the incumbent,
2 may file a declaration of candidacy no later than 72 hours after the latest time
3 prescribed in this paragraph. If the candidate has not filed a registration statement
4 under s. 11.05 at the time of the notification, the candidate shall file the statement
5 with the declaration. A candidate for municipal judge shall also file a statement of
6 economic interests with the ethics board under s. 19.43 (4) no later than 4:30 p.m.
7 on the 5th day after notification of nomination is mailed or personally delivered to
8 the candidate, or no later than 4:30 p.m. on the next business day after the last day
9 for filing a declaration of candidacy whenever that candidate is granted an extension
10 of time for filing a declaration of candidacy under this paragraph. Upon receipt of
11 the declaration of candidacy and registration statement of each qualified candidate,
12 and upon filing of a statement of economic interests by each candidate for municipal
13 judge, the municipal clerk, or the county clerk if the judge is elected under s. 755.01
14 (4), shall place the name of the candidate on the ballot. No later than the end of the
15 3rd day following qualification by all candidates, the municipal clerk, or the county
16 clerk if the judge is elected under s. 755.01 (4), shall draw lots to determine the
17 arrangement of candidates' names on the spring election ballot.

18 **SECTION 39.** 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 40.** 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 41.** 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 42.** 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 43.** 8.28 of the statutes is amended to read:

4 **8.28 Challenge to residency qualifications. (1)** Any individual who
5 believes that an individual holding or elected to state or local office is not a resident
6 or inhabitant of this state or of the jurisdiction or district in which he or she serves,
7 whenever such qualification is required by the constitution of this state or by any
8 applicable law, may file a verified complaint with the ~~attorney general~~ board alleging
9 such facts as may cause him or her to believe that the individual is not qualified to
10 hold office because of failure to meet a residency requirement.

11 **(2)** The ~~attorney general~~ board may thereupon investigate whether such
12 allegations are true. If the ~~attorney general~~ board finds that the allegations of the
13 complaint are true or for any other reason finds that the subject person who is
14 holding or elected to office is not qualified because of failure to meet a residency
15 requirement, the ~~attorney general~~ board may commence an action under ch. 784 for
16 a writ of quo warranto to have the subject person's office declared vacant or to
17 restrain any person not entitled to take office from assuming it. In the case of a
18 person who is elected to office in the legislature, the clerk of court shall transmit a
19 copy of the judgment to the presiding officer of the appropriate house, and the house
20 shall determine whether the person is qualified to be seated or whether a vacancy
21 exists.

22 **SECTION 44.** 8.50 (3) (a) of the statutes is amended to read:

23 **8.50 (3) (a)** Nomination papers may be circulated no sooner than the day the
24 order for the special election is filed and shall be filed not later than 5 p.m. 28 days
25 before the day that the special primary will or would be held, if required, except when

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

13 **SECTION 45.** 8.50 (3) (e) of the statutes is amended to read:

14 8.50 (3) (e) In a special election for a state or national office, the county clerk
15 or board of election commissioners shall transmit the statement of the county board
16 of canvassers to the ~~elections~~ government accountability and integrity board no later
17 than 7 days after the special primary and 13 days after the special election.

18 **SECTION 46.** 9.01 (1) (a) of the statutes is amended to read:

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

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

23 **SECTION 47.** 9.01 (1) (ag) 4. of the statutes is repealed.

24 **SECTION 48.** 9.01 (1) (ar) 2. of the statutes is amended to read:

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

4 **SECTION 49.** 9.01 (10) of the statutes is amended to read:

5 9.01 (10) STANDARD FORMS AND METHODS. The elections board shall prescribe
6 standard forms and procedures for the making of recounts under this section.

7 **SECTION 50.** 11.21 (title) of the statutes is amended to read:

8 **11.21 (title) Duties of the elections board.**

9 **SECTION 51.** 11.21 (7) (intro.) of the statutes is amended to read:

10 11.21 (7) (intro.) Include in its biennial report under s. ~~5.05 (5)~~ 15.04 (1) (d)
11 compilations of any of the following in its discretion:

12 **SECTION 52.** 11.22 (4) of the statutes is amended to read:

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

22 **SECTION 53.** 11.38 (5) of the statutes is amended to read:

23 11.38 (5) An action against a corporation pursuant to a violation of this section
24 may be brought either in the circuit court for the county in which the registered office
25 or principal place of business of the corporation is located, or in the circuit court for

1 the county in which the violation is alleged to have occurred. The proceedings may
2 be brought by the district attorney of either such county, by the attorney general or
3 by the board.

4 **SECTION 54.** 11.60 (4) of the statutes, as affected by 2001 Wisconsin Act 109,
5 is repealed and recreated to read:

6 11.60 (4) Actions under this section may be brought by the board.

7 **SECTION 55.** 11.60 (5) of the statutes is amended to read:

8 11.60 (5) Any elector may file a verified petition with the board, the county
9 board of election commissioners or the appropriate district attorney or with more
10 than one of them where their authority is concurrent under sub. (4), requesting that
11 civil action under this chapter be brought against any person, committee or group.
12 The petition shall allege such facts as are within the knowledge of the petitioner to
13 show probable cause that a violation of this chapter has occurred.

14 **SECTION 56.** 11.61 (2) of the statutes is amended to read:

15 11.61 (2) Except as provided in s. 11.38 (5), all All prosecutions under this
16 section shall be conducted by the district attorney of the county where the violation
17 is alleged to have occurred. If the district attorney refuses to act upon a sworn
18 complaint, or fails to act upon such a complaint within 60 days of the date on which
19 the complaint is received, the attorney general may then conduct the prosecution
20 under this section. If a violation concerns a district attorney or circuit judge or
21 candidate for such offices, the prosecution shall be conducted by the attorney
22 general. If a violation concerns the attorney general or a candidate for such office,
23 the governor may appoint a special prosecutor under s. 14.11 (2) to conduct the
24 prosecution in behalf of the state. The prosecutor shall be independent of the
25 attorney general and need not be a state employee at the time of appointment board.

1 **SECTION 57.** 12.13 (5) of the statutes is created to read:

2 12.13 (5) UNAUTHORIZED RELEASE OF RECORDS. No person other than a person
3 who is the subject of an investigation by the board may provide access to any record
4 of the board that is not subject to access under s. 5.05 (5s) to any person other than
5 a member, employee or agent of the board.

6 **SECTION 58.** 12.60 (1) (bm) of the statutes is created to read:

7 12.60 (1) (bm) Whoever violates s. 12.13 (5) may be fined not more than \$500
8 or imprisoned for not more than 30 days or both.

9 **SECTION 59.** 13.123 (3) (b) 2. of the statutes is amended to read:

10 13.123 (3) (b) 2. In making the determination under subd. 1., the chief clerk is
11 bound by the determination of the chairperson of the ~~elections~~ government
12 accountability and integrity board or the chairperson's designee if such
13 determination has been issued.

14 **SECTION 60.** 13.23 of the statutes is amended to read:

15 **13.23 Election contests; notice.** Any person wishing to contest the election
16 of any senator or member of the assembly shall, within 30 days after the decision of
17 the board of canvassers, serve a notice in writing on the person whose election the
18 contestant intends to contest, stating briefly that the election will be contested and
19 the cause of such contest, and shall file a copy thereof in the office of the ~~elections~~
20 government accountability and integrity board at least 10 days before the day fixed
21 by law for the meeting of the legislature. The ~~elections~~ government accountability
22 and integrity board shall then send a copy of s. 13.24 to both contestants. If any
23 contestant fails to so file a copy of such notice, the contestant shall not be entitled to
24 any mileage or salary in case payment has been made therefor to the sitting member.

25 **SECTION 61.** 13.62 (4) of the statutes is amended to read:

1 13.62 (4) “Board” means the ethics government accountability and integrity
2 board.

3 **SECTION 62.** 13.685 (title) of the statutes is amended to read:

4 **13.685** (title) **Duties of the ethics government accountability and**
5 **integrity board.**

6 **SECTION 63.** 13.69 (8) of the statutes is repealed.

7 **SECTION 64.** 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 and integrity board under s. 5.05 (2).

10 **SECTION 65.** 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 and
13 integrity board as eligible to receive moneys from the Wisconsin election campaign
14 fund.

15 **SECTION 66.** 15.07 (1) (a) 2. of the statutes is repealed and recreated to read:

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

19 **SECTION 67.** 15.07 (1) (cm) of the statutes, as affected by 2005 Wisconsin Acts
20 25 and 76, is amended to read:

21 15.07 (1) (cm) The term of one member of the ethics board shall expire on each
22 May 1. The terms of office of one member of the government accountability and
23 integrity board who is a former nonpartisan elective official of a local governmental
24 unit and one member of the board who has prosecutorial experience shall expire in
25 an even-numbered year, and the term of office of one member of the government

1 accountability and integrity board who is a retired judge of a court of record in this
2 state shall expire in the alternating even-numbered year. The terms of 3 members
3 of the development finance board appointed under s. 15.155 (1) (a) 6. shall expire on
4 May 1 of every even-numbered year and the terms of the other 3 members appointed
5 under s. 15.155 (1) (a) 6. shall expire on May 1 of every odd-numbered year. The
6 terms of the 3 members of the land and water conservation board appointed under
7 s. 15.135 (4) (b) 2. shall expire on January 1. The term of the member of the land and
8 water conservation board appointed under s. 15.135 (4) (b) 2m. shall expire on May
9 1 of an even-numbered year. The terms of members of the real estate board shall
10 expire on July 1. The terms of the appraiser members of the real estate appraisers
11 board and the terms of the auctioneer and auction company representative members
12 of the auctioneer board shall expire on May 1 in an even-numbered year.

13 **SECTION 68.** 15.07 (4) of the statutes is amended to read:

14 15.07 (4) QUORUM. A majority of the membership of a board constitutes a
15 quorum to do business and, unless a more restrictive provision is adopted by the
16 board, a majority of a quorum may act in any matter within the jurisdiction of the
17 board. This subsection does not apply to actions of the ethics government
18 accountability and integrity board or the school district boundary appeal board as
19 provided in ss. ~~19.47 (4)~~ 5.05 (1e) and 117.05 (2) (a).

20 **SECTION 69.** 15.07 (5) (k) of the statutes is repealed.

21 **SECTION 70.** 15.07 (5) (m) of the statutes is created to read:

22 15.07 (5) (m) Members of the government accountability and integrity board,
23 \$150 per day.

24 **SECTION 71.** 15.07 (5) (n) of the statutes is repealed.

25 **SECTION 72.** 15.60 of the statutes is created to read:

1 **15.60 Government accountability and integrity board; creation. (1)**

2 There is created a government accountability and integrity board consisting of 7
3 persons. Members shall serve for 4-year terms.

4 **(2)** (a) All members of the board shall be appointed from nominations
5 submitted to the governor by a nominating committee to be called the governmental
6 accountability and integrity candidate committee, which shall consist of one court
7 of appeals judge from each of the court of appeals districts. The court of appeals
8 judges shall be chosen as members by lot by the chief justice of the supreme court in
9 the presence of the other justices of the supreme court.

10 **(3)** Four members of the board shall have prosecutorial experience, two
11 members of the board shall have prior service as a nonpartisan elective official of a
12 local governmental unit, as defined in s. 19.42 (7u), and one member of the board
13 shall be a retired judge of a court of record in this state. If, as a result of a vacancy
14 in the membership of the board, the remaining membership does not satisfy the
15 membership requirements of this subsection, no person may be appointed to serve
16 as a member if the person's qualifications would not contribute to satisfaction of the
17 membership requirements of this subsection.

18 **(4)** No member may hold another office or position that is a state public office
19 or a local public office, as defined in s. 19.42.

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

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

3 **SECTION 73.** 15.603 of the statutes is created to read:

4 **15.603 Same; specified divisions. (1) ENFORCEMENT DIVISION.** There is
5 created in the government accountability and integrity board an enforcement
6 division. The enforcement division shall be under the direction and supervision of
7 an administrator, who shall be appointed by the board, to serve for a term of not less
8 than 4 years nor more than 6 years expiring on September 1 of an odd-numbered
9 year. The administrator shall be an attorney licensed to practice law in this state
10 who has criminal justice experience.

11 **(2) ACCOUNTABILITY AND INTEGRITY DIVISION.** There is created in the government
12 accountability and integrity board an accountability and integrity division. The
13 accountability and integrity division shall be under the direction and supervision of
14 an administrator, who shall be appointed by the board.

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

18 **SECTION 74.** 15.61 of the statutes is repealed.

19 **SECTION 75.** 15.617 of the statutes is renumbered 15.607, and 15.607 (1) of the
20 statutes, as renumbered, is amended to read:

21 15.607 **(1) ELECTION ADMINISTRATION COUNCIL.** There is created in the elections
22 government accountability and integrity board an election administration council
23 consisting of members appointed by the executive director of the elections
24 government accountability and integrity board, including the clerk or executive
25 director of the board of election commissioners of the 2 counties or municipalities in

1 this state having the largest population, one or more election officials of other
2 counties or municipalities, representatives of organizations that advocate for the
3 interests of individuals with disabilities and organizations that advocate for the
4 interests of the voting public, and other electors of this state.

5 **SECTION 76.** 15.62 of the statutes is repealed.

6 **SECTION 77.** 16.79 (2) of the statutes is amended to read:

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

16 **SECTION 78.** 16.96 (3) (b) of the statutes is amended to read:

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

21 **SECTION 79.** 16.973 (6) of the statutes is amended to read:

22 16.973 (6) With the advice of the ~~ethics~~ government accountability and
23 integrity board, adopt and enforce standards of ethical conduct applicable to its paid
24 consultants which are similar to the standards prescribed in subch. III of ch. 19,

1 except that the department shall not require its paid consultants to file statements
2 of economic interests.

3 **SECTION 80.** 17.07 (6) of the statutes is amended to read:

4 17.07 (6) Other state officers serving in an office that is filled by appointment
5 of any officer or body without the concurrence of the governor, by the officer or body
6 having the authority to make appointments to that office, at pleasure, except that
7 officers appointed according to merit and fitness under and subject to ch. 230 or
8 officers whose removal is governed by ch. 230 may be removed only in conformity
9 with that chapter, and except that the administrator of the enforcement division in
10 the government accountability and integrity board may be removed from office only
11 by the board, for cause.

12 **SECTION 81.** 17.17 (1) of the statutes is amended to read:

13 17.17 (1) SENATORS AND MEMBERS OF CONGRESS. In the office of United States
14 senator or member of congress from this state, by the county clerk of the county
15 wherein such officer resided at the time of election, to the elections government
16 accountability and integrity board.

17 **SECTION 82.** 17.17 (4) of the statutes is amended to read:

18 17.17 (4) JUSTICES AND JUDGES. In the office of justice of the supreme court, court
19 of appeals judge, or judge of a circuit court, by the director of state courts to the
20 governor and the elections government accountability and integrity board.

21 **SECTION 83.** 19.42 (3) of the statutes is amended to read:

22 19.42 (3) "Board" means the ethics government accountability and integrity
23 board.

24 **SECTION 84.** 19.42 (10) (a) of the statutes is repealed.

25 **SECTION 85.** 19.43 (4) of the statutes is amended to read:

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

20 **SECTION 86.** 19.43 (5) of the statutes is amended to read:

21 19.43 (5) Each member of the investment board and each employee of the
22 investment board who is a state public official shall complete and file with the ~~ethics~~
23 government accountability and integrity board a quarterly report of economic
24 transactions no later than the last day of the month following the end of each
25 calendar quarter during any portion of which he or she was a member or employee

1 of the investment board. Such reports of economic transactions shall be in the form
2 prescribed by the ~~ethics~~ government accountability and integrity board and shall
3 identify the date and nature of any purchase, sale, put, call, option, lease, or creation,
4 dissolution, or modification of any economic interest made during the quarter for
5 which the report is filed and disclosure of which would be required by s. 19.44 if a
6 statement of economic interests were being filed.

7 **SECTION 87.** 19.45 (6) of the statutes is amended to read:

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

22 **SECTION 88.** 19.46 (1) (intro.) of the statutes is amended to read:

23 19.46 (1) (intro.) Except in accordance with the board's advice under ~~sub. (2)~~
24 s. 5.05 (6a) and except as otherwise provided in sub. (3), no state public official may:

1 **SECTION 89.** 19.46 (2) of the statutes is renumbered 5.05 (6a) and amended to
2 read:

3 **5.05 (6a)** Any individual, either personally or on behalf of an organization or
4 governmental body, may request of the board an advisory opinion regarding the
5 propriety under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 of any matter
6 to which the person is or may become a party; and any appointing officer, with the
7 consent of a prospective appointee, may request of the board an advisory opinion
8 regarding the propriety under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19
9 of any matter to which the prospective appointee is or may become a party. The board
10 shall review a request for an advisory opinion and may advise the person making the
11 request. Advisory opinions and requests therefor shall be in writing. The board's
12 deliberations and actions upon such requests shall be in meetings not open to the
13 public. If any act that is referenced in the opinion is prohibited by law, the board shall
14 include in the opinion a citation to the legal authority prohibiting the act. If no legal
15 authority clearly prohibits an act that is referenced in the opinion, the board shall
16 so state. It is prima facie evidence of intent to comply with ~~this subchapter or chs.~~
17 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 when a person refers a matter to
18 the board and abides by the board's advisory opinion, if the material facts are as
19 stated in the opinion request. The board may authorize the executive director to act
20 in its stead in instances where delay is of substantial inconvenience or detriment to
21 the requesting party. No member or employee of the board may make public the
22 identity of the individual requesting an advisory opinion or of individuals or
23 organizations mentioned in the opinion.

24 **SECTION 90.** 19.47 (2) of the statutes is repealed.

25 **SECTION 91.** 19.47 (4) of the statutes is repealed.

1 **SECTION 92.** 19.47 (5) of the statutes is amended to read:

2 19.47 (5) ~~No later than September 1 of each year, the board shall submit a~~
3 ~~report concerning its actions in the preceding fiscal year to the governor and the chief~~
4 ~~clerk of each house of the legislature, for distribution to the legislature under s.~~
5 ~~13.172 (2).~~ The board shall include in its biennial report shall contain under
6 s. 15.04 (1) (d) the names and duties of all individuals employed by the board and a
7 summary of its determinations and advisory opinions issued by the board under s.
8 5.05 (6a). The board shall make sufficient alterations in the summaries to prevent
9 disclosing the identities of individuals or organizations involved in the decisions or
10 opinions. The board may also include in its biennial report any information compiled
11 under s. 11.21 (7). The board shall make such further reports on the matters within
12 its jurisdiction and such recommendations for further legislation as it deems
13 desirable.

14 **SECTION 93.** 19.49 (title) of the statutes is repealed.

15 **SECTION 94.** 19.49 (1) of the statutes is repealed.

16 **SECTION 95.** 19.49 (1m) of the statutes is renumbered 5.05 (2m) (c) 2. b.

17 **SECTION 96.** 19.49 (2) of the statutes is renumbered 5.05 (2m) (c) 3. and
18 amended to read:

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

24 **SECTION 97.** 19.49 (3) of the statutes is repealed.

25 **SECTION 98.** 19.49 (4) of the statutes is repealed.

1 **SECTION 99.** 19.49 (5) of the statutes is renumbered 5.05 (2m) (g) and amended
2 to read:

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

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

9 **SECTION 100.** 19.50 (title) of the statutes is repealed.

10 **SECTION 101.** 19.50 (intro.) and (1) to (3) of the statutes are renumbered 5.05
11 (2m) (f) (intro.) and 1. to 3. and amended to read:

12 5.05 **(2m)** (f) (intro.) Pursuant to any investigation authorized under s. ~~19.49~~
13 ~~(3) or any hearing conducted under this subchapter or subch. III of ch. 13 par. (c), the~~
14 board has the power:

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

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

23 3. To order testimony to be taken by deposition before any individual who is
24 designated by the board and has the power to administer oaths, and, in such

1 instances, to compel testimony and the production of evidence in the same manner
2 as authorized by sub ~~(2)~~ subd. 2.

3 **SECTION 102.** 19.50 (4) and (5) of the statutes are renumbered 5.05 (2m) (f) 4.
4 and 5.

5 **SECTION 103.** 19.51 (title) of the statutes is repealed.

6 **SECTION 104.** 19.51 (1) (intro.) of the statutes is renumbered 5.05 (2m) (c) 7. and
7 amended to read:

8 5.05 **(2m)** (c) 7. At the conclusion of its investigation, the board shall, in
9 preliminary written findings of fact and conclusions based thereon, make a
10 determination of whether or not probable cause exists to believe that a violation of
11 ~~this subchapter or chs. 5 to 12, subch. III of ch. 13 or subch. III of ch. 19~~ has occurred.
12 If the board determines that no probable cause exists, it shall immediately send
13 written notice of such determination to the accused and to the party who made the
14 complaint. ~~If the board determines that there is probable cause for believing that a~~
15 ~~violation of this subchapter or subch. III of ch. 13 has been committed, its~~
16 ~~preliminary findings of fact and conclusions may contain:~~

17 **SECTION 105.** 19.51 (1) (a) and (b) of the statutes are repealed.

18 **SECTION 106.** 19.51 (2) of the statutes is renumbered 5.05 (2m) (c) 8.

19 **SECTION 107.** 19.51 (3) of the statutes is repealed.

20 **SECTION 108.** 19.52 of the statutes is repealed.

21 **SECTION 109.** 19.53 (intro.) of the statutes is repealed.

22 **SECTION 110.** 19.53 (1) to (5) of the statutes are repealed.

23 **SECTION 111.** 19.53 (6) of the statutes is renumbered 19.579 (1) and amended
24 to read:

1 ~~19.579 (1) An order requiring the accused~~ Except as provided in sub. (2) any
2 person who violates this subchapter may be required to forfeit not more than \$500
3 for each violation of s. 19.43, 19.44, or 19.56 (2) or not more than \$5,000 for each
4 violation of any other provision of this subchapter, ~~or not more than the applicable~~
5 ~~amount specified in s. 13.69 for each violation of subch. III of ch. 13.~~ If the board court
6 determines that the accused has realized economic gain as a result of the violation,
7 the board court may, in addition, order the accused to forfeit the amount gained as
8 a result of the violation. In addition, if the board court determines that a state public
9 official has violated s. 19.45 (13), the board court may order the official to forfeit an
10 amount equal to the amount or value of any political contribution, service, or other
11 thing of value that was wrongfully obtained. If the board court determines that a
12 state public official has violated s. 19.45 (13) and no political contribution, service or
13 other thing of value was obtained, the board court may order the official to forfeit an
14 amount equal to the maximum contribution authorized under s. 11.26 (1) for the
15 office held or sought by the official, whichever amount is greater. ~~The attorney~~
16 ~~general, when so requested by the board, shall institute proceedings to recover any~~
17 ~~forfeiture incurred under this section or s. 19.545 which is not paid by the person~~
18 ~~against whom it is assessed.~~

19 **SECTION 112.** 19.53 (7) and (8) of the statutes are repealed.

20 **SECTION 113.** 19.535 of the statutes is repealed.

21 **SECTION 114.** 19.54 of the statutes is repealed.

22 **SECTION 115.** 19.545 of the statutes is repealed.

23 **SECTION 116.** 19.55 (1) of the statutes is amended to read:

24 19.55 (1) Except as provided in sub. (2) and s. 5.05 (5s), all records under this
25 subchapter or subch. III of ch. 13 in the possession of the board are open to public

1 inspection at all reasonable times. The board shall require an individual wishing to
2 examine a statement of economic interests or the list of persons who inspect any
3 statements which are in the board's possession to provide his or her full name and
4 address, and if the individual is representing another person, the full name and
5 address of the person which he or she represents. Such identification may be
6 provided in writing or in person. The board shall record and retain for at least 3 years
7 information obtained by it pursuant to this subsection. No individual may use a
8 fictitious name or address or fail to identify a principal in making any request for
9 inspection.

10 **SECTION 117.** 19.55 (2) (a) of the statutes is renumbered 5.05 (5s) (f) and
11 amended to read:

12 5.05 (5s) (f) Records obtained in connection with a request for an advisory
13 opinion issued under s. 5.05 (6a), other than summaries of advisory opinions that do
14 not disclose the identity of individuals requesting such opinions or organizations on
15 whose behalf they are requested, are not subject to the right of inspection and
16 copying under s. 19.35 (1). The board may, however, make such records public with
17 the consent of the individual requesting the advisory opinion or the organization or
18 governmental body on whose behalf it is requested. A person who makes or purports
19 to make public the substance of or any portion of an advisory opinion requested by
20 or on behalf of the person is deemed to have waived the confidentiality of the request
21 for an advisory opinion and of any records obtained or prepared by the board in
22 connection with the request for an advisory opinion.

23 **SECTION 118.** 19.55 (2) (b) of the statutes is renumbered 5.05 (5s) (intro.) and
24 amended to read:

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

5 (a) The board shall permit inspection of records that are made public in the
6 course of a hearing by the board to determine if a violation of this subchapter or chs.
7 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 has occurred. Whenever the board
8 refers such investigation and hearing records to a district attorney or to the attorney
9 general, they

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

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

17 **SECTION 119.** 19.55 (2) (c) of the statutes is amended to read:

18 19.55 (2) (c) Statements of economic interests and reports of economic
19 transactions which are filed with the ~~ethics~~ government accountability and integrity
20 board by members or employees of the investment board, except that the ~~ethics~~
21 government accountability and integrity board shall refer statements and reports
22 filed by such individuals to the legislative audit bureau for its review, and except that
23 a statement of economic interests filed by a member or employee of the investment
24 board who is also an official required to file shall be open to public inspection.

25 **SECTION 120.** 19.579 (title) of the statutes is amended to read:

1 **19.579** (title) **Civil ~~penalty~~ penalties.**

2 **SECTION 121.** 19.579 of the statutes is renumbered 19.579 (2).

3 **SECTION 122.** 19.59 (1) (g) 8. of the statutes is amended to read:

4 19.59 (1) (g) 8. No district board member, member of a district board member's
5 immediate family, nor any organization with which the district board member or a
6 member of the district board member's immediate family owns or controls at least
7 10% of the outstanding equity, voting rights, or outstanding indebtedness may enter
8 into any contract or lease involving a payment or payments of more than \$3,000
9 within a 12-month period, in whole or in part derived from district funds unless the
10 district board member has first made written disclosure of the nature and extent of
11 such relationship or interest to the ethics government accountability and integrity
12 board and to the district. Any contract or lease entered into in violation of this
13 subdivision may be voided by the district in an action commenced within 3 years of
14 the date on which the ethics government accountability and integrity board, or the
15 district, knew or should have known that a violation of this subdivision had occurred.
16 This subdivision does not affect the application of s. 946.13.

17 **SECTION 123.** 19.59 (8) (a) and (b) 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 ~~district attorney of any county wherein a violation may occur~~
20 board, upon the verified complaint of any person.

21 (b) In addition and supplementary to the remedy provided in sub. (7), the
22 ~~district attorney~~ board may commence an action, separately or in conjunction with
23 an action brought to obtain the remedy provided in sub. (7), to obtain such other legal
24 or equitable relief, including but not limited to mandamus, injunction or declaratory
25 judgment, as may be appropriate under the circumstances.

1 **SECTION 124.** 19.59 (8) (c) of the statutes is repealed.

2 **SECTION 125.** 19.59 (8) (cn) and (d) of the statutes are repealed.

3 **SECTION 126.** 19.85 (1) (fm) of the statutes is created to read:

4 19.85 (1) (fm) Deliberating by the government accountability and integrity
5 board concerning any investigation under the board’s jurisdiction.

6 **SECTION 127.** 19.85 (1) (h) of the statutes is amended to read:

7 19.85 (1) (h) Consideration of requests for confidential written advice from the
8 ethics government accountability and integrity board under s. ~~19.46 (2)~~ 5.05 (6a), or
9 from any county or municipal ethics board under s. 19.59 (5).

10 **SECTION 128.** 20.510 (intro.) of the statutes is repealed.

11 **SECTION 129.** 20.510 (1) (title) of the statutes is repealed.

12 **SECTION 130.** 20.510 (1) (a) of the statutes is repealed.

13 **SECTION 131.** 20.510 (1) (bm) of the statutes is repealed.

14 **SECTION 132.** 20.510 (1) (c) of the statutes is repealed.

15 **SECTION 133.** 20.510 (1) (d) of the statutes is repealed.

16 **SECTION 134.** 20.510 (1) (g) of the statutes is repealed.

17 **SECTION 135.** 20.510 (1) (h) of the statutes is repealed.

18 **SECTION 136.** 20.510 (1) (i) of the statutes is repealed.

19 **SECTION 137.** 20.510 (1) (j) of the statutes is repealed.

20 **SECTION 138.** 20.510 (1) (q) of the statutes, as affected by 2001 Wisconsin Act
21 109, is repealed.

22 **SECTION 139.** 20.510 (1) (t) of the statutes is repealed.

23 **SECTION 140.** 20.510 (1) (x) of the statutes is repealed.

24 **SECTION 141.** 20.521 (intro.) of the statutes is repealed.

25 **SECTION 142.** 20.521 (1) (title) of the statutes is repealed.

1 **SECTION 143.** 20.521 (1) (a) of the statutes is repealed.

2 **SECTION 144.** 20.521 (1) (b) of the statutes is repealed.

3 **SECTION 145.** 20.521 (1) (g) of the statutes is repealed.

4 **SECTION 146.** 20.521 (1) (h) of the statutes is repealed.

5 **SECTION 147.** 20.521 (1) (i) of the statutes is repealed.

6 **SECTION 148.** 20.923 (4) (intro.) of the statutes is amended to read:

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

1 executive salary group. If the committee approves assignment of the position to an
2 executive salary group having a salary range minimum or maximum inconsistent
3 with the salary paid to the incumbent at the time of such approval, the incumbent's
4 salary shall be adjusted by the appointing authority to conform with the committee's
5 action, effective on the date of that action. Positions are assigned as follows:

6 **SECTION 149.** 20.923 (4) (d) 3. of the statutes is repealed.

7 **SECTION 150.** 20.923 (4) (d) 4. of the statutes is repealed.

8 **SECTION 151.** 20.923 (4) (e) 2e. of the statutes is created to read:

9 20.923 (4) (e) 2e. Government accountability and integrity board:
10 administrator of the enforcement division.

11 **SECTION 152.** 20.923 (4) (f) 3j. of the statutes is created to read:

12 20.923 (4) (f) 3j. Government accountability and integrity board: executive
13 director.

14 **SECTION 153.** 20.930 of the statutes is amended to read:

15 **20.930 Attorney fees.** Except as provided in ss. 5.05 (2m) (c) 7., 46.27 (7g) (h),
16 49.496 (3) (f) and 49.682 (6), no state agency in the executive branch may employ any
17 attorney until such employment has been approved by the governor.

18 **SECTION 154.** 59.605 (3) (a) 3. of the statutes is amended to read:

19 59.605 (3) (a) 3. The referendum shall be held in accordance with chs. 5 to 12.
20 The governing body shall provide the election officials with all necessary election
21 supplies. The form of the ballot shall correspond substantially with the standard
22 form for referendum ballots prescribed by the ~~elections~~ government accountability
23 and integrity board under ss. 5.64 (2) and 7.08 (1) (a). If the resolution under subd.
24 1. specifies the operating levy rate, the question shall be submitted as follows:
25 “Under state law, the operating levy rate for the (name of county), for the tax to

1 be imposed for the year (year), is limited to \$.... per \$1,000 of equalized value.
2 Shall the (name of county) be allowed to exceed this rate limit for (a specified
3 number of years) (an indefinite period) by \$.... per \$1,000 of equalized value that
4 results in an operating levy rate of \$.... per \$1,000 of equalized value?” If the
5 resolution under subd. 1. specifies the operating levy, the question shall be submitted
6 as follows: “Under state law, the operating levy rate for the (name of county), for
7 the tax to be imposed for the year (year), is limited to \$.... per \$1,000 of equalized
8 value. Notwithstanding the operating levy rate limit, shall the (name of county)
9 be allowed to levy an amount not to exceed \$.... (operating levy) for operating
10 purposes for the year (year), which may increase the operating levy rate for (a
11 specified number of years) (an indefinite period)? This would allow a% increase
12 above the levy of \$.... (preceding year operating levy) for the year (preceding
13 year).”

14 **SECTION 155.** 67.05 (3) (b) of the statutes is amended to read:

15 67.05 (3) (b) The clerk of the jurisdiction in which the referendum is held shall
16 prepare or arrange for the preparation of the ballots. If the jurisdiction in which the
17 referendum is held is not a city, village, or town, and the clerk of the jurisdiction in
18 which the referendum is held prepares the ballots, the clerk shall deliver the ballots
19 to the municipal clerk of each city, village, or town which is wholly or partly contained
20 within the jurisdiction in which the referendum is held. The form of the ballot shall
21 correspond with the form prescribed by the elections government accountability and
22 integrity board under ss. 5.64 (2) and 7.08 (1) (a).

23 **SECTION 156.** 67.05 (6) of the statutes is amended to read:

24 67.05 (6) REFERENDUM IN OTHER CASES. Whenever an initial resolution has been
25 adopted by the governing body of any municipality other than a county, a town, a city,

1 a village, a technical college district, a metropolitan sewerage district created under
2 ss. 200.01 to 200.15 or 200.21 to 200.65, a town sanitary district, a public inland lake
3 protection and rehabilitation district, or a board of park commissioners, the clerk of
4 such municipality shall immediately record the resolution and call a special meeting
5 for the purpose of submitting it to the electors of the municipality for ratification or
6 rejection. The calling and conduct of the meeting shall be governed by those statutes,
7 so far as applicable, which govern the calling and conduct of special meetings in
8 general. The notice of the meeting, which shall be publicly read before the balloting
9 shall commence, and the ballot used, shall embody a copy of the resolution; the form
10 of the ballot shall correspond with the form prescribed by the ~~elections~~ government
11 accountability and integrity board under ss. 5.64 (2) and 7.08 (1) (a); and the question
12 submitted shall be whether the resolution shall be approved.

13 **SECTION 157.** 71.10 (3) (b) of the statutes is amended to read:

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

23 **SECTION 158.** 71.10 (3) (b) of the statutes, as affected by 2001 Wisconsin Act
24 109, is repealed and recreated to read:

1 71.10 (3) (b) The secretary of revenue shall ensure that space for the
2 designations under par. (am) is provided on the face of the individual income tax
3 return in a manner that is convenient to the individual filing the return. The
4 secretary of revenue shall provide next to the place on the return where designation
5 under par. (am) is made a statement that a designation will increase tax liability, that
6 the amount of a designation may be claimed as a credit under s. 71.07 (6s), and that
7 by making a designation the individual is also claiming the credit. The department
8 of revenue shall ensure that an individual may make the designation under par. (am)
9 and claim the credit under s. 71.07 (6s) by marking only one box, which shall be on
10 the face of the individual income tax return. The secretary of revenue shall also
11 provide and highlight a place in the instructions that accompany the return for
12 information submitted to the secretary by the government accountability and
13 integrity board and integrity under s. 11.50 (2m) without cost to the board. Annually
14 on August 15, the secretary of revenue shall certify to the government accountability
15 and integrity board, the department of administration, and the state treasurer the
16 total amount of designations made on returns processed by the department of
17 revenue during the preceding fiscal year and the amount of designations made
18 during that fiscal year for the general account and for the account of each eligible
19 political party. If any individual designates an amount greater than the amount
20 authorized under par. (am) or attempts to place any condition or restriction upon a
21 designation not authorized under par. (am), that individual is deemed not to have
22 made a designation on his or her tax return.

23 **SECTION 159.** 73.0301 (1) (d) 13. of the statutes is amended to read:

24 73.0301 (1) (d) 13. A license issued by the ethics government accountability and
25 integrity board under s. 13.63 (1).

1 **SECTION 160.** 73.0301 (1) (e) of the statutes is amended to read:

2 73.0301 (1) (e) “Licensing department” means the department of
3 administration; the board of commissioners of public lands; the department of
4 commerce; the ~~ethics~~ government accountability and integrity board; the
5 department of financial institutions; the department of health and family services;
6 the department of natural resources; the department of public instruction; the
7 department of regulation and licensing; the department of workforce development;
8 the office of the commissioner of insurance; or the department of transportation.

9 **SECTION 161.** 85.61 (1) of the statutes is amended to read:

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

19 **SECTION 162.** 117.20 (2) of the statutes is amended to read:

20 117.20 (2) The clerk of each affected school district shall publish notice, as
21 required under s. 8.55, in the territory of that school district. The procedures for
22 school board elections under s. 120.06 (9), (11), (13), and (14) apply to a referendum
23 held under this section. The school board and school district clerk of each affected
24 school district shall each perform, for that school district, the functions assigned to
25 the school board and the school district clerk, respectively, under those subsections.

1 The form of the ballot shall correspond to the form prescribed by the elections
2 government accountability and integrity board under ss. 5.64 (2) and 7.08 (1) (a). The
3 clerk of each affected school district shall file with the secretary of the board a
4 certified statement prepared by the school district board of canvassers of the results
5 of the referendum in that school district.

6 **SECTION 163.** 117.27 (2) (b) (intro.) of the statutes is amended to read:

7 117.27 (2) (b) (intro.) The school district clerk shall include in the notice of the
8 spring election a statement that the election ballot will include a question on the
9 change requested by the petition. The form of the ballot shall correspond to the form
10 prescribed by the elections government accountability and integrity board under ss.
11 5.64 (2) and 7.08 (1) (a) and the question on the ballot shall be:

12 **SECTION 164.** 121.91 (3) (c) of the statutes is amended to read:

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

24 **SECTION 165.** 125.05 (1) (b) 10. of the statutes is amended to read:

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

4 **SECTION 166.** 165.25 (1) of the statutes is amended to read:

5 165.25 (1) REPRESENT STATE. Except as provided in s. ss. 5.05 (2m) (c) 2. and
6 978.05 (5), appear for the state and prosecute or defend all actions and proceedings,
7 civil or criminal, in the court of appeals and the supreme court, in which the state
8 is interested or a party, and attend to and prosecute or defend all civil cases sent or
9 remanded to any circuit court in which the state is a party; and, if requested by the
10 governor or either house of the legislature, appear for and represent the state, any
11 state department, agency, official, employee, or agent, whether required to appear
12 as a party or witness in any civil or criminal matter, and prosecute or defend in any
13 court or before any officer, any cause or matter, civil or criminal, in which the state
14 or the people of this state may be interested. The public service commission may
15 request under s. 196.497 (7) that the attorney general intervene in federal
16 proceedings. All expenses of the proceedings shall be paid from the appropriation
17 under s. 20.455 (1) (d).

18 **SECTION 167.** 198.08 (10) of the statutes is amended to read:

19 198.08 (10) ELECTION STATISTICS. The clerk of the district shall seasonably
20 obtain, compile, and file in his or her office, for the information of the public, a
21 statement showing the total number of votes cast for the office of governor in the last
22 preceding general election in each subdistrict of the district. The clerk of every
23 municipality and the elections government accountability and integrity board shall
24 furnish such information so far as obtainable from their records, duly certified, to the
25 clerk of the district upon request therefor by the clerk of the district. If the total

1 number of votes cast in any subdistrict for the office of governor in the last preceding
2 election cannot, because of an intervening change of boundaries of election wards or
3 for any reason, be ascertained from any official record the clerk of the district shall
4 fairly estimate such number for the purposes of such statement to be filed in his or
5 her office.

6 **SECTION 168.** 200.09 (11) (am) 3. of the statutes is amended to read:

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

12 **SECTION 169.** 227.03 (6) of the statutes is amended to read:

13 227.03 (6) Orders of the elections government accountability and integrity
14 board under s. 5.06 (6) are not subject to this chapter.

15 **SECTION 170.** 227.45 (1) of the statutes is amended to read:

16 227.45 (1) Except as provided in ~~ss. 19.52 (3) and s.~~ 901.05, an agency or
17 hearing examiner shall not be bound by common law or statutory rules of evidence.
18 The agency or hearing examiner shall admit all testimony having reasonable
19 probative value, but shall exclude immaterial, irrelevant or unduly repetitious
20 testimony or evidence that is inadmissible under s. 901.05. The agency or hearing
21 examiner shall give effect to the rules of privilege recognized by law. Basic principles
22 of relevancy, materiality and probative force shall govern the proof of all questions
23 of fact. Objections to evidentiary offers and offers of proof of evidence not admitted
24 may be made and shall be noted in the record.

25 **SECTION 171.** 227.46 (1) (intro.) of the statutes is amended to read:

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

6 **SECTION 172.** 227.52 (6) of the statutes is amended to read:

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

9 **SECTION 173.** 230.08 (2) (e) 4h. of the statutes is created to read:

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

11 **SECTION 174.** 230.08 (2) (om) of the statutes is repealed.

12 **SECTION 175.** 230.08 (2) (on) of the statutes is created to read:

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

15 **SECTION 176.** 230.08 (2) (wm) of the statutes is repealed.

16 **SECTION 177.** 230.08 (4) (a) of the statutes is amended to read:

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

1 exceeding the number authorized in sub. (2) (e) may be created in the unclassified
2 service.

3 **SECTION 178.** 234.02 (3m) (c) of the statutes is amended to read:

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

8 **SECTION 179.** 560.04 (2m) of the statutes is amended to read:

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

18 **SECTION 180.** 778.135 of the statutes is amended to read:

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

1 as a result of agreement between the parties, the moneys accruing to the county on
2 account of such settlement shall be paid to the board of election commissioners and
3 deposited with the county treasurer in the same manner as provided for forfeitures
4 under s. 778.13.

5 **SECTION 181.** 778.136 of the statutes is repealed.

6 **SECTION 182.** 971.22 (2) and (3) of the statutes are amended to read:

7 971.22 (2) The A motion under sub. (1) shall be in writing and supported by
8 affidavit which shall state evidentiary facts showing the nature of the prejudice
9 alleged. The district attorney may file counter affidavits.

10 (3) If the court determines, pursuant to a motion filed under sub. (1), that there
11 exists in the county where the action is pending such prejudice that a fair trial cannot
12 be had, it shall order that the trial be held in any county where an impartial trial can
13 be had. Only one change may be granted under this subsection.

14 (5) The judge who orders the change in the place of trial shall preside at the
15 trial. Preliminary matters prior to trial may be conducted in either county at the
16 discretion of the court. The judge shall determine where the defendant, if he or she
17 is in custody, shall be held and where the record shall be kept. If the criteria under
18 s. 971.225 (1) (a) to (c) exist, the court may proceed under s. 971.225 (2).

19 **SECTION 183.** 971.22 (4) of the statutes is created to read:

20 971.22 (4) In addition to any motion that is permitted under sub. (1), any
21 defendant in a criminal action for violation of any provision of chs. 5 to 12, subch. III
22 of ch. 13, or subch. III of ch. 19 may file a written motion with the court for a change
23 in the place of the trial. The motion shall be made at arraignment. The court shall
24 grant not more than one such motion from any defendant and shall change the place
25 of the trial to a county that shall be determined by the chief justice of the supreme

1 court on a random basis except that the trial shall not be changed to the county in
2 which the defendant resides.

3 **SECTION 184. Nonstatutory provisions.**

4 (1) TRANSFER OF ELECTIONS BOARD.

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

8 (b) *Positions and employees.*

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

12 2. All incumbent employees holding positions in the elections board are
13 transferred on the effective date of this subdivision to the government accountability
14 and integrity board.

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

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

24 (d) *Contracts.* All contracts entered into by the elections board in effect on the
25 effective date of this paragraph remain in effect and are transferred to the

1 government accountability and integrity board. The government accountability and
2 integrity board shall carry out any contractual obligations under such a contract
3 until the contract is modified or rescinded by the government accountability and
4 integrity board to the extent allowed under the contract.

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

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

16 (2) TRANSFER OF ETHICS BOARD.

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

20 (b) *Positions and employees.*

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

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

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

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

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

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

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

6 (3) BOARD TRANSITIONS; INITIAL TERMS.

7 (a) Notwithstanding section 15.61, 2001 stats., section 15.62, 2003 stats., and
8 section 15.07 (1) (c) of the statutes, the terms of office of all members of the elections
9 board and all members of the ethics board holding office shall expire on July 1, 2007.

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

14 (c) Notwithstanding section 15.60 (1) of the statutes, as created by this act, and
15 section 15.07 (1) (c) of the statutes, of the members of the government accountability
16 and integrity board who are initially nominated by the governor, and with the advice
17 and consent of the assembly and the senate appointed, one member who is a former
18 nonpartisan elective official of a local governmental unit and one member who has
19 prosecutorial experience shall be appointed to serve for terms expiring on May 1,
20 2009; one member who is a former nonpartisan elective official of a local
21 governmental unit and one member who has prosecutorial experience shall be
22 appointed to serve for terms expiring on May 1, 2010; 2 members who prosecutorial
23 experience shall be appointed to serve for terms expiring on May 1, 2011; and one
24 member who is retired judge of a court of record in this state shall be appointed to
25 serve for a term expiring on May 1, 2012.

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 in the government accountability and integrity board shall serve for a term
4 expiring on 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 and integrity
9 board, 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 and integrity board, the divisions in the government accountability
14 and integrity board, and the administrators of the divisions 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) GENERAL NONSEVERABILITY. Notwithstanding section 990.001 (11) of the
19 statutes, if a court finds that any provision of this act is unconstitutional, the entire
20 act is void.

21 (6) NONSEVERABILITY; 2001 WISCONSIN ACT 109. Notwithstanding section 990.001
22 (11) of the statutes, if a court finds that the repeal and recreation of section 71.10 (3)
23 (b) of the statutes by this act, or any part of the laws specified in 2001 Wisconsin Act
24 109, section 9115 (2y) (b), is unconstitutional, the repeal and recreation of section
25 71.10 (3) (b) of the statutes by this act is void.

