



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-3073/1  
JK&TKK:cjs&kjf

**2015 BILL**

1       **AN ACT** *to repeal* 5.05 (1m), 5.05 (2m) (c) 3., 5.05 (2m) (c) 8., 5.05 (2m) (g), 5.05  
2           (2s), 5.052, 5.054, 5.09, 5.68 (3m), 13.62 (4), 15.07 (1) (a) 2., 15.07 (2) (b), 15.07  
3           (5) (m), 15.60 (title), 15.60 (2), 15.60 (3), 15.60 (5), 15.60 (7), 15.603 (title),  
4           15.607, 19.42 (3), 20.511 (intro.) and (1) (title), 20.511 (1) (im), 20.923 (4) (f) 3j.,  
5           230.08 (2) (e) 4h., 230.08 (2) (on) and 758.19 (9); **to renumber** 5.05 (2m) (c) 2.  
6           b., 15.60 (6), 20.511 (1) (bm), 20.511 (1) (c), 20.511 (1) (d), 20.511 (1) (t) and  
7           20.511 (1) (x); **to renumber and amend** 5.02 (1s), 5.05 (2), 5.05 (6a), 12.01,  
8           15.06 (2), 15.60 (1), 15.60 (4), 15.60 (8), 15.603 (1), 15.603 (2), 19.47, 19.851,  
9           20.511 (1) (a), 20.511 (1) (be), 20.511 (1) (g), 20.511 (1) (h), 20.511 (1) (i), 20.511  
10          (1) (j), 20.511 (1) (jm) and 20.511 (1) (m); **to consolidate, renumber and**  
11          **amend** 5.05 (5s) (f) 2. a. and b.; **to amend** 5.01 (4) (a), 5.05 (title), 5.05 (1)  
12          (intro.), 5.05 (1) (b), 5.05 (1) (c), 5.05 (1) (d), 5.05 (1) (e), 5.05 (1) (f), 5.05 (1e), 5.05  
13          (2m) (a), 5.05 (2m) (c) 2. a., 5.05 (2m) (c) 4., 5.05 (2m) (c) 5. (intro.), 5.05 (2m) (c)  
14          6. a., 5.05 (2m) (c) 6. b., 5.05 (2m) (c) 12., 5.05 (2m) (c) 13., 5.05 (2m) (c) 14., 5.05

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1 (2m) (d) 1., 5.05 (2m) (h), 5.05 (2m) (i), 5.05 (2w), 5.05 (3g), 5.05 (5e), 5.05 (5s)  
2 (intro.), 5.05 (5s) (b), 5.05 (5s) (bm), 5.05 (5s) (d), 5.05 (5s) (f) 2. c., 5.05 (9), 5.05  
3 (10), 5.05 (11), 5.055, 5.056, 5.07, 5.08, 5.40 (7), 5.58 (2), 5.58 (2m), 5.60 (1) (b),  
4 5.62 (4) (b), 5.93, 6.26 (3), 6.275 (1) (f), 6.275 (2), 6.33 (5) (a), 6.36 (1) (b) 1. a.,  
5 6.36 (1) (bm), 6.36 (2) (a), 6.50 (2g), 6.50 (7), 6.56 (3), 6.95, 6.96, 6.97 (1), 7.03  
6 (1) (a), 7.03 (1) (b), 7.03 (2), 7.08 (title), 7.08 (1) (a), 7.08 (4), 7.15 (1) (g), 7.41 (5),  
7 7.52 (1) (a), 7.60 (4) (a), 7.60 (5), 7.70 (3) (b), 7.70 (3) (i), 7.70 (5) (a), 8.05 (1) (j)  
8 3., 8.10 (5), 8.10 (6) (a), 8.15 (4) (b), 8.17 (9) (a), 8.20 (6), 8.20 (7), 8.30 (2m), 8.50  
9 (1) (a), 8.50 (3) (a), 8.50 (3) (e), 9.01 (1) (a) 1., 9.01 (1) (a) 4., 9.01 (1) (ag) 4., 9.01  
10 (1) (ar) 3., 9.01 (5) (a), 9.01 (5) (bm), 9.01 (5) (c), 9.01 (6) (a), 9.01 (7) (a), 9.01 (8)  
11 (a), 9.01 (8) (c), 9.01 (8) (d), 9.01 (10), 10.06 (1) (title), 11.09, 11.21 (title), 11.21  
12 (7) (intro.), 11.30 (2) (fm), 11.60 (4), 11.61 (2), 12.13 (5) (a), 13.123 (3) (b) 2., 13.23,  
13 13.63 (1) (a), 13.685, 14.38 (10m), 15.01 (2), 15.04 (1) (d), 15.06 (5), 15.06 (6),  
14 15.07 (1) (cm), 15.07 (4), 16.753 (2), 16.79 (2), 16.96 (3) (b), 16.973 (6), 17.17 (1),  
15 17.17 (4), 19.43 (4), 19.43 (5), 19.46 (1) (intro.), 19.48 (intro.), 19.48 (1), 19.48  
16 (2), 19.48 (3), 19.48 (7), 19.48 (9), 19.55 (1), 19.55 (2) (c), 19.59 (1) (g) 8., 19.85  
17 (1) (h), 19.851 (title), 20.505 (1) (d), 20.930, 20.9305 (2) (e) (intro.), 38.16 (3) (br)  
18 3., 45.44 (1) (b), 49.165 (4) (a), 59.605 (3) (a) 3., 67.05 (3) (b), 67.05 (6), 73.0301  
19 (1) (d) 13., 73.0301 (1) (e), 85.61 (1), 108.227 (1) (e) 13., 108.227 (1) (f), 117.20  
20 (2), 117.27 (2) (b) (intro.), 121.91 (3) (c), 125.05 (1) (b) 10., 165.25 (1), 165.93 (4)  
21 (a), 198.08 (10), 200.09 (11) (am) 2., 200.09 (11) (am) 3., 227.03 (6), 227.52 (6),  
22 230.08 (4) (a), 234.02 (3m) (c), 301.03 (20m), 343.11 (2m), 756.04 (2) (c) 1.,  
23 778.135, 978.05 (1) and 978.05 (2); **to repeal and recreate** 6.275 (2) and 7.15  
24 (1) (g); and **to create** 5.05 (2m) (k), 5.05 (2q), 5.05 (3d), 5.05 (5s) (am), 5.05 (5t),  
25 5.05 (6a) (a) 3., 5.05 (6a) (b) 2., 5.05 (6a) (b) 3., 5.05 (6a) (c) 1., 5.05 (6a) (c) 4.,

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1           5.05 (16), 5.05 (17), 11.01 (4m), 12.01 (2), 13.62 (5m), 15.06 (1) (d), 15.06 (1) (e),  
2           15.06 (2) (b), 15.06 (3) (a) 5., 15.06 (3) (a) 6., 15.06 (10), 15.61 (title), 15.61 (1)  
3           (a) 1. to 6., 15.61 (5), 15.62, 19.42 (4p), 19.42 (10) (a), 19.46 (2), 19.47 (title), 19.47  
4           (1), (2) and (4) to (9), 19.49, 19.50, 19.55 (3), 19.55 (4), 19.552, 19.554, 19.58 (4),  
5           20.510 (intro.) and (1) (title), 20.510 (1) (br), 20.521 (intro.) and (1), 230.08 (2)  
6           (eL) and 230.08 (2) (et) of the statutes; **relating to:** reorganizing the  
7           Government Accountability Board, requiring the exercise of rule-making  
8           authority, and making appropriations.

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***Analysis by the Legislative Reference Bureau***

This bill makes the following changes to the structure and operation of the Government Accountability Board (GAB):

**BOARD GOVERNANCE**

Currently, the GAB is under the direction and supervision of a board of six members. All six members are former judges appointed by the governor from nominations submitted by a committee comprised of one court of appeals judge from each court of appeals district. Currently, board members are appointed with the advice and consent of two-thirds of the members of the senate and serve six-year terms. One term expires each May 1.

This bill eliminates the GAB and replaces it with an Elections Commission, which administers and supervises elections, and an Ethics Commission, which administers and supervises ethics, campaign financing, and lobbying regulation.

Under the bill, the Elections Commission consists of at least six persons, who serve five-year terms:

- 1) One individual appointed by the majority leader in the senate;
- 2) One individual appointed by the minority leader in the senate;
- 3) One individual appointed by the speaker of the assembly.
- 4) One individual appointed by the minority leader of the assembly; and
- 5) Two former municipal or county clerks, selected by the leadership in both houses and nominated by the governor with the advice and consent of the senate confirmed.

In addition, the bill requires the appointment to the Elections Commission of one member for each political party, other than the two major political parties, qualifying for a separate ballot whose candidate for governor received at least 10 percent of the vote in the most recent gubernatorial election. The individual must be nominated by the governor from a list of three individuals selected by the chief officer of that political party.

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The Ethics Commission consists of at least six persons who serve five-year terms:

- 1) One individual appointed by the majority leader in the senate;
- 2) One individual appointed by the minority leader in the senate;
- 3) One individual appointed by the speaker of the assembly;
- 4) One individual appointed by the minority leader of the assembly; and
- 5) Two individuals selected by the leadership in both houses and nominated by the governor with the advice and consent of the senate confirmed.

In addition, the bill requires the appointment to the Ethics Commission of one member for each political party, other than the two major political parties, qualifying for a separate ballot whose candidate for governor received at least 10 percent of the vote in the most recent gubernatorial election. The individual must be nominated by the governor from a list of three individuals selected by the chief officer of that political party and confirmed by a majority of the senate.

Currently, the chairperson of the board is selected by lot by the current chairperson. Under the bill, the chairperson of each commission is chosen by the affirmative vote of at least a majority of the members of the commission.

Currently, the GAB is required to employ an individual to serve as legal counsel to perform legal and administrative functions for the board. The bill eliminates the requirement that either commission hire legal counsel.

**ETHICS COMMISSION**

Under the bill, the Ethics Commission is supervised by an administrator who is appointed by at least a majority of the members of the commission. The administrator is appointed with the advice and consent of the senate to serve for a four-year term expiring on July 1 of the odd-numbered year.

**ELECTIONS COMMISSION**

Under the bill, the Elections Commission is supervised by an administrator who is appointed by at least a majority of the members of the commission. The administrator is appointed with the advice and consent of the senate to serve for a four-year term expiring on July 1 of the odd-numbered year. The bill also provides that the administrator of the Elections Commission, rather than an employee that the commission designates, is the chief election officer of this state.

**INVESTIGATIONS**

Currently, the GAB must investigate violations of laws administered by the GAB and may prosecute alleged civil violations. Current law permits the board to refer a matter to a district attorney, special prosecutor, or to the attorney general. This bill provides that, except for violations that result in a payment not exceeding \$2,500, the Elections and Ethics commissions may only investigate violations of laws administered by the respective commissions upon the filing of a sworn complaint with the respective commission. The bill prohibits any member of either commission or any employee of either commission from filing such a sworn complaint.

If, during the course of an ongoing investigation, either the Elections Commission or the Ethics Commission determines that it needs additional funding, that commission must make a request to the Joint Committee on Finance and the secretary of administration. The commission must include in its request information

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about the nature of the investigation for which additional funding is sought, excluding the name of any individual or organization that is the subject of the investigation.

**ADVISORY OPINIONS**

Current law permits any individual, organization, or governmental body to request an advisory opinion from the GAB; in response, the GAB may issue a formal or an informal advisory opinion. If the board issues an opinion on an elections matter, the board must make the opinion and records about the opinion public. Current law prohibits the board from revealing the identify of or releasing information obtained in connection with any advisory opinion requested by an individual or organization on an ethics or accountability matter unless the individual or organization consents to the release of that information. This bill requires the Ethics Commission to make this information, other than the name of the individual, organization, or governmental body making the request, public when it relates to a formal advisory opinion issued by the Ethics Commission.

Current law requires the GAB to biennially submit to the legislature a report on the performance and operation of the GAB during the preceding biennium. This bill requires the Elections and Ethics commissions to submit annual reports to the legislature and to include in those reports information about the number of investigations conducted, a description of the nature of the investigation, and, in the case of the Ethics Commission, whether the investigation related to campaign finance, ethics, or lobbying.

**TRANSITIONAL PROVISIONS**

Under the bill, all full-time equivalent positions currently authorized for GAB are transferred to the Elections and Ethics commissions. All incumbents in those positions except the director and general counsel of GAB are also transferred. In addition, the bill transfers the assets and liabilities, tangible personal property, contracts, rules, orders, formal opinions, and pending matters of GAB to the Elections and Ethics commissions. The bill directs the secretary of administration to determine which positions, employees, assets and liabilities, property, contracts, rules, orders, opinions, and matters are transferred to which commission and to adopt an implementation plan for the transfer containing his or her determinations.

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

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

- 1           **SECTION 1.** 5.01 (4) (a) of the statutes is amended to read:
- 2           5.01 (4) (a) If 2 or more candidates for the same office receive the greatest, but
- 3           an equal number of votes, the winner shall be chosen by lot in the presence of the

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1 board of canvassers charged with the responsibility to determine the election, or in  
2 the case of an election for state or national office or metropolitan sewerage  
3 commissioner, if the commissioner is elected under s. 200.09 (11) (am), in the  
4 presence of the chairperson of the ~~board~~ elections commission or the chairperson's  
5 designee.

6 **SECTION 2.** 5.02 (1s) of the statutes is renumbered 5.025 and amended to read:

7 **5.025 Elections commission; definition.** ~~“Board~~ In chs. 5 to 10 and 12,  
8 “commission” means the government accountability board elections commission.

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

10 **5.05 (title) Government accountability board Elections commission;**  
11 **powers and duties.**

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

13 5.05 (1) GENERAL AUTHORITY. (intro.) ~~The government accountability board~~  
14 elections commission shall have the responsibility for the administration of chs. 5 to  
15 12, 10 and 12 and other laws relating to elections and election campaigns, subch. III  
16 of ch. 13, and subch. III of ch. 19, other than laws relating to campaign financing.  
17 Pursuant to such responsibility, the ~~board~~ commission may:

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

19 5.05 (1) (b) In the discharge of its duties and after providing notice to any party  
20 who is the subject of an investigation, subpoena and bring before it any person and  
21 require the production of any papers, books, or other records relevant to an  
22 investigation. Notwithstanding s. 885.01 (4), the issuance of a subpoena requires  
23 action by the ~~board~~ commission at a meeting of the ~~board~~ commission. ~~A circuit court~~  
24 may by order permit the inspection and copying of the accounts and the depositor's  
25 and loan records at any financial institution, as defined in s. 705.01 (3), doing



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1 ~~business in the state to obtain evidence of any violation of ch. 11 upon showing by the~~  
2 ~~board of probable cause to believe there is a violation and that such accounts and~~  
3 ~~records may have a substantial relation to the violation.~~ In the discharge of its  
4 duties, the ~~board~~ commission may cause the deposition of witnesses to be taken in  
5 the manner prescribed for taking depositions in civil actions in circuit court.

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

7 5.05 (1) (c) Bring civil actions to require a forfeiture for any violation of chs. 5  
8 to 10 or 12, subch. III of ch. 13, or subch. III of ch. 19 or a license revocation for any  
9 violation of subch. III of ch. 13 for which the offender is subject to a revocation. The  
10 ~~board~~ commission may compromise and settle any civil action or potential action  
11 brought or authorized to be brought by it which, in the opinion of the ~~board~~  
12 commission, constitutes a minor violation, a violation caused by excusable neglect,  
13 or which for other good cause shown, should not in the public interest be prosecuted  
14 under such chapter. Notwithstanding s. 778.06, a civil action or proposed civil action  
15 authorized under this paragraph may be settled for such sum as may be agreed  
16 between the parties. Any settlement made by the ~~board~~ commission shall be in such  
17 amount as to deprive the alleged violator of any benefit of his or her wrongdoing and  
18 may contain a penal component to serve as a deterrent to future violations. In  
19 settling civil actions or proposed civil actions, the ~~board~~ commission shall treat  
20 comparable situations in a comparable manner and shall assure that any settlement  
21 bears a reasonable relationship to the severity of the offense or alleged offense.  
22 Except as otherwise provided in sub. (2m) (c) 15. and 16. and ss. 5.08, and 5.081, and  
23 19.59 (8), forfeiture and license revocation actions brought by the ~~board~~ commission  
24 shall be brought in the circuit court for the county where the defendant resides, or  
25 if the defendant is a nonresident of this state, in circuit court for the county wherein

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1 the violation is alleged to occur. For purposes of this paragraph, a person other than  
2 a natural person an individual resides within a county if the person's principal place  
3 of operation is located within that county. Whenever the ~~board~~ commission enters  
4 into a settlement agreement with an individual who is accused of a civil violation of  
5 chs. 5 to 10 or 12, ~~subch. III of ch. 13, or subch. III of ch. 19~~ or who is investigated by  
6 the ~~board~~ commission for a possible civil violation of one of those provisions, the  
7 ~~board~~ commission shall reduce the agreement to writing, together with a statement  
8 of the ~~board's~~ commission's findings and reasons for entering into the agreement and  
9 shall retain the agreement and statement in its office for inspection.

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

11 5.05 (1) (d) Sue for injunctive relief, a writ of mandamus or prohibition, or other  
12 such legal or equitable relief as may be appropriate to enforce any law regulating the  
13 conduct of elections or election campaigns, other than laws regulating campaign  
14 financing, or ensure its proper administration. No bond is required in such actions.  
15 Actions shall be brought in circuit court for the county where a violation occurs or  
16 may occur.

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

18 5.05 (1) (e) ~~Delegate to its legal counsel the authority to intervene in a civil~~  
19 ~~action or proceeding under sub. (9), issue~~ Issue an order under s. 5.06, exempt a  
20 polling place from accessibility requirements under s. 5.25 (4) (a), exempt a  
21 municipality from the requirement to use voting machines or an electronic voting  
22 system under s. 5.40 (5m), approve an electronic data recording system for  
23 maintaining poll lists under s. 6.79, or authorize nonappointment of an individual  
24 who is nominated to serve as an election official under s. 7.30 (4) (e), ~~subject to such~~  
25 ~~limitations as the board deems appropriate.~~



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1           **SECTION 9.** 5.05 (1) (f) of the statutes is amended to read:

2           5.05 (1) (f) Promulgate rules under ch. 227 applicable to all jurisdictions for the  
3 purpose of interpreting or implementing the laws regulating the conduct of elections  
4 or election campaigns, other than laws regulating campaign financing, or ensuring  
5 their proper administration.

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

7           5.05 (1e) Any action by the ~~board~~ commission, except an action relating to  
8 procedure of the commission, requires the affirmative vote of at least ~~4~~ two-thirds  
9 of the members.

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

11          **SECTION 12.** 5.05 (2) of the statutes is renumbered 19.49 (2g) and amended to  
12 read:

13          19.49 (2g) AUDITING. In addition to the facial examination of reports and  
14 statements required under s. 11.21 (13), the ~~board~~ commission shall conduct an audit  
15 of reports and statements which are required to be filed with it to determine whether  
16 violations of ch. 11 have occurred. The ~~board~~ commission may examine records  
17 relating to matters required to be treated in such reports and statements. The ~~board~~  
18 commission shall make official note in the file of a candidate, committee, group or  
19 individual under ch. 11 of any error or other discrepancy which the ~~board~~ commission  
20 discovers and shall inform the person submitting the report or statement.

21          **SECTION 13.** 5.05 (2m) (a) of the statutes is amended to read:

22          5.05 (2m) (a) The ~~board~~ commission shall investigate violations of laws  
23 administered by the ~~board~~ commission and may prosecute alleged civil violations of  
24 those laws, directly or through its agents under this subsection, pursuant to all  
25 statutes granting or assigning that authority or responsibility to the ~~board~~

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1 commission. Prosecution of alleged criminal violations investigated by the board  
2 commission may be brought only as provided in par. (c) 11., 14., 15., and 16. and s.  
3 978.05 (1). For purposes of this subsection, the commission may only initiate an  
4 investigation of an alleged violation of chs. 5 to 10 and 12, other than an offense  
5 described under par. (c) 12., based on a sworn complaint filed with the commission,  
6 as provided under par. (c). Neither the commission nor any member or employee of  
7 the commission, including the commission administrator, may file a sworn complaint  
8 for purposes of this subsection.

9 **SECTION 14.** 5.05 (2m) (c) 2. a. of the statutes is amended to read:

10 5.05 (2m) (c) 2. a. Any person may file a complaint with the board commission  
11 alleging a violation of chs. 5 to 10 or 12, subch. III of ch. 13, or subch. III of ch. 19.  
12 No later than 5 days after receiving a complaint, the commission shall notify each  
13 person who or which the complaint alleges committed such a violation. Before voting  
14 on whether to take any action regarding the complaint, other than to dismiss, the  
15 commission shall give each person receiving a notice under this subd. 2. a. an  
16 opportunity to demonstrate to the commission, in writing and within 15 days after  
17 receiving the notice, that the commission should take no action against the person  
18 on the basis of the complaint. The commission may not conduct any investigation  
19 or take any other action under this subsection solely on the basis of a complaint by  
20 an unidentified complainant.

21 am. If the board commission finds, by a preponderance of the evidence, that a  
22 complaint is frivolous, the board commission may order the complainant to forfeit not  
23 more than the greater of \$500 or the expenses incurred by the ~~division~~ commission  
24 in investigating the complaint.

25 **SECTION 15.** 5.05 (2m) (c) 2. b. of the statutes is renumbered 19.49 (1m).

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1           **SECTION 16.** 5.05 (2m) (c) 3. of the statutes is repealed.

2           **SECTION 17.** 5.05 (2m) (c) 4. of the statutes is amended to read:

3           5.05 **(2m)** (c) 4. If the ~~board~~ commission reviews a complaint and fails to find  
4 that there is a reasonable suspicion that a violation under subd. 2. has occurred or  
5 is occurring, the ~~board~~ commission shall dismiss the complaint. If the ~~board~~  
6 commission believes that there is reasonable suspicion that a violation under subd.  
7 2. has occurred or is occurring, the ~~board~~ commission may by resolution authorize  
8 the commencement of an investigation. The resolution shall specifically set forth any  
9 matter that is authorized to be investigated. To assist in the investigation, the ~~board~~  
10 commission may elect to retain a special investigator. If the ~~board~~ commission elects  
11 to retain a special investigator, the administrator of the ~~ethics and accountability~~  
12 ~~division~~ commission shall submit to the ~~board~~ commission the names of 3 qualified  
13 individuals to serve as a special investigator. The ~~board~~ commission may retain one  
14 or more of the individuals. If the ~~board~~ commission retains a special investigator to  
15 investigate a complaint against a person who is a resident of this state, the ~~board~~  
16 commission shall provide to the district attorney for the county in which the person  
17 resides a copy of the complaint and shall notify the district attorney that it has  
18 retained a special investigator to investigate the complaint. For purposes of this  
19 subdivision, a person other than a ~~natural person~~ an individual resides within a  
20 county if the person's principal place of operation is located within that county. The  
21 ~~board~~ commission shall enter into a written contract with any individual who is  
22 retained as a special investigator setting forth the terms of the engagement. A  
23 special investigator who is retained by the ~~board~~ commission may request the ~~board~~  
24 commission to issue a subpoena to a specific person or to authorize the special  
25 investigator to request ~~a~~ the circuit court of the county in which the specific person

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1 resides to issue a search warrant. The ~~board~~ commission may grant the request by  
2 approving a motion to that effect at a meeting of the ~~board~~ commission if the ~~board~~  
3 commission finds that such action is legally appropriate.

4 **SECTION 18.** 5.05 (2m) (c) 5. (intro.) of the statutes is amended to read:

5 5.05 (2m) (c) 5. (intro.) Each special investigator who is retained by the ~~board~~  
6 commission shall make periodic reports to the ~~board~~ commission, as directed by the  
7 ~~board~~ commission, but in no case may the interval for reporting exceed 30 days. If  
8 the ~~board~~ commission authorizes the commission administrator of the ~~ethics and~~  
9 ~~accountability division~~ to investigate any matter without retaining a special  
10 investigator, the administrator shall make periodic reports to the ~~board~~ commission,  
11 as directed by the ~~board~~ commission, but in no case may the reporting interval exceed  
12 30 days. During the pendency of any investigation, the ~~board~~ commission shall meet  
13 for the purpose of reviewing the progress of the investigation at least once every 90  
14 days. The special investigator or the administrator shall report in person to the  
15 ~~board~~ commission at that meeting concerning the progress of the investigation. If,  
16 after receiving a report, the ~~board~~ commission does not vote to continue an  
17 investigation for an additional period not exceeding 90 days, the investigation is  
18 terminated at the end of the reporting interval. The ~~board~~ commission shall not  
19 expend more than \$10,000 \$25,000 to finance the cost of an investigation before  
20 receiving a report on the progress of the investigation and a recommendation to  
21 commit additional resources. The ~~board~~ commission may vote to terminate an  
22 investigation at any time. If an investigation is terminated, any complaint from  
23 which the investigation arose is deemed to be dismissed by the ~~board~~ commission.  
24 Unless an investigation is terminated by the ~~board~~ commission, at the conclusion of

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1 each investigation, the administrator shall present to the ~~board~~ commission one of  
2 the following:

3 **SECTION 19.** 5.05 (2m) (c) 6. a. of the statutes is amended to read:

4 5.05 (2m) (c) 6. a. If the ~~board~~ commission finds that there is probable cause  
5 to believe that a violation under subd. 2. has occurred or is occurring, the ~~board~~  
6 commission may authorize the commission administrator of the ~~ethics and~~  
7 ~~accountability division~~ to file a civil complaint against the alleged violator. In such  
8 case, the administrator may request the assistance of special counsel to prosecute  
9 any action brought by the ~~board~~ commission. If the administrator requests the  
10 assistance of special counsel with respect to any matter, the administrator shall  
11 submit to the ~~board~~ commission the names of 3 qualified individuals to serve as  
12 special counsel. The ~~board~~ commission may retain one of the individuals to act as  
13 special counsel. The staff of the ~~board~~ commission shall provide assistance to the  
14 special counsel as may be required by the counsel to carry out his or her  
15 responsibilities.

16 **SECTION 20.** 5.05 (2m) (c) 6. b. of the statutes is amended to read:

17 5.05 (2m) (c) 6. b. The ~~board~~ commission shall enter into a written contract with  
18 any individual who is retained as special counsel setting forth the terms of the  
19 engagement. The contract shall set forth the compensation to be paid such counsel  
20 by the state. The contract shall be executed on behalf of the state by the ~~board's~~ legal  
21 counsel, who commission and the commission shall file the contract in the office of  
22 the secretary of state. The compensation shall be charged to the appropriation under  
23 s. ~~20.505 (1) (d)~~ 20.510 (1) (br).

24 **SECTION 21.** 5.05 (2m) (c) 8. of the statutes is repealed.

25 **SECTION 22.** 5.05 (2m) (c) 12. of the statutes is amended to read:

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1           5.05 (2m) (c) 12. The ~~board may~~ commission shall, by rule, prescribe categories  
2 of civil offenses which the ~~board~~ commission will agree to compromise and settle  
3 without a formal investigation upon payment of specified amounts by the alleged  
4 offender. The ~~board~~ commission may authorize the commission administrator of the  
5 ~~ethics and accountability division~~ to compromise and settle such alleged offenses in  
6 the name of the ~~board~~ commission if the alleged offenses by an offender, in the  
7 aggregate, do not involve payment of more than \$1,000 \$2,500.

8           **SECTION 23.** 5.05 (2m) (c) 13. of the statutes is amended to read:

9           5.05 (2m) (c) 13. If a special investigator or the commission administrator of  
10 ~~the ethics and accountability division~~, in the course of an investigation authorized  
11 by the ~~board~~ commission, discovers evidence that a violation under subd. 2. that was  
12 not within the scope of the authorized investigation has occurred or is occurring, the  
13 special investigator or the administrator may present that evidence to the ~~board~~  
14 commission. If the ~~board~~ commission finds that there is a reasonable suspicion that  
15 a violation under subd. 2. that is not within the scope of the authorized investigation  
16 has occurred or is occurring, the ~~board~~ commission may authorize the special  
17 investigator or the administrator to investigate the alleged violation or may elect to  
18 authorize a separate investigation of the alleged violation as provided in subd. 4.

19           **SECTION 24.** 5.05 (2m) (c) 14. of the statutes is amended to read:

20           5.05 (2m) (c) 14. If a special investigator or the commission administrator of  
21 ~~the ethics and accountability division of the board~~, in the course of an investigation  
22 authorized by the ~~board~~ commission, discovers evidence of a potential violation of a  
23 law that is not administered by the ~~board~~ commission arising from or in relation to  
24 the official functions of the subject of the investigation or any matter that involves  
25 elections, ~~ethics, or lobbying regulation~~, the special investigator or the administrator



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1 may present that evidence to the ~~board~~ commission. The ~~board~~ commission may  
2 thereupon refer the matter to the appropriate district attorney specified in subd. 11.  
3 or may refer the matter to the attorney general. The attorney general may then  
4 commence a civil or criminal prosecution relating to the matter.

5 **SECTION 25.** 5.05 (2m) (d) 1. of the statutes is amended to read:

6 5.05 (2m) (d) 1. No individual who serves as the legal counsel to the board or  
7 as a ~~division~~ commission administrator for the board may have been a lobbyist, as  
8 defined in s. 13.62 (11). No such individual may have served in a partisan state or  
9 local office.

10 **SECTION 26.** 5.05 (2m) (g) of the statutes is repealed.

11 **SECTION 27.** 5.05 (2m) (h) of the statutes is amended to read:

12 5.05 (2m) (h) If the defendant in an action for a civil violation of chs. 5 to 10 or  
13 12, subch. III of ch. 13, or subch. III of ch. 19 is a district attorney or a circuit judge  
14 or a candidate for either such office, the action shall be brought by the ~~board~~  
15 commission. If the defendant in an action for a civil violation of chs. 5 to 10 or 12,  
16 subch. III of ch. 13, or subch. III of ch. 19 is the attorney general or a candidate for  
17 that office, the ~~board~~ commission may appoint special counsel to bring suit on behalf  
18 of the state.

19 **SECTION 28.** 5.05 (2m) (i) of the statutes is amended to read:

20 5.05 (2m) (i) If the defendant in an action for a criminal violation of chs. 5 to  
21 10 or 12, subch. III of ch. 13, or subch. III of ch. 19 is a district attorney or a circuit  
22 judge or a candidate for either such office, the action shall be brought by the attorney  
23 general. If the defendant in an action for a criminal violation of chs. 5 to 10 or 12,  
24 subch. III of ch. 13, or subch. III of ch. 19 is the attorney general or a candidate for

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1 that office, the ~~board~~ commission may appoint a special prosecutor to conduct the  
2 prosecution on behalf of the state.

3 **SECTION 29.** 5.05 (2m) (k) of the statutes is created to read:

4 5.05 (2m) (k) The commission's power to initiate civil actions under this  
5 subsection for the enforcement of chs. 5 to 10 or 12 shall be the exclusive remedy for  
6 alleged civil violations of chs. 5 to 10 or 12.

7 **SECTION 30.** 5.05 (2q) of the statutes is created to read:

8 5.05 (2q) SUPPLEMENTAL FUNDING FOR ONGOING INVESTIGATIONS. The commission  
9 may request supplemental funds to be credited to the appropriation account under  
10 s. 20.510 (1) (be) for the purpose of continuing an ongoing investigation initiated  
11 under sub. (2m). A request under this subsection shall be filed with the secretary of  
12 administration and the cochairpersons of the joint committee on finance in writing  
13 and shall contain a statement of the action requested, the purposes therefor, the  
14 statutory provision authorizing or directing the performance of the action, and  
15 information about the nature of the investigation for which the commission seeks  
16 supplemental funds, excluding the name of any individual or organization that is the  
17 subject of the investigation. If the cochairpersons of the joint committee on finance  
18 do not notify the secretary of administration that the committee has scheduled a  
19 meeting for the purpose of reviewing the request within 14 working days after the  
20 commission filed the request, the secretary shall supplement the appropriation  
21 under s. 20.510 (1) (be) from the appropriation under s. 20.505 (1) (d) in an amount  
22 not to exceed the amount the commission requested. If, within 14 working days after  
23 the commission filed the request, the cochairpersons of the joint committee on  
24 finance notify the secretary that the committee has scheduled a meeting for the  
25 purpose of reviewing the commission's request under this subsection, the secretary

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1 may supplement the appropriation under s. 20.510 (1) (be) only with the committee's  
2 approval. The committee and the secretary shall notify the commission of all their  
3 actions taken under this subsection.

4 **SECTION 31.** 5.05 (2s) of the statutes is repealed.

5 **SECTION 32.** 5.05 (2w) of the statutes is amended to read:

6 5.05 (2w) ELECTIONS ~~DIVISION~~ COMMISSION. The elections ~~division~~ commission  
7 has the responsibility for the administration of chs. 5 to 10 and 12. The commission  
8 administrator may designate a commission employee to serve as the commission's  
9 legal counsel.

10 **SECTION 33.** 5.05 (3d) of the statutes is created to read:

11 5.05 (3d) ADMINISTRATOR. The commission shall appoint an administrator in  
12 the manner provided under s. 15.61 (1) (b). The administrator shall be outside the  
13 classified service. The administrator shall appoint such other personnel as he or she  
14 requires to carry out the duties of the commission and may designate a commission  
15 employee to serve as the commission's legal counsel. The administrator shall  
16 perform such duties as the commission assigns to him or her in the administration  
17 of chs. 5 to 10 and 12.

18 **SECTION 34.** 5.05 (3g) of the statutes is amended to read:

19 5.05 (3g) CHIEF ELECTION OFFICER. The ~~board~~ commission administrator shall  
20 ~~designate an employee of the board to serve as the chief election officer of this state.~~

21 **SECTION 35.** 5.05 (5e) of the statutes is amended to read:

22 5.05 (5e) BIENNIAL ANNUAL REPORT. The ~~board~~ commission shall ~~include in its~~  
23 ~~biennial~~ submit an annual report under s. 15.04 (1) (d) and shall include in its annual  
24 report the names and duties of all individuals employed by the ~~board~~ commission and  
25 a summary of its determinations and advisory opinions issued under sub. (6a).

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1 Except as authorized or required under sub. (5s) (f) 2., the ~~board~~ commission shall  
2 make sufficient alterations in the summaries to prevent disclosing the identities of  
3 individuals or organizations involved in the decisions or opinions. ~~The board may~~  
4 ~~also include in its biennial report any information compiled under s. 11.21 (7)~~ The  
5 commission shall identify in its report the statutory duties of the commission  
6 administrator, together with a description of the manner in which those duties are  
7 being fulfilled. Notwithstanding sub. (5s) and s. 12.13 (5), the commission shall also  
8 specify in its report the total number of investigations conducted by the commission  
9 since the last annual report and a description of the nature of each investigation. The  
10 ~~board~~ commission shall make such further reports on the matters within its  
11 jurisdiction and such recommendations for further legislation as it deems desirable.

12 **SECTION 36.** 5.05 (5s) (intro.) of the statutes is amended to read:

13 5.05 (5s) ACCESS TO RECORDS. (intro.) Records obtained or prepared by the ~~board~~  
14 commission in connection with an investigation, including the full text of any  
15 complaint received by the ~~board~~ commission, are not subject to the right of inspection  
16 and copying under s. 19.35 (1), ~~except as provided in pars. (d) and (e) and except that~~  
17 follows:

18 **SECTION 37.** 5.05 (5s) (am) of the statutes is created to read:

19 5.05 (5s) (am) The commission shall provide to the joint committee on finance  
20 records obtained or prepared by the commission in connection with an ongoing  
21 investigation when required under sub. (2q).

22 **SECTION 38.** 5.05 (5s) (b) of the statutes is amended to read:

23 5.05 (5s) (b) Investigatory records of the ~~board~~ commission may be made public  
24 in the course of a prosecution initiated under chs. 5 to 10 or 12, ~~subch. III of ch. 13,~~  
25 ~~or subch. III of ch. 19.~~

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1           **SECTION 39.** 5.05 (5s) (bm) of the statutes, as created by 2015 Wisconsin Act 2,  
2 is amended to read:

3           5.05 (5s) (bm) The ~~board~~ commission shall provide investigatory records to the  
4 state auditor and the employees of the legislative audit bureau to the extent  
5 necessary for the bureau to carry out its duties under s. 13.94.

6           **SECTION 40.** 5.05 (5s) (d) of the statutes is amended to read:

7           5.05 (5s) (d) If the ~~board~~ commission commences a civil prosecution of a person  
8 for an alleged violation of chs. 5 to 10 or 12, ~~subch. III of ch. 13, or subch. III of ch.~~  
9 ~~19~~ as the result of an investigation, the person who is the subject of the investigation  
10 may authorize the ~~board~~ commission to make available for inspection and copying  
11 under s. 19.35 (1) records of the investigation pertaining to that person if the records  
12 are available by law to the subject person and the ~~board~~ commission shall then make  
13 those records available.

14           **SECTION 41.** 5.05 (5s) (f) 2. a. and b. of the statutes are consolidated,  
15 renumbered 5.05 (5s) (f) 2. a. and amended to read:

16           5.05 (5s) (f) 2. a. The ~~board~~ commission may make records obtained in  
17 connection with an informal advisory opinion under subd. 1. public with the consent  
18 of the individual requesting the informal advisory opinion or the organization or  
19 governmental body on whose behalf it is requested. ~~b.~~ A person who makes or  
20 purports to make public the substance of or any portion of an informal advisory  
21 opinion requested by or on behalf of the person is deemed to have waived the  
22 confidentiality of the request for an informal advisory opinion and of any records  
23 obtained or prepared by the ~~board~~ commission in connection with the request for an  
24 informal advisory opinion.

25           **SECTION 42.** 5.05 (5s) (f) 2. c. of the statutes is amended to read:

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1           5.05 (5s) (f) 2. c. The ~~board~~ commission shall make public formal and informal  
2 advisory opinions and records obtained in connection with requests for formal or  
3 informal advisory opinions relating to matters under the jurisdiction of the ~~elections~~  
4 ~~division~~ commission, including the identity of individuals requesting such opinions  
5 or organizations or governmental bodies on whose behalf they are requested.

6           **SECTION 43.** 5.05 (5t) of the statutes is created to read:

7           5.05 (5t) GUIDANCE FOLLOWING BINDING COURT DECISIONS. Within 2 months  
8 following the publication of a decision of a state or federal court that is binding on  
9 the commission and this state, the commission shall issue updated guidance or  
10 formal advisory opinions, commence the rule-making procedure to revise  
11 administrative rules promulgated by the commission, or request an opinion from the  
12 attorney general on the applicability of the court decision.

13           **SECTION 44.** 5.05 (6a) of the statutes is renumbered 5.05 (6a) (a) 1. and  
14 amended to read:

15           5.05 (6a) (a) 1. Any individual, either personally or on behalf of an organization  
16 or governmental body, may make a ~~written or electronic~~ request of the ~~board~~  
17 commission in writing, electronically, or by telephone for an a formal or informal  
18 advisory opinion regarding the propriety under chs. 5 to 10 or 12, subch. III of ch. 13,  
19 ~~or subch. III of ch. 19~~ of any matter to which the person is or may become a party;  
20 and any Any appointing officer, with the consent of a prospective appointee, may  
21 request of the ~~board~~ an commission a formal or informal advisory opinion regarding  
22 the propriety under chs. 5 to 10 or 12, subch. III of ch. 13, ~~or subch. III of ch. 19~~ of  
23 any matter to which the prospective appointee is or may become a party. The ~~board~~  
24 commission shall review a request for an advisory opinion and may issue a formal  
25 or informal written or electronic advisory opinion to the person making the request.



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1 Except as authorized or required for opinions specified in sub. (5s) (f) 2., the ~~board's~~  
2 commission's deliberations and actions upon such requests shall be in meetings not  
3 open to the public. ~~No person acting in good faith upon an advisory opinion issued~~  
4 ~~by the board is subject to criminal or civil prosecution for so acting, if the material~~  
5 ~~facts are as stated in the opinion request~~ A member of the commission may, by  
6 written request, require the commission to review an advisory opinion.

7 2. To have legal force and effect, each formal and informal advisory opinion  
8 issued by the ~~board~~ commission must be supported by specific legal authority under  
9 a statute or other law, or by specific case or common law authority. Each formal and  
10 informal advisory opinion shall include a citation to each statute or other law and  
11 each case or common law authority upon which the opinion is based, and shall  
12 specifically articulate or explain which parts of the cited authority are relevant to the  
13 ~~board's~~ commission's conclusion and why they are relevant.

14 (b) 1. The ~~board~~ commission may authorize its legal counsel the commission  
15 administrator or his or her designee to issue an informal written advisory opinion  
16 or to transmit an informal advisory opinion electronically on behalf of the ~~board~~  
17 commission, subject to such limitations as the ~~board~~ commission deems appropriate.  
18 Every informal advisory opinion shall be consistent with applicable formal advisory  
19 opinions issued by the ~~board~~. commission, statute or other law, and case law.

20 (a) 4. At each regular meeting of the commission, the administrator shall  
21 review informal advisory opinions requested of and issued by the administrator and  
22 that relate to recurring issues or issues of first impression for which no formal  
23 advisory opinion has been issued. The commission may determine to issue a formal  
24 advisory opinion adopting or modifying the informal advisory opinion. If the ~~board~~  
25 commission disagrees with an a formal or informal advisory opinion that has been

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1 issued ~~by or~~ on behalf of the ~~board~~ commission, the ~~board~~ commission may withdraw  
2 the opinion ~~or~~, issue a revised formal or informal advisory opinion and ~~not~~, or request  
3 an opinion from the attorney general. No person acting after the date of the  
4 withdrawal or issuance of the revised advisory opinion is exempted from prosecution  
5 under this subsection if the opinion upon which the person's action is based has been  
6 withdrawn or revised in relevant degree.

7 (a) 5. Except as authorized or required under sub. (5s) (f) 2., no member or  
8 employee of the ~~board~~ commission may make public the identity of the individual  
9 requesting a formal or informal advisory opinion or of individuals or organizations  
10 mentioned in the opinion.

11 (c) 2. Any person ~~receiving~~ requesting a formal ~~or informal~~ advisory opinion  
12 under this subsection ~~who disagrees with the opinion~~ paragraph may request a  
13 public or private hearing before the ~~board~~ commission to discuss the opinion. The  
14 ~~board~~ commission shall grant a request for a public or private hearing under this  
15 subsection. ~~After hearing the matter, the board may reconsider its opinion and may~~  
16 ~~issue a revised opinion to the person.~~ paragraph.

17 (c) 3. Promptly upon issuance of each formal advisory opinion ~~that is not open~~  
18 ~~to public access, the board~~ commission shall publish a summary of the opinion that  
19 ~~is consistent with applicable requirements~~ together with the information specified  
20 under sub. (5s) (f) 2. c. on the commission's Internet site.

21 **SECTION 45.** 5.05 (6a) (a) 3. of the statutes is created to read:

22 5.05 (6a) (a) 3. No person acting in good faith upon a formal or informal  
23 advisory opinion issued by the commission under this subsection is subject to  
24 criminal or civil prosecution for so acting, if the material facts are as stated in the  
25 opinion request.

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1           **SECTION 46.** 5.05 (6a) (b) 2. of the statutes is created to read:

2           5.05 **(6a)** (b) 2. Any individual may request in writing, electronically, or by  
3 telephone an informal advisory opinion from the commission under this paragraph.  
4 The commission’s designee shall provide a written response, a written reference to  
5 an applicable statute or law, or a written reference to a formal advisory opinion of the  
6 commission to the individual, or shall refer the request to the commission for review  
7 and the issuance of a formal advisory opinion.

8           **SECTION 47.** 5.05 (6a) (b) 3. of the statutes is created to read:

9           5.05 **(6a)** (b) 3. Any person receiving an informal advisory opinion under this  
10 paragraph may, at any time, request a formal advisory opinion from the commission  
11 on the same matter.

12           **SECTION 48.** 5.05 (6a) (c) 1. of the statutes is created to read:

13           5.05 **(6a)** (c) 1. Any individual may request in writing, electronically, or by  
14 telephone a formal advisory opinion from the commission or the review or  
15 modification of a formal advisory opinion issued by the commission under this  
16 paragraph. The individual making the request shall include all pertinent facts  
17 relevant to the matter. The commission shall review a request for a formal advisory  
18 opinion and may issue a formal advisory opinion to the individual making the  
19 request. Except as authorized or required for opinions specified in sub. (5s) (f) 2., the  
20 commission’s deliberations and actions upon such requests shall be in meetings not  
21 open to the public.

22           **SECTION 49.** 5.05 (6a) (c) 4. of the statutes is created to read:

23           5.05 **(6a)** (c) 4. If the commission declines to issue a formal advisory opinion,  
24 it may refer the matter to the attorney general or to the standing legislative oversight  
25 committees.

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1           **SECTION 50.** 5.05 (9) of the statutes is amended to read:

2           5.05 (9) STANDING. The ~~board~~ commission has standing to commence or  
3 intervene in any civil action or proceeding for the purpose of enforcing the laws  
4 regulating the conduct of elections or election campaigns, other than laws regulating  
5 campaign financing, or ensuring their proper administration. ~~If the board delegates~~  
6 ~~authority to its legal counsel under sub. (1) (e) to act in its stead, the legal counsel~~  
7 ~~has standing to commence or intervene in such an action or proceeding.~~

8           **SECTION 51.** 5.05 (10) of the statutes is amended to read:

9           5.05 (10) STATE ELECTION ADMINISTRATION PLAN. ~~With the assistance of the~~  
10 ~~election administration council and approval of the joint committee on finance as~~  
11 ~~provided in this subsection, the board~~ commission shall adopt and modify as  
12 necessary a state plan that meets the requirements of P.L. 107-252 to enable  
13 participation by this state in federal financial assistance programs authorized under  
14 that law. ~~The board~~ commission shall adopt the plan and any modifications only after  
15 publishing a class 1 notice under ch. 985 or posting on the Internet a statement  
16 describing the proposed plan or modification and receiving public comment thereon.  
17 After approval of the proposed plan or any modification of the plan by the ~~board~~  
18 commission, the ~~board~~ commission shall submit the proposed plan or modification  
19 to the joint committee on finance for the approval of the committee. ~~The board~~  
20 commission may adopt the proposed plan or modification only if the committee  
21 approves the proposed plan or modification.

22           **SECTION 52.** 5.05 (11) of the statutes is amended to read:

23           5.05 (11) AIDS TO COUNTIES AND MUNICIPALITIES. From the appropriations under  
24 s. ~~20.511~~ 20.510 (1) (t) and (x), the ~~board~~ commission may provide financial  
25 assistance to eligible counties and municipalities for election administration costs in

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1 accordance with the plan adopted under sub. (10). As a condition precedent to receipt  
2 of assistance under this subsection, the board commission shall enter into an  
3 agreement with the county or municipality receiving the assistance specifying the  
4 intended use of the assistance and shall ensure compliance with the terms of the  
5 agreement. Each agreement shall provide that if the federal government objects to  
6 the use of any assistance moneys provided to the county or municipality under the  
7 agreement, the county or municipality shall repay the amount of the assistance  
8 provided to the board commission.

9 **SECTION 53.** 5.05 (16) of the statutes is created to read:

10 5.05 (16) POLICIES AND PROCEDURES. (a) Annually, the commission shall adopt  
11 written policies and procedures in order to govern its internal operations and  
12 management and shall annually report such policies and procedures to the  
13 appropriate standing committees of the legislature under s. 13.172 (3).

14 (b) Notwithstanding par. (a), the commission may reconsider at any time any  
15 policy or procedure adopted as provided under par. (a). If, upon reconsideration, the  
16 commission revises a previously reported policy or procedure, the commission shall  
17 report the revision to the appropriate standing committees of the legislature under  
18 s. 13.172 (3).

19 (c) The commission may reconsider at any time any written directives or  
20 written guidance provided to the general public or to any person subject to the  
21 provisions of chs. 5 to 10 and 12 with regard to the enforcement and administration  
22 of those provisions.

23 **SECTION 54.** 5.05 (17) of the statutes is created to read:

24 5.05 (17) PAYMENTS. The commission may accept payment by credit card, debit  
25 card, or other electronic payment mechanism for any amounts owed pursuant to the

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1 administration of chs. 5 to 10 or 12, and may charge a surcharge to the payer to  
2 recover charges associated with the acceptance of that electronic payment.

3 **SECTION 55.** 5.052 of the statutes is repealed.

4 **SECTION 56.** 5.054 of the statutes is repealed.

5 **SECTION 57.** 5.055 of the statutes is amended to read:

6 **5.055 Election assistance commission standards board.** The commission  
7 administrator of the elections division of the board shall, in consultation with the  
8 board commission, appoint an individual to represent this state as a member of the  
9 federal election assistance commission standards board. The administrator shall  
10 also conduct and supervise a process for the selection of an election official by county  
11 and municipal clerks and boards of election commissioners to represent local election  
12 officials of this state as a member of the federal election assistance commission  
13 standards board. The administrator shall ensure that the members of the federal  
14 election assistance commission standards board representing this state shall at no  
15 time be members of the same political party. Upon appointment or election of any  
16 new member of the federal election assistance commission standards board  
17 representing this state, the administrator shall transmit a notice of that member's  
18 appointment or election to the officer or agency designated by federal law.

19 **SECTION 58.** 5.056 of the statutes is amended to read:

20 **5.056 Matching program with secretary of transportation.** The  
21 commission administrator of the elections division of the board shall enter into the  
22 agreement with the secretary of transportation specified under s. 85.61 (1) to match  
23 personally identifiable information on the official registration list maintained by the  
24 board commission under s. 6.36 (1) with personally identifiable information  
25 maintained by the department of transportation.



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1           **SECTION 59.** 5.07 of the statutes is amended to read:

2           **5.07 Action to compel compliance.** Whenever a violation of the laws  
3 regulating the conduct of elections or election campaigns, other than a violation of  
4 the laws regulating campaign financing, occurs or is proposed to occur, the attorney  
5 general or the district attorney of the county where the violation occurs or is proposed  
6 to occur may sue for injunctive relief, a writ of mandamus or prohibition, or other  
7 such legal or equitable relief as may be appropriate to compel compliance with the  
8 law. No bond is required in such actions.

9           **SECTION 60.** 5.08 of the statutes is amended to read:

10           **5.08 Petition for enforcement.** In addition to or in lieu of filing a complaint,  
11 any elector may file a verified petition alleging such facts as are within his or her  
12 knowledge to indicate that an election official has failed or is failing to comply with  
13 any law regulating the conduct of elections or election campaigns, other than a law  
14 regulating campaign financing, or proposes to act in a manner inconsistent with such  
15 a law, and requesting that an action be commenced for injunctive relief, a writ of  
16 mandamus or prohibition or other such legal or equitable relief as may be  
17 appropriate to compel compliance with the law. The petition shall be filed with the  
18 district attorney for the county having jurisdiction to prosecute the alleged failure  
19 to comply under s. 978.05 (1) and (2). The district attorney may then commence the  
20 action or dismiss the petition. If the district attorney declines to act upon the petition  
21 or if the district attorney fails to act upon the petition within 15 days of the date of  
22 filing, the petitioner may file the same petition with the attorney general, who may  
23 then commence the action.

24           **SECTION 61.** 5.09 of the statutes is repealed.

25           **SECTION 62.** 5.40 (7) of the statutes is amended to read:

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1           5.40 (7) Whenever a municipality adopts and purchases voting machines or an  
2 electronic voting system, or adopts and purchases a different type of voting machine  
3 or electronic voting system from the type it was previously using, the municipal clerk  
4 or executive director of the municipal board of election commissioners shall promptly  
5 notify the county clerk or executive director of the county board of election  
6 commissioners and the administrator of the elections ~~division of the board~~  
7 commission in writing.

8           **SECTION 63.** 5.58 (2) of the statutes is amended to read:

9           5.58 (2) STATE SUPERINTENDENT OF PUBLIC INSTRUCTION; JUDICIARY; COUNTY  
10 EXECUTIVE; COUNTY COMPTROLLER; AND COUNTY SUPERVISORS. There shall be one  
11 separate ballot for state superintendent, judicial officers, county executive under s.  
12 59.17, and county supervisor, except as authorized in s. 5.655. In counties having a  
13 population of 750,000 or more, the ballot shall also include the office of comptroller  
14 and in counties having a population of 500,000 or more, the ballot shall also include  
15 those offices under s. 8.11 (2) (b) and (2m). The arrangement of names of candidates  
16 for state superintendent, justice, court of appeals judge, and circuit court judge shall  
17 be determined by the ~~board~~ commission in the manner specified in s. 5.60 (1) (b).  
18 Arrangement of the names of candidates for county executive, county comptroller,  
19 and county supervisor shall be determined by the county clerk or by the executive  
20 director of the county board of election commissioners in the manner specified in s.  
21 5.60 (1) (b).

22           **SECTION 64.** 5.58 (2m) of the statutes is amended to read:

23           5.58 (2m) METROPOLITAN SEWERAGE COMMISSION. Except as authorized in s.  
24 5.655, there shall be a separate ballot for members of the metropolitan sewerage  
25 commission if commissioners are elected under s. 200.09 (11) (am), with candidates

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1 for different seats listed in separate columns or rows if more than one seat is  
2 contested at any election. Arrangement of the names on the ballot shall be  
3 determined by the ~~board~~ elections commission.

4 **SECTION 65.** 5.60 (1) (b) of the statutes is amended to read:

5 5.60 (1) (b) The ~~board~~ elections commission shall certify the candidates' names  
6 and designate the official ballot arrangement for candidates for state  
7 superintendent, justice, court of appeals judge, and for circuit judge and, ~~if~~  
8 ~~commissioners are elected under s. 200.09 (11) (am), the for~~ metropolitan sewerage  
9 commission commissioners elected under s. 200.09 (11) (am). The arrangement of  
10 names of all candidates on the ballot whose nomination papers are filed with the  
11 ~~board~~ elections commission shall be determined by the ~~board~~ elections commission  
12 by the drawing of lots not later than the 2nd Tuesday in January, or the next day if  
13 the first Tuesday is a holiday. Whenever a primary is held for an office, a 2nd drawing  
14 of all candidates for that office shall be held by or under the supervision of the ~~board~~  
15 elections commission not later than the 3rd day following the completion of the  
16 primary canvass to determine the arrangement of candidates on the election ballot.

17 **SECTION 66.** 5.62 (4) (b) of the statutes is amended to read:

18 5.62 (4) (b) The county board of election commissioners in counties having a  
19 population of more than 750,000 shall prepare the official primary ballot. The  
20 commissioners shall arrange the names of all candidates for each office whose  
21 nomination papers are filed at the county level, using the same method as that used  
22 by the ~~government accountability board~~ elections commission under s. 5.60 (1) (b).

23 **SECTION 67.** 5.68 (3m) of the statutes is repealed.

24 **SECTION 68.** 5.93 of the statutes is amended to read:

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1           **5.93 Administration.** The ~~board may~~ commission shall promulgate  
2 reasonable rules for the administration of this subchapter.

3           **SECTION 69.** 6.26 (3) of the statutes is amended to read:

4           6.26 (3) The ~~board~~ commission shall, by rule, prescribe procedures for  
5 appointment of special registration deputies, for revocation of appointments of  
6 special registration deputies, and for training of special registration deputies by  
7 municipal clerks and boards of election commissioners. The procedures shall be  
8 coordinated with training programs for special registration deputies conducted by  
9 municipal clerks under s. 7.315 and shall be formulated to promote increased  
10 registration of electors consistent with the needs of municipal clerks and boards of  
11 election commissioners to efficiently administer the registration process.

12           **SECTION 70.** 6.275 (1) (f) of the statutes, as created by 2013 Wisconsin Act 148,  
13 is amended to read:

14           6.275 (1) (f) The total number of postcards sent by the municipal clerk or board  
15 of election commissioners under s. 6.56 (3), the total number of such postcards  
16 returned to the municipal clerk or board of election commissioners because the  
17 elector did not reside at the address given on the postcard, the total number of  
18 electors whose status was changed from eligible to ineligible on the registration list  
19 as a result of the audit under s. 6.56 (3), and the number of individuals referred to  
20 the district attorney under s. 6.56 (3). The municipal clerk or board of election  
21 commissioners shall provide the information described under this paragraph to the  
22 ~~board~~ elections commission and the county clerk or county board of election  
23 commissioners at the earliest practicable time after, but no later than 90 days after,  
24 each primary and election at which a state or national office is filled or a statewide  
25 referendum is held, including any special election. The municipal clerk or board of

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1 election commissioners shall update the information described under this paragraph  
2 on a monthly basis and shall submit, on a monthly basis, any such updated  
3 information to the ~~board~~ elections commission and the county clerk or county board  
4 of election commissioners.

5 **SECTION 71.** 6.275 (2) of the statutes is amended to read:

6 6.275 (2) Upon receipt of each report filed under this section, the county clerk  
7 or board of election commissioners shall forward one copy to the ~~board~~ elections  
8 commission within 7 days.

9 **SECTION 72.** 6.275 (2) of the statutes, as affected by 2013 Wisconsin Act 148 and  
10 2015 Wisconsin Act .... (this act), is repealed and recreated to read:

11 6.275 (2) Upon receipt of each report filed under this section, the commission  
12 shall, within 7 days of receiving the report, publish the information on its Internet  
13 site. The commission shall update the information published under this subsection  
14 on a monthly basis.

15 **SECTION 73.** 6.33 (5) (a) of the statutes is amended to read:

16 6.33 (5) (a) Except as provided in par. (b) and this paragraph, whenever a  
17 municipal clerk receives a valid registration or valid change of a name or address  
18 under an existing registration and whenever a municipal clerk changes a  
19 registration from eligible to ineligible status, the municipal clerk shall promptly  
20 enter electronically on the list maintained by the ~~board~~ commission under s. 6.36 (1)  
21 the information required under that subsection. Except as provided in par. (b) and  
22 this paragraph, the municipal clerk may update any entries that change on the date  
23 of an election other than a general election within 30 days after the date of that  
24 election, and may update any entries that change on the date of a general election  
25 within 45 days after the date of that election. ~~The legal counsel of the board~~

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1 commission administrator may, upon request of a municipal clerk, permit the clerk  
2 to update entries that change on the date of a general election within 60 days after  
3 that election. The municipal clerk shall provide to the ~~board~~ commission information  
4 that is confidential under s. 6.47 (2) in such manner as the ~~board~~ commission  
5 prescribes.

6 **SECTION 74.** 6.36 (1) (b) 1. a. of the statutes is amended to read:

7 6.36 (1) (b) 1. a. Except as provided in pars. (bm) and (bn), no person other than  
8 an employee of the ~~board~~ commission, a county clerk, a deputy county clerk, an  
9 executive director of a county board of election commissioners, a deputy designated  
10 by the executive director, a municipal clerk, a deputy municipal clerk, an executive  
11 director of a city board of election commissioners, or a deputy designated by the  
12 executive director may view the date of birth, operator's license number, or social  
13 security account number of an elector, the address of an elector to whom an  
14 identification serial number is issued under s. 6.47 (3), or any indication of an  
15 accommodation required under s. 5.25 (4) (a) to permit voting by an elector.

16 **SECTION 75.** 6.36 (1) (bm) of the statutes is amended to read:

17 6.36 (1) (bm) The ~~board~~ commission or any municipal clerk or board of election  
18 commissioners may transfer any information in the registration list to which access  
19 is restricted under par. (b) 1. a. to a law enforcement agency, as defined in s. 165.77  
20 (1) (b), to be used for law enforcement purposes.

21 **SECTION 76.** 6.36 (2) (a) of the statutes is amended to read:

22 6.36 (2) (a) Except as provided in par. (b), each registration list prepared for use  
23 as a poll list at a polling place or for purposes of canvassing absentee ballots at an  
24 election shall contain the full name and address of each registered elector; a blank  
25 column for the entry of the serial number of the electors when they vote or the poll



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1 list number used by the municipal board of absentee ballot canvassers in canvassing  
2 absentee ballots; an indication next to the name of each elector for whom proof of  
3 residence under s. 6.34 is required; a space for entry of the type of and the name of  
4 the entity or institution that issued the identifying document submitted by the  
5 elector as proof of residence when proof of residence under s. 6.34 is required; a space  
6 for entry of the elector’s signature, or if another person signed the elector’s  
7 registration form for the elector by reason of the elector’s physical disability, the word  
8 “exempt”; and a form of certificate bearing the certification of the commission  
9 administrator ~~of the elections division of the board~~ stating that the list is a true and  
10 complete registration list of the municipality or the ward or wards for which the list  
11 is prepared. The ~~board~~ commission shall, by rule, prescribe the space and location  
12 for entry of each elector’s signature on the poll list which shall provide for entry of  
13 the signature without changing the orientation of the poll list from the orientation  
14 used by the election officials.

15 **SECTION 77.** 6.50 (2g) of the statutes is amended to read:

16 6.50 (2g) The ~~board~~ commission may delegate to a municipal clerk or board of  
17 election commissioners of a municipality the responsibility to change the  
18 registration status of electors when required under sub. (2).

19 **SECTION 78.** 6.50 (7) of the statutes is amended to read:

20 6.50 (7) When an elector’s registration is changed from eligible to ineligible  
21 status, the ~~board~~ commission, municipal clerk, or board of election commissioners  
22 shall make an entry on the registration list, giving the date of and reason for the  
23 change.

24 **SECTION 79.** 6.56 (3) of the statutes is amended to read:

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1           6.56 (3) Upon receipt of the list under sub. (1), the municipal clerk or board of  
2 election commissioners shall make an audit of all electors registering to vote at the  
3 polling place or other registration location under s. 6.55 (2) and all electors  
4 registering by agent on election day under s. 6.86 (3) (a) 2. unless the clerk or board  
5 of election commissioners receives notice from the ~~board~~ elections commission under  
6 sub. (7) that the ~~board~~ elections commission will perform the audit. The audit shall  
7 be made by 1st class postcard. The postcard shall be marked in accordance with  
8 postal regulations to ensure that it will be returned to the clerk, board of election  
9 commissioners, or ~~government accountability board~~ elections commission if the  
10 elector does not reside at the address given on the postcard. If any postcard is  
11 returned undelivered, or if the clerk, board of election commissioners, or ~~government~~  
12 ~~accountability board~~ elections commission is informed of a different address than the  
13 one specified by the elector which was apparently improper on the day of the election,  
14 the clerk, board of election commissioners, or ~~government accountability board~~  
15 elections commission shall change the status of the elector from eligible to ineligible  
16 on the registration list, mail the elector a notice of the change in status, and provide  
17 the name of the elector to the district attorney for the county where the polling place  
18 is located and the ~~government accountability board~~ elections commission.

19           **SECTION 80.** 6.95 of the statutes is amended to read:

20           **6.95 Voting procedure for challenged electors.** Whenever the inspectors  
21 under ss. 6.92 to 6.94 receive the vote of a person offering to vote who has been  
22 challenged, the inspectors shall, before giving the elector a ballot, write on the back  
23 of the ballot the serial number of the challenged person corresponding to the number  
24 kept at the election on the poll list, or other list maintained under s. 6.79, and the  
25 notation “s. 6.95”. If voting machines are used in the municipality where the person

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1 is voting, the person's vote may be received only upon an absentee ballot furnished  
2 by the municipal clerk which shall have the corresponding serial number from the  
3 poll list or other list maintained under s. 6.79 and the notation "s. 6.95" written on  
4 the back of the ballot by the inspectors before the ballot is given to the elector. The  
5 inspectors shall indicate on the list the reason for the challenge. The inspectors shall  
6 then deposit the ballot. The challenged ballots shall be counted under s. 5.85 or 7.51.  
7 The municipal board of canvassers may decide any challenge when making its  
8 canvass under s. 7.53. If the returns are reported under s. 7.60, a challenge may be  
9 reviewed by the county board of canvassers. If the returns are reported under s. 7.70,  
10 a challenge may be reviewed by the chairperson of the ~~board~~ commission or the  
11 chairperson's designee. The decision of any board of canvassers or of the chairperson  
12 or chairperson's designee may be appealed under s. 9.01. The standard for  
13 disqualification specified in s. 6.325 shall be used to determine the validity of  
14 challenged ballots.

15 **SECTION 81.** 6.96 of the statutes is amended to read:

16 **6.96 Voting procedure for electors voting pursuant to federal court**  
17 **order.** Whenever any elector is allowed to vote at a polling place pursuant to a  
18 federal court order after the closing time provided under s. 6.78, the inspectors shall,  
19 before giving the elector a ballot, write on the back of the ballot the notation "s. 6.96".  
20 If voting machines are used in the municipality where the elector is voting, the  
21 elector's vote may be received only upon an absentee ballot furnished by the  
22 municipal clerk which shall have the notation "s. 6.96" written on the back of the  
23 ballot by the inspectors before the ballot is given to the elector. When receiving the  
24 elector's ballot, the inspectors shall provide the elector with the written voting  
25 information prescribed by the ~~board~~ commission under s. 7.08 (8). The inspectors

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1 shall indicate on the list the fact that the elector is voting pursuant to a federal court  
2 order. The inspectors shall then deposit the ballot. The ballot shall be counted under  
3 s. 5.85 or 7.51 unless the order is vacated. If the order is vacated after the ballot is  
4 counted, the appropriate board or boards of canvassers or the chairperson of the  
5 ~~board~~ commission or his or her designee shall reopen the canvass to discount any  
6 ballots that were counted pursuant to the vacated order and adjust the statements,  
7 certifications, and determinations accordingly.

8 **SECTION 82.** 6.97 (1) of the statutes is amended to read:

9 6.97 (1) Whenever any individual who is required to provide proof of residence  
10 under s. 6.34 in order to be permitted to vote appears to vote at a polling place and  
11 cannot provide the required proof of residence, the inspectors shall offer the  
12 opportunity for the individual to vote under this section. Whenever any individual,  
13 other than a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as  
14 defined in s. 6.34 (1) (b), or an elector who has a confidential listing under s. 6.47 (2),  
15 appears to vote at a polling place and does not present proof of identification under  
16 s. 6.79 (2), whenever required, the inspectors or the municipal clerk shall similarly  
17 offer the opportunity for the individual to vote under this section. If the individual  
18 wishes to vote, the inspectors shall provide the elector with an envelope marked  
19 “Ballot under s. 6.97, stats.” on which the serial number of the elector is entered and  
20 shall require the individual to execute on the envelope a written affirmation stating  
21 that the individual is a qualified elector of the ward or election district where he or  
22 she offers to vote and is eligible to vote in the election. The inspectors shall, before  
23 giving the elector a ballot, write on the back of the ballot the serial number of the  
24 individual corresponding to the number kept at the election on the poll list or other  
25 list maintained under s. 6.79 and the notation “s. 6.97”. If voting machines are used

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1 in the municipality where the individual is voting, the individual's vote may be  
2 received only upon an absentee ballot furnished by the municipal clerk which shall  
3 have the corresponding number from the poll list or other list maintained under s.  
4 6.79 and the notation "s. 6.97" written on the back of the ballot by the inspectors  
5 before the ballot is given to the elector. When receiving the individual's ballot, the  
6 inspectors shall provide the individual with written voting information prescribed  
7 by the ~~board~~ commission under s. 7.08 (8). The inspectors shall indicate on the list  
8 the fact that the individual is required to provide proof of residence or proof of  
9 identification under s. 6.79 (2) but did not do so. The inspectors shall notify the  
10 individual that he or she may provide proof of residence or proof of identification to  
11 the municipal clerk or executive director of the municipal board of election  
12 commissioners. The inspectors shall also promptly notify the municipal clerk or  
13 executive director of the name, address, and serial number of the individual. The  
14 inspectors shall then place the ballot inside the envelope and place the envelope in  
15 a separate carrier envelope.

16 **SECTION 83.** 7.03 (1) (a) of the statutes is amended to read:

17 7.03 (1) (a) Except as authorized under this paragraph, a reasonable daily  
18 compensation shall be paid to each inspector, voting machine custodian, automatic  
19 tabulating equipment technician, member of a board of canvassers, messenger, and  
20 tabulator who is employed and performing duties under chs. 5 to 12. Daily  
21 compensation shall also be provided to inspectors and inspector trainees for  
22 attendance at training programs conducted by the ~~board~~ commission and municipal  
23 clerks under ss. 7.31 and 7.315. Alternatively, such election officials and trainees  
24 may be paid by the hour at a proportionate rate for each hour actually worked. Any  
25 election official or trainee may choose to volunteer his or her services by filing with

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1 the municipal clerk of the municipality in which he or she serves a written  
2 declination to accept compensation. The volunteer status of the election official or  
3 trainee remains effective until the official or trainee files a written revocation with  
4 the municipal clerk.

5 **SECTION 84.** 7.03 (1) (b) of the statutes is amended to read:

6 7.03 (1) (b) Except as provided in par. (bm), any compensation owed shall be  
7 paid by the municipality in which the election is held, except that any compensation  
8 payable to a technician, messenger, tabulator, or member of the board of canvassers  
9 who is employed to perform services for the county shall be paid by the county and  
10 compensation payable to any messenger or tabulator who is employed to perform  
11 services for the state shall be paid by the ~~board~~ commission.

12 **SECTION 85.** 7.03 (2) of the statutes is amended to read:

13 7.03 (2) The amount of compensation of election officials, when authorized or  
14 required, shall be fixed by the appropriate county board of supervisors, municipal  
15 governing body, or municipal board of election commissioners in cities over 500,000  
16 population. The ~~board~~ commission shall fix the amount to be paid any person  
17 employed to perform duties for the state. If the ~~board~~ commission employs an  
18 individual to perform duties which are the responsibility of a county or municipality,  
19 the ~~board~~ commission shall charge the expense to the county or municipality.

20 **SECTION 86.** 7.08 (title) of the statutes is amended to read:

21 **7.08 (title) Government accountability board Elections commission.**

22 **SECTION 87.** 7.08 (1) (a) of the statutes is amended to read:

23 7.08 (1) (a) Prescribe all official ballot forms necessary under chs. 5 to 10 and  
24 12 and revise the official ballot forms to harmonize with legislation and the current  
25 official status of the political parties whenever necessary. The ~~board~~ commission

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1 shall include on each ballot form, in the space for official endorsement, markings or  
2 spaces for identifying a ballot as an overvoted ballot, a duplicate overvoted ballot, a  
3 damaged ballot, or a duplicate damaged ballot, and for writing an identifying serial  
4 number. The ~~board~~ commission shall provide one copy of each ballot form without  
5 charge to each county and municipal clerk and board of election commissioners. The  
6 ~~board~~ commission shall distribute or arrange for distribution of additional copies.  
7 The prescribed forms shall be substantially followed in all elections under chs. 5 to  
8 10 and 12.

9 **SECTION 88.** 7.08 (4) of the statutes is amended to read:

10 7.08 (4) ELECTION LAWS. Publish the election laws. The ~~board~~ commission shall  
11 sell or distribute or arrange for the sale or distribution of copies of the election laws  
12 to county and municipal clerks and boards of election commissioners and members  
13 of the public.

14 **SECTION 89.** 7.15 (1) (g) of the statutes is amended to read:

15 7.15 (1) (g) Report suspected election frauds, irregularities or violations of  
16 which the clerk has knowledge to the district attorney for the county where the  
17 suspected activity occurs and to the ~~board~~ commission.

18 **SECTION 90.** 7.15 (1) (g) of the statutes, as affected by 2013 Wisconsin Act 148  
19 and 2015 Wisconsin Act .... (this act), is repealed and recreated to read:

20 7.15 (1) (g) In the manner prescribed by the commission, report suspected  
21 election frauds, irregularities, or violations of which the clerk has knowledge to the  
22 district attorney for the county where the suspected activity occurs and to the  
23 commission. The commission shall annually report the information obtained under  
24 this paragraph to the legislature under s. 13.172 (2).

25 **SECTION 91.** 7.41 (5) of the statutes is amended to read:



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1           7.41 (5) The ~~board may~~ commission shall promulgate rules that are consistent  
2 with the requirements of sub. (2) regarding the proper conduct of individuals  
3 exercising the right under sub. (1), including the interaction of those individuals with  
4 inspectors and other election officials.

5           **SECTION 92.** 7.52 (1) (a) of the statutes is amended to read:

6           7.52 (1) (a) The governing body of any municipality may provide by ordinance  
7 that, in lieu of canvassing absentee ballots at polling places under s. 6.88, the  
8 municipal board of absentee ballot canvassers designated under s. 7.53 (2m) shall,  
9 at each election held in the municipality, canvass all absentee ballots received by the  
10 municipal clerk by 8 p.m. on election day. Prior to enacting an ordinance under this  
11 subsection, the municipal clerk or board of election commissioners of the  
12 municipality shall notify the ~~board~~ elections commission in writing of the proposed  
13 enactment and shall consult with the ~~board~~ elections commission concerning  
14 administration of this section. At every election held in the municipality following  
15 enactment of an ordinance under this subsection, the board of absentee ballot  
16 canvassers shall, any time after the opening of the polls and before 10 p.m. on election  
17 day, publicly convene to count the absentee ballots for the municipality. The  
18 municipal clerk shall give at least 48 hours' notice of any meeting under this  
19 subsection. Any member of the public has the same right of access to a meeting of  
20 the municipal board of absentee ballot canvassers under this subsection that the  
21 individual would have under s. 7.41 to observe the proceedings at a polling place. The  
22 board of absentee ballot canvassers may order the removal of any individual  
23 exercising the right to observe the proceedings if the individual disrupts the meeting.

24           **SECTION 93.** 7.60 (4) (a) of the statutes is amended to read:

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1           7.60 (4) (a) The board of canvassers shall make separate duplicate statements  
2 showing the numbers of votes cast for the offices of president and vice president; state  
3 officials; U.S. senators and representatives in congress; state legislators; justice;  
4 court of appeals judge; circuit judges; district attorneys; and metropolitan sewerage  
5 commissioners, if the commissioners are elected under s. 200.09 (11) (am). If a  
6 municipal judge elected under s. 755.01 (4) serves a municipality that is located  
7 partially within the county and candidates for that judgeship file nomination papers  
8 in another county, the board of canvassers shall prepare a duplicate statement  
9 showing the numbers of votes cast for that judgeship in that county for transmittal  
10 to the other county. For partisan candidates, the statements shall include the  
11 political party or principle designation, if any, next to the name of each candidate.  
12 The board of canvassers shall also prepare a statement showing the results of any  
13 county, technical college district, or statewide referendum. Each statement shall  
14 state the total number of votes cast in the county for each office; the names of all  
15 persons for whom the votes were cast, as returned; the number of votes cast for each  
16 person; and the number of votes cast for and against any question submitted at a  
17 referendum. The board of canvassers shall use one copy of each duplicate statement  
18 to report to the ~~government accountability board~~ elections commission, technical  
19 college district board, or board of canvassers of any other county and shall file the  
20 other statement in the office of the county clerk or board of election commissioners.

21           **SECTION 94.** 7.60 (5) of the statutes is amended to read:

22           7.60 (5) REPORTING. (a) Immediately following the canvass, the county clerk  
23 shall deliver or transmit to the ~~government accountability board~~ elections  
24 commission a certified copy of each statement of the county board of canvassers for  
25 president and vice president, state officials, senators and representatives in

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1 congress, state legislators, justice, court of appeals judge, circuit judge, district  
2 attorney, and metropolitan sewerage commissioners, if the commissioners are  
3 elected under s. 200.09 (11) (am). The statement shall record the returns for each  
4 office or referendum by ward, unless combined returns are authorized under s. 5.15  
5 (6) (b) in which case the statement shall record the returns for each group of  
6 combined wards. Following primaries the county clerk shall enclose on forms  
7 prescribed by the ~~government accountability board~~ elections commission the names,  
8 party or principle designation, if any, and number of votes received by each candidate  
9 recorded in the same manner. The county clerk shall deliver or transmit the certified  
10 statement to the ~~government accountability board~~ elections commission no later  
11 than 9 days after each primary except the partisan primary, no later than 10 days  
12 after the partisan primary and any other election except the general election, and no  
13 later than 14 days after the general election. The board of canvassers shall deliver  
14 or transmit a certified copy of each statement for any technical college district  
15 referendum to the secretary of the technical college district board.

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

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1 transmit a certified corrected copy of the canvass statement to the government  
2 accountability board elections commission or secretary of the technical college  
3 district board.

4 **SECTION 95.** 7.70 (3) (b) of the statutes is amended to read:

5 7.70 (3) (b) The commission chairperson of the board or the chairperson's  
6 designee shall examine the certified statements of the county boards of canvassers.  
7 If it appears that any material mistake has been made in the computation of votes,  
8 or any county board of canvassers failed to canvass the votes or omitted votes from  
9 any ward or election district in the county, the commission chairperson of the board  
10 or the chairperson's designee may dispatch a messenger to the county clerk with  
11 written instructions to certify the facts concerning the mistake or the reason why the  
12 votes were not canvassed. A clerk to whom such instructions are delivered shall  
13 immediately make a true and full answer, sign it, affix the county seal and deliver  
14 it to the messenger. The messenger shall deliver it with all possible dispatch to the  
15 board commission.

16 **SECTION 96.** 7.70 (3) (i) of the statutes is amended to read:

17 7.70 (3) (i) The commission chairperson of the board or the chairperson's  
18 designee shall canvass only regular returns made by the county board of canvassers  
19 and shall not count or canvass any additional or supplemental returns or statements  
20 made by the county board or any other board or person. The commission chairperson  
21 of the board or the chairperson's designee shall not count or canvass any statement  
22 or return which has been made by the county board of canvassers at any other time  
23 than that provided in s. 7.60. This provision does not apply to any return made  
24 subsequent to a recount under s. 9.01, when the return is accepted in lieu of any prior  
25 return from the same county for the same office; or to a statement given to the

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1 commission chairperson of the board or chairperson's designee or a messenger sent  
2 by the chairperson or designee to obtain a correction.

3 **SECTION 97.** 7.70 (5) (a) of the statutes is amended to read:

4 7.70 (5) (a) The ~~board~~ commission shall record in its office each certified  
5 statement and determination made by the commission chairperson of the board or  
6 the chairperson's designee. Immediately after the expiration of the time allowed to  
7 file a petition for recount, the ~~board~~ commission shall make and transmit to each  
8 person declared elected a certificate of election under the seal of the ~~board~~  
9 commission. It shall also prepare similar certificates, attested by the commission  
10 administrator of the elections ~~division of the board~~, addressed to the U.S. house of  
11 representatives, stating the names of those persons elected as representatives to the  
12 congress from this state. In the case of U.S. senators, the ~~board~~ commission shall  
13 prepare a certificate of election for the governor's signature, and the governor shall  
14 sign and affix the great seal of the state and transmit the certificate to the president  
15 of the U.S. senate. The certificate shall be countersigned by the secretary of state.  
16 If a person elected was elected to fill a vacancy, the certificate shall so state indicate.  
17 When a valid petition for recount is filed, the commission chairperson of the ~~board~~  
18 or the chairperson's designee may not certify a nomination, and the governor or  
19 ~~board~~ commission may not issue a certificate of election until the recount has been  
20 completed and the time allowed for filing an appeal has passed, or if appealed until  
21 the appeal is decided.

22 **SECTION 98.** 8.05 (1) (j) 3. of the statutes is amended to read:

23 8.05 (1) (j) 3. A candidate for municipal judge shall, in addition to making the  
24 filings required under subd. 2., file a statement of economic interests with the ~~board~~  
25 ethics commission under s. 19.43 (4) no later than 4:30 p.m. on the 5th day after

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1 notification of nomination is mailed or personally delivered to the candidate, or no  
2 later than 4:30 p.m. on the next business day after the last day for filing a declaration  
3 of candidacy whenever that candidate is granted an extension of time for filing a  
4 declaration of candidacy under subd. 2.

5 **SECTION 99.** 8.10 (5) of the statutes is amended to read:

6 8.10 (5) Nomination papers shall be accompanied by a declaration of candidacy  
7 under s. 8.21. If a candidate has not filed a registration statement under s. 11.05 at  
8 the time he or she files nomination papers, the candidate shall file the statement  
9 with the papers. A candidate for state office or municipal judge shall also file a  
10 statement of economic interests with the ~~board~~ ethics commission under s. 19.43 (4)  
11 no later than 4:30 p.m. on the 3rd day following the last day for filing nomination  
12 papers under sub. (2) (a), or no later than 4:30 p.m. on the next business day after  
13 the last day whenever that candidate is granted an extension of time for filing  
14 nomination papers under sub. (2) (a).

15 **SECTION 100.** 8.10 (6) (a) of the statutes is amended to read:

16 8.10 (6) (a) For state offices or seats on a metropolitan sewerage commission,  
17 if the commissioners are elected under s. 200.09 (11) (am), in the office of the ~~board~~  
18 elections commission.

19 **SECTION 101.** 8.15 (4) (b) of the statutes is amended to read:

20 8.15 (4) (b) Nomination papers shall be accompanied by a declaration of  
21 candidacy under s. 8.21. If a candidate for state or local office has not filed a  
22 registration statement under s. 11.05 at the time he or she files nomination papers,  
23 the candidate shall file the statement with the papers. A candidate for state office  
24 shall also file a statement of economic interests with the ~~board~~ ethics commission  
25 under s. 19.43 (4) no later than 4:30 p.m. on the 3rd day following the last day for

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1 filing nomination papers under sub. (1), or no later than 4:30 p.m. on the next  
2 business day after the last day whenever that candidate is granted an extension of  
3 time for filing nomination papers under sub. (1).

4 **SECTION 102.** 8.17 (9) (a) of the statutes is amended to read:

5 8.17 (9) (a) If a county has no committee as provided by sub. (5) (a), residents  
6 of that county may voluntarily form a committee, which, upon approval of the state  
7 committee and certification by the secretary of the state committee to the board  
8 commission and the county clerk or board of election commissioners, shall then  
9 become the county committee with equal standing as if it had been organized under  
10 sub. (5) (a). This standing shall remain unless and until a committee is organized  
11 under sub. (5) (a).

12 **SECTION 103.** 8.20 (6) of the statutes is amended to read:

13 8.20 (6) Nomination papers shall be accompanied by a declaration of candidacy  
14 under s. 8.21. If a candidate for state or local office has not filed a registration  
15 statement under s. 11.05 at the time he or she files nomination papers, the candidate  
16 shall file the statement with the papers. A candidate for state office shall also file  
17 a statement of economic interests with the board ethics commission under s. 19.43  
18 (4) no later than 4:30 p.m. on the 3rd day following the last day for filing nomination  
19 papers under sub. (8) (a), or no later than 4:30 p.m. on the next business day after  
20 the last day whenever that candidate is granted an extension of time for filing  
21 nomination papers under sub. (8) (a).

22 **SECTION 104.** 8.20 (7) of the statutes is amended to read:

23 8.20 (7) Nomination papers shall be filed in the office of the board commission  
24 for all state offices and the offices of U.S. senator and representative in congress, and  
25 in the office of county clerk or board of election commissioners for all county offices.



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1           **SECTION 105.** 8.30 (2m) of the statutes is amended to read:

2           8.30 **(2m)** The official or agency with whom nomination papers and  
3           declarations of candidacy are required to be filed shall not place a candidate's name  
4           on the ballot if the candidate's name is ineligible for ballot placement under s. 5.05  
5           (2m) (d) 2. ~~or 15.60 (6), 15.61 (3), or 19.49 (2) (c) 2.~~

6           **SECTION 106.** 8.50 (1) (a) of the statutes is amended to read:

7           8.50 **(1)** (a) When there is to be a special election, the special election for county  
8           office shall be ordered by the county board of supervisors except as provided in s.  
9           17.21 (5); the special election for city office shall be ordered by the common council;  
10          the special election for village office shall be ordered by the board of trustees; the  
11          special election for town office shall be ordered by the town board of supervisors; the  
12          special election for school board member in a school district organized under ch. 119  
13          shall be ordered by the school board; the special election for municipal judge shall  
14          be ordered by the governing body of the municipality, except in 1st class cities, or if  
15          the judge is elected under s. 755.01 (4) jointly by the governing bodies of all  
16          municipalities served by the judge; and all other special elections shall be ordered  
17          by the governor. When the governor or attorney general issues the order, it shall be  
18          filed and recorded in the office of the ~~board~~ commission. When the county board of  
19          supervisors issues the order, it shall be filed and recorded in the office of the county  
20          clerk. When the county executive issues the order, it shall be filed in the office of the  
21          county board of election commissioners. When the common council issues the order,  
22          it shall be filed in the office of the city clerk. When the board of trustees issues the  
23          order, it shall be filed in the office of the village clerk. When the town board of  
24          supervisors issues the order, it shall be filed in the office of the town clerk. When the  
25          school board of a school district organized under ch. 119 issues the order, it shall be

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1 filed and recorded in the office of the city board of election commissioners. If a  
2 municipal judge is elected under s. 755.01 (4), the order shall be filed in the office of  
3 the county clerk or board of election commissioners of the county having the largest  
4 portion of the population of the jurisdiction served by the judge.

5 **SECTION 107.** 8.50 (3) (a) of the statutes is amended to read:

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

22 **SECTION 108.** 8.50 (3) (e) of the statutes is amended to read:

23 8.50 (3) (e) In a special election for a state or national office, the county clerk  
24 or board of election commissioners shall transmit the statement of the county board

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1 of canvassers to the ~~government accountability board~~ elections commission no later  
2 than 7 days after the special primary and 13 days after the special election.

3 **SECTION 109.** 9.01 (1) (a) 1. of the statutes is amended to read:

4 9.01 (1) (a) 1. Any candidate voted for at any election or any elector who voted  
5 upon any referendum question at any election may petition for a recount. The  
6 petitioner shall file a verified petition or petitions with the proper clerk or body under  
7 par. (ar) not earlier than the time of completion of the canvass following canvassing  
8 of any valid provisional and absentee ballots under ss. 6.97 (4) and 7.515 (6) and,  
9 except as provided in this subdivision, not later than 5 p.m. on the 3rd business day  
10 following the last meeting day of the municipal or county board of canvassers  
11 determining the election for that office or on that referendum question following  
12 canvassing of all valid provisional and absentee ballots or, if more than one board of  
13 canvassers makes the determination, not later than 5 p.m. on the 3rd business day  
14 following the last meeting day of the last board of canvassers which makes a  
15 determination following canvassing of all valid provisional and absentee ballots. If  
16 the commission chairperson of the ~~board~~ or chairperson's designee makes the  
17 determination for the office or the referendum question, the petitioner shall file the  
18 petition not earlier than the last meeting day of the last county board of canvassers  
19 to make a statement in the election or referendum following canvassing of all valid  
20 provisional and absentee ballots and not later than 5 p.m. on the 3rd business day  
21 following the day on which the ~~government accountability board~~ commission  
22 receives the last statement from a county board of canvassers for the election or  
23 referendum following canvassing of all valid provisional and absentee ballots.

24 **SECTION 110.** 9.01 (1) (a) 4. of the statutes is amended to read:

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1           9.01 (1) (a) 4. The petition under subd. 1. may be amended to include  
2 information discovered as a result of the investigation of the board of canvassers or  
3 the commission chairperson of the ~~board~~, or chairperson's designee, after the filing  
4 of the petition if the petitioner moves to amend the petition as soon as possible after  
5 the petitioner discovers, or reasonably should have discovered, the information that  
6 is the subject of the amendment and if the petitioner was unable to include the  
7 information in the original petition.

8           **SECTION 111.** 9.01 (1) (ag) 4. of the statutes is amended to read:

9           9.01 (1) (ag) 4. The ~~board~~ commission shall deposit all moneys received by it  
10 into the account under s. ~~20.511~~ 20.510 (1) (g), and shall pay the fees required for each  
11 recount to the county clerks of the counties in which the recount is to be held. The  
12 county clerk shall deposit fees received by him or her with the county treasurer. The  
13 municipal clerk shall deposit fees received by him or her with the municipal  
14 treasurer.

15           **SECTION 112.** 9.01 (1) (ar) 3. of the statutes is amended to read:

16           9.01 (1) (ar) 3. Whenever a clerk receives a valid petition and any payment  
17 under par. (ag) 3., the clerk shall thereupon notify the proper board of canvassers.  
18 Whenever the ~~board~~ commission receives a valid petition and any payment under  
19 par. (ag) 3., the ~~board~~ commission shall promptly by certified mail or other  
20 expeditious means order the proper county boards of canvassers to commence the  
21 recount. County boards of canvassers shall convene no later than 9 a.m. on the  
22 second day after receipt of an order and may adjourn for not more than one day at  
23 a time until the recount is completed in the county, except that the ~~board~~ commission  
24 may permit extension of the time for adjournment. Returns from a recount ordered  
25 by the ~~board~~ commission shall be transmitted to the office of the ~~board~~ commission

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1 as soon as possible, but in no case later than 13 days from the date of the order of the  
2 board commission directing the recount. The commission chairperson of the board  
3 or the chairperson's designee may not make a determination in any election if a  
4 recount is pending before any county board of canvassers in that election. The  
5 commission chairperson of the board or the chairperson's designee need not recount  
6 actual ballots, but shall verify the returns of the county boards of canvassers in  
7 making his or her determinations.

8 **SECTION 113.** 9.01 (5) (a) of the statutes is amended to read:

9 9.01 (5) (a) The board of canvassers or the commission chairperson of the board  
10 or the chairperson's designee shall keep complete minutes of all proceedings before  
11 the board of canvassers or the chairperson or designee. The minutes shall include  
12 a record of objections and offers of evidence. If the board of canvassers or the  
13 commission chairperson or the chairperson's designee receives exhibits from any  
14 party, the board of canvassers or the chairperson or designee shall number and  
15 preserve the exhibits. The board of canvassers or the chairperson or chairperson's  
16 designee shall make specific findings of fact with respect to any irregularity raised  
17 in the petition or discovered during the recount. Any member of the board of  
18 canvassers or the chairperson or chairperson's designee may administer oaths,  
19 certify official acts, and issue subpoenas for purposes of this section. Witness fees  
20 shall be paid by the county. In the case of proceedings before the commission  
21 chairperson of the board or chairperson's designee, witness fees shall be paid by the  
22 board commission.

23 **SECTION 114.** 9.01 (5) (bm) of the statutes is amended to read:

24 9.01 (5) (bm) Upon the completion of its proceedings, a board of canvassers  
25 shall deliver to the board commission one copy of the minutes of the proceedings kept

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1 under par. (a). In addition, in the case of a recount of an election for state or national  
2 office, for each candidate whose name appears on the ballot for that office under the  
3 name of a political party, the board of canvassers shall deliver one copy of the minutes  
4 to the chief officer, if any, who is named in any registration statement filed under s.  
5 11.05 (1) by the state committee of that political party, and in the case of a recount  
6 of an election for county office, for each candidate whose name appears on the ballot  
7 for that office under the name of a political party, the board of canvassers shall  
8 deliver one copy of the minutes to the chief officer, if any, who is named in any  
9 registration statement filed under s. 11.05 (1) by the county committee of that  
10 political party.

11 **SECTION 115.** 9.01 (5) (c) of the statutes is amended to read:

12 9.01 (5) (c) If the recount is made by a municipal or county board of canvassers  
13 and the result is required to be reported to a county board of canvassers or to the  
14 commission chairperson ~~of the board~~ or the chairperson's designee, the board of  
15 canvassers making the initial recount shall immediately certify the results to the  
16 county board of canvassers or to the commission chairperson ~~of the board~~ or designee.  
17 If a county board of canvassers receives such results, it shall then convene not later  
18 than 9 a.m. on the next business day following receipt to examine the returns and  
19 determine the results. If the commission chairperson ~~of the board~~ or the  
20 chairperson's designee receives such results, the chairperson or designee shall  
21 publicly examine the returns and determine the results not later than 9 a.m. on the  
22 3rd business day following receipt, but if that day is earlier than the latest day  
23 permitted for that election under s. 7.70 (3) (a), the commission chairperson ~~of the~~  
24 ~~board~~ or designee may examine the returns and determine the results not later than  
25 the day specified in s. 7.70 (3) (a).

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1           **SECTION 116.** 9.01 (6) (a) of the statutes is amended to read:

2           9.01 (6) (a) Within 5 business days after completion of the recount  
3 determination by the board of canvassers in all counties concerned, or within 5  
4 business days after completion of the recount determination by the commission  
5 chairperson ~~of the board~~ or the chairperson's designee whenever a determination is  
6 made by the chairperson or designee, any candidate, or any elector when for a  
7 referendum, aggrieved by the recount may appeal to circuit court. The appeal shall  
8 commence by serving a written notice of appeal on the other candidates and persons  
9 who filed a written notice of appearance before each board of canvassers whose  
10 decision is appealed, or in the case of a statewide recount, before the commission  
11 chairperson ~~of the board~~ or the chairperson's designee. The appellant shall also serve  
12 notice on the board commission if the commission chairperson ~~of the board~~ or the  
13 chairperson's designee is responsible for determining the election. The appellant  
14 shall serve the notice by certified mail or in person. The appellant shall file the notice  
15 with the clerk of circuit court together with an undertaking and surety in the amount  
16 approved by the court, conditioned upon the payment of all costs taxed against the  
17 appellant.

18           **SECTION 117.** 9.01 (7) (a) of the statutes is amended to read:

19           9.01 (7) (a) The court with whom an appeal is filed shall forthwith issue an  
20 order directing each affected county ~~or~~, municipal clerk, or board, and the  
21 commission, to transmit immediately all ballots, papers and records affecting the  
22 appeal to the clerk of court or to impound and secure such ballots, papers and records,  
23 or both. The order shall be served upon each affected county ~~or~~, municipal clerk, or  
24 board, the commission, and all other candidates and persons who filed a written  
25 notice of appearance before any board of canvassers involved in the recount.



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1           **SECTION 118.** 9.01 (8) (a) of the statutes is amended to read:

2           9.01 (8) (a) Unless the court finds a ground for setting aside or modifying the  
3 determination of the board of canvassers or the commission chairperson ~~of the board~~  
4 or chairperson’s designee, it shall affirm the determination.

5           **SECTION 119.** 9.01 (8) (c) of the statutes is amended to read:

6           9.01 (8) (c) The court may not receive evidence not offered to the board of  
7 canvassers or the commission chairperson or the chairperson’s designee except for  
8 evidence that was unavailable to a party exercising due diligence at the time of the  
9 recount or newly discovered evidence that could not with due diligence have been  
10 obtained during the recount, and except that the court may receive evidence not  
11 offered at an earlier time because a party was not represented by counsel in all or part  
12 of a recount proceeding. A party who fails to object or fails to offer evidence of a defect  
13 or irregularity during the recount waives the right to object or offer evidence before  
14 the court except in the case of evidence that was unavailable to a party exercising due  
15 diligence at the time of the recount or newly discovered evidence that could not with  
16 due diligence have been obtained during the recount or evidence received by the  
17 court due to unavailability of counsel during the recount.

18           **SECTION 120.** 9.01 (8) (d) of the statutes is amended to read:

19           9.01 (8) (d) The court shall set aside or modify the determination of the board  
20 of canvassers or the commission chairperson ~~of the board~~ or the chairperson’s  
21 designee if it finds that the board of canvassers or the chairperson or chairperson’s  
22 designee has erroneously interpreted a provision of law and a correct interpretation  
23 compels a particular action. If the determination depends on any fact found by the  
24 board of canvassers or the commission chairperson or the chairperson’s designee, the  
25 court may not substitute its judgment for that of the board of canvassers or the

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1 chairperson or designee as to the weight of the evidence on any disputed finding of  
2 fact. The court shall set aside the determination if it finds that the determination  
3 depends on any finding of fact that is not supported by substantial evidence.

4 **SECTION 121.** 9.01 (10) of the statutes is amended to read:

5 9.01 (10) STANDARD FORMS AND METHODS. The ~~government accountability board~~  
6 commission shall prescribe standard forms and procedures for the making of  
7 recounts under this section. The procedures prescribed by the ~~government~~  
8 ~~accountability board~~ commission shall require the boards of canvassers in recounts  
9 involving more than one board of canvassers to consult with the ~~government~~  
10 ~~accountability board~~ commission staff prior to beginning any recount in order to  
11 ensure that uniform procedures are used, to the extent practicable, in such recounts.

12 **SECTION 122.** 10.06 (1) (title) of the statutes is amended to read:

13 10.06 (1) (title) ~~GOVERNMENT ACCOUNTABILITY BOARD~~ ELECTIONS COMMISSION.

14 **SECTION 123.** 11.01 (4m) of the statutes is created to read:

15 11.01 (4m) “Commission” means the ethics commission.

16 **SECTION 124.** 11.09 of the statutes is amended to read:

17 **11.09 Duplicate reports required in certain cases. (3)** Each registrant  
18 whose filing officer is the ~~board~~ commission, who or which makes disbursements in  
19 connection with elections for offices which serve or referenda which affect only one  
20 county or portion thereof, except a candidate, personal campaign committee,  
21 political party committee or other committee making disbursements in support of or  
22 in opposition to a candidate for state senator, representative to the assembly, court  
23 of appeals judge or circuit judge, shall file a duplicate original of each financial report  
24 filed with the ~~board~~ commission with the county clerk or board of election  
25 commissioners of the county in which the elections in which the registrant

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1 participates are held. Such reports shall be filed no later than the dates specified  
2 under s. 11.20 (2) and (4) for the filing of each report with the board commission.

3 (4) In every case where a duplicate report is filed by the board commission or  
4 by any person under sub. (3), the board commission shall transmit a certified  
5 duplicate copy of the registration statement to each county clerk or board of election  
6 commissioners with whom a duplicate report is filed.

7 **SECTION 125.** 11.21 (title) of the statutes is amended to read:

8 **11.21 (title) Duties of the ~~government accountability board~~ ethics**  
9 **commission.**

10 **SECTION 126.** 11.21 (7) (intro.) of the statutes is amended to read:

11 11.21 (7) (intro.) Include in its ~~biennial~~ annual report under s. ~~15.04 (1) (d)~~  
12 19.47 (5) compilations of any of the following in its discretion:

13 **SECTION 127.** 11.30 (2) (fm) of the statutes is amended to read:

14 11.30 (2) (fm) This subsection does not apply to communications printed on  
15 pins, buttons, pens, balloons, nail files and similar small items on which the  
16 information required by this subsection cannot be conveniently printed. The board  
17 ~~may~~ commission shall, by rule, specify small items not mentioned in this paragraph  
18 to which this subsection shall not apply.

19 **SECTION 128.** 11.60 (4) of the statutes is amended to read:

20 11.60 (4) Except as otherwise provided in ss. ~~5.05 (2m) (e) 15. and 16. and (h),~~  
21 ~~5.08, and 5.081~~ 19.49 (2) (b) 13. and 14. and (g) and 19.554, actions under this section  
22 may be brought by the board commission or by the district attorney for the county  
23 where the defendant resides or, if the defendant is a nonresident, by the district  
24 attorney for the county where the violation is alleged to have occurred. For purposes

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1 of this subsection, a person other than a ~~natural person~~ an individual resides within  
2 a county if the person's principal place of operation is located within that county.

3 **SECTION 129.** 11.61 (2) of the statutes is amended to read:

4 11.61 (2) Except as otherwise provided in ss. ~~5.05 (2m) (e) 15. and 16. and (i),~~  
5 ~~5.08, and 5.081~~ 19.49 (2) (b) 13. and 14. and (h), and 19.554, all prosecutions under  
6 this section shall be conducted by the district attorney for the county where the  
7 defendant resides or, if the defendant is a nonresident, by the district attorney for the  
8 county where the violation is alleged to have occurred. For purposes of this  
9 subsection, a person other than a ~~natural person~~ an individual resides within a  
10 county if the person's principal place of operation is located within that county.

11 **SECTION 130.** 12.01 of the statutes is renumbered 12.01 (intro.) and amended  
12 to read:

13 **12.01 Definitions.** (intro.) The definitions given under s. 11.01 apply to this  
14 chapter, except that a "candidate" as follows:

15 (1) "Candidate" includes candidates a candidate for national office.

16 **SECTION 131.** 12.01 (2) of the statutes is created to read:

17 12.01 (2) "Commission" means the elections commission.

18 **SECTION 132.** 12.13 (5) (a) of the statutes is amended to read:

19 12.13 (5) (a) Except as specifically authorized by law and except as provided  
20 in par. (b), no investigator, prosecutor, employee of an investigator or prosecutor, or  
21 member or employee of the ~~board~~ commission may disclose information related to an  
22 investigation or prosecution under chs. 5 to 10 or 12, ~~subch. III of ch. 13, or subch.~~  
23 ~~III of ch. 19~~ or any other law specified in s. 978.05 (1) or (2) or provide access to any  
24 record of the investigator, prosecutor, or the ~~board~~ commission that is not subject to  
25 access under s. 5.05 (5s) to any person other than an employee or agent of the

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1 prosecutor or investigator or a member, employee, or agent of the ~~board~~ commission  
2 prior to ~~presentation of~~ presenting the information or record in a court of law.

3 **SECTION 133.** 13.123 (3) (b) 2. of the statutes is amended to read:

4 13.123 (3) (b) 2. In making the determination under subd. 1., the chief clerk is  
5 bound by the determination of the chairperson of the ~~government accountability~~  
6 ~~board~~ elections commission or the chairperson's designee if such determination has  
7 been issued.

8 **SECTION 134.** 13.23 of the statutes is amended to read:

9 **13.23 Election contests; notice.** Any person wishing to contest the election  
10 of any senator or member of the assembly shall, within 30 days after the decision of  
11 the board of canvassers, serve a notice in writing on the person whose election the  
12 contestant intends to contest, stating briefly that the election will be contested and  
13 the cause of such contest, and shall file a copy thereof in the office of the ~~government~~  
14 ~~accountability board~~ elections commission at least 10 days before the day fixed by  
15 law for the meeting of the legislature. The ~~government accountability board~~  
16 elections commission shall then send a copy of s. 13.24 to both contestants. If any  
17 contestant fails to so file a copy of such notice, the contestant shall not be entitled to  
18 any mileage or salary in case payment has been made therefor to the sitting member.

19 **SECTION 135.** 13.62 (4) of the statutes is repealed.

20 **SECTION 136.** 13.62 (5m) of the statutes is created to read:

21 13.62 (5m) "Commission" means the ethics commission.

22 **SECTION 137.** 13.63 (1) (a) of the statutes is amended to read:

23 13.63 (1) (a) An ~~application~~ applicant for a license to act as a lobbyist may be  
24 ~~obtained~~ obtain an application from and ~~filed~~ file the application with the ~~board~~  
25 commission. Except as authorized under par. (am), an applicant shall include his or

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1 her social security number on the application. The ~~application~~ applicant shall be  
2 signed, under the penalty for making false statements under s. 13.69 (6m), by the  
3 lobbyist sign the application. The applicant shall submit with the application the  
4 applicable fee under s. 13.75 (1) or (1m). Upon approval of the application and  
5 ~~payment of the applicable license fee under s. 13.75 (1) or (1m) to the board by the~~  
6 commission, the board commission shall issue a license ~~which~~ to the applicant. A  
7 license issued under this paragraph entitles the licensee to practice lobbying on  
8 behalf of each registered principal ~~who or which has filed~~ for whom or which an  
9 authorization for that lobbyist, as required under s. 13.65 ~~for that lobbyist, has been~~  
10 filed and paid for whom or which the authorization fee under s. 13.75 (4). ~~The~~ has  
11 been paid. A license issued under this paragraph shall expire on December 31 of each  
12 even-numbered year.

13 **SECTION 138.** 13.685 of the statutes is amended to read:

14 **13.685 Duties of the ~~government accountability board~~ ethics**  
15 **commission**. (1) The board commission shall prescribe forms and instructions for  
16 preparing and filing license applications under s. 13.63 (1), registration applications  
17 under s. 13.64 and the statements required under ss. 13.68 and 13.695.

18 (2) The board commission shall prepare and publish a manual setting forth  
19 recommended uniform methods of accounting and reporting for use by persons who  
20 are required to provide information under s. 13.68 (4) or to file statements under s.  
21 13.68 or 13.695.

22 (3) The board commission shall examine each statement filed under s. 13.68.

23 (4) The board commission shall, by rule, define what constitutes a “topic” for  
24 purposes of ss. 13.67 and 13.68 (1) (bn).

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1           (7) Beginning with the 3rd Tuesday following the beginning of any regular or  
2 special session of the legislature and on every Tuesday thereafter for the duration  
3 of such session, the ~~board~~ commission shall, from its records, submit to the chief clerk  
4 of each house of the legislature, for distribution to the legislature under s. 13.172 (2),  
5 a report of the names of lobbyists licensed under s. 13.63 and the names of officers  
6 and employees of agencies filed under s. 13.695 who were not previously reported,  
7 the names of the principals or agencies whom they represent and the general areas  
8 of legislative and administrative action which are the object of their lobbying activity.  
9 Such reports shall be incorporated into the journal of the senate and a copy filed in  
10 the office of the chief clerk of the assembly. The ~~board~~ commission shall also notify  
11 the chief clerk of each house that a copy of each statement which is required to be filed  
12 under ss. 13.68 and 13.695 is available upon request. Such copy shall be open to  
13 public inspection but shall not be incorporated in the journal unless the chief clerk  
14 so orders. The ~~board~~ commission shall include in its biennial report under s. 15.04  
15 (1) (d), a summary of the statements it has received under ss. 13.68 and 13.695.

16           **SECTION 139.** 14.38 (10m) of the statutes is amended to read:

17           14.38 (10m) NOTIFICATION OF CONSTITUTIONAL AMENDMENT. If an amendment to  
18 the Wisconsin Constitution is approved that requires the legislature to provide for  
19 temporary succession to the powers and duties of public offices for the period of an  
20 emergency resulting from a cause other than an enemy action, within 30 days after  
21 the ~~government accountability board~~ elections commission records the approval  
22 under s. 7.70 (3) (h), notify the legislature that the amendment has been approved.

23           **SECTION 140.** 15.01 (2) of the statutes is amended to read:

24           15.01 (2) “Commission” means a 3-member governing body in charge of a  
25 department or independent agency or of a division or other subunit within a



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1 department, except for the Wisconsin waterways commission which shall consist of  
2 5 members, the elections commission which shall consist of at least 6 members, the  
3 ethics commission which shall consist of at least 6 members, and the parole  
4 commission which shall consist of 8 members. A Wisconsin group created for  
5 participation in a continuing interstate body, or the interstate body itself, shall be  
6 known as a “commission”, but is not a commission for purposes of s. 15.06. The parole  
7 commission created under s. 15.145 (1) shall be known as a “commission”, but is not  
8 a commission for purposes of s. 15.06.

9 **SECTION 141.** 15.04 (1) (d) of the statutes is amended to read:

10 15.04 (1) (d) *Biennial report.* On or before October 15 of each odd-numbered  
11 year, submit to the governor and the chief clerk of each house of the legislature, for  
12 distribution to the legislature under s. 13.172 (2), a report on the performance and  
13 operations of the department or independent agency during the preceding biennium,  
14 and projecting the goals and objectives of the department or independent agency as  
15 developed for the program budget report. The secretary of administration may  
16 prescribe the format of the report and may require such other information deemed  
17 appropriate. Each department or independent agency shall provide a copy of its  
18 biennial report to legislators upon request. Any department or independent agency  
19 may issue such additional reports on its findings and recommendations as its  
20 operations require. A department or independent agency may, on or before October  
21 15, submit an annual report prepared by it, in place of the biennial report required  
22 under this paragraph, if the submission of the annual reports is approved by the  
23 secretary of administration or is otherwise required by law.

24 **SECTION 142.** 15.06 (1) (d) of the statutes is created to read:

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1           15.06 (1) (d) Members of the elections commission shall be appointed and serve  
2 terms as provided under s. 15.61.

3           **SECTION 143.** 15.06 (1) (e) of the statutes is created to read:

4           15.06 (1) (e) Members of the ethics commission shall be appointed and serve  
5 terms as provided under s. 15.62.

6           **SECTION 144.** 15.06 (2) of the statutes, as affected by 2015 Wisconsin Act 55,  
7 is renumbered 15.06 (2) (a) and amended to read:

8           15.06 (2) (a) ~~Each~~ Except as provided in par. (b), each commission may annually  
9 elect officers other than a chairperson from among its members as its work requires.  
10 Any officer may be reappointed or reelected. At the time of making new nominations  
11 to commissions, the governor shall designate a member or nominee of each  
12 commission, other than the public service commission, and except as provided in par.  
13 (b), to serve as the commission's chairperson for a 2-year term expiring on March 1  
14 of the odd-numbered year except that the labor and industry review commission  
15 shall elect one of its members to serve as the commission's chairperson for a 2-year  
16 term expiring on March 1 of the odd-numbered year.

17           **SECTION 145.** 15.06 (2) (b) of the statutes is created to read:

18           15.06 (2) (b) 1. The chairperson of the elections commission shall be chosen by  
19 affirmative vote of at least two-thirds of the commission members at the  
20 commission's first meeting each year.

21           2. The chairperson of the ethics commission shall be chosen by affirmative vote  
22 of at least two-thirds of the commission members at the commission's first meeting  
23 each year.

24           **SECTION 146.** 15.06 (3) (a) 5. of the statutes is created to read:

25           15.06 (3) (a) 5. Members of the elections commission.

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1           **SECTION 147.** 15.06 (3) (a) 6. of the statutes is created to read:

2           15.06 (3) (a) 6. Members of the ethics commission.

3           **SECTION 148.** 15.06 (5) of the statutes is amended to read:

4           15.06 (5) FREQUENCY OF MEETINGS; PLACE. Every commission shall meet on the  
5 call of the chairperson or a majority of its members. Every commission shall  
6 maintain its offices in Madison, but may meet or hold hearings at such other  
7 locations as will best serve the citizens of this state. The elections commission and  
8 the ethics commission shall meet in person at least 4 times each year.

9           **SECTION 149.** 15.06 (6) of the statutes is amended to read:

10           15.06 (6) QUORUM. A majority of the membership of a commission constitutes  
11 a quorum to do business, except that vacancies shall not prevent a commission from  
12 doing business. This subsection does not apply to the parole commission, elections  
13 commission, or ethics commission.

14           **SECTION 150.** 15.06 (10) of the statutes is created to read:

15           15.06 (10) COMPENSATION. Members of the elections commission and members  
16 of the ethics commission shall receive for each day they were actually and necessarily  
17 engaged in performing their duties a per diem equal to the amount prescribed under  
18 s. 753.075 (3) (a) for reserve judges sitting in circuit court.

19           **SECTION 151.** 15.07 (1) (a) 2. of the statutes is repealed.

20           **SECTION 152.** 15.07 (1) (cm) of the statutes is amended to read:

21           15.07 (1) (cm) ~~The term of one member of the government accountability board~~  
22 ~~shall expire on each May 1.~~ The terms of the 3 members of the land and water  
23 conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1.  
24 The term of the member of the land and water conservation board appointed under  
25 s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of

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1 the appraiser members of the real estate appraisers board and the terms of the  
2 auctioneer and auction company representative members of the auctioneer board  
3 shall expire on May 1 in an even-numbered year. The terms of the members of the  
4 cemetery board shall expire on July 1 in an even-numbered year. The term of the  
5 student member of the Board of Regents of the University of Wisconsin System who  
6 is at least 24 years old shall expire on May 1 of every even-numbered year.

7 **SECTION 153.** 15.07 (2) (b) of the statutes is repealed.

8 **SECTION 154.** 15.07 (4) of the statutes is amended to read:

9 15.07 (4) QUORUM. A majority of the membership of a board constitutes a  
10 quorum to do business and, unless a more restrictive provision is adopted by the  
11 board, a majority of a quorum may act in any matter within the jurisdiction of the  
12 board. This subsection does not apply to actions of ~~the government accountability~~  
13 ~~board or~~ the school district boundary appeal board as provided in ss. 5.05 (1e) and  
14 s. 117.05 (2) (a).

15 **SECTION 155.** 15.07 (5) (m) of the statutes is repealed.

16 **SECTION 156.** 15.60 (title) of the statutes is repealed.

17 **SECTION 157.** 15.60 (1) of the statutes is renumbered 15.61 (1) (a) (intro.) and  
18 amended to read:

19 15.61 (1) (a) (intro.) There is created ~~a government accountability board~~ an  
20 elections commission consisting of ~~6 persons.~~ Members shall serve for 6-year terms.  
21 the following members who shall serve for 5-year terms:

22 **SECTION 158.** 15.60 (2) of the statutes is repealed.

23 **SECTION 159.** 15.60 (3) of the statutes is repealed.

24 **SECTION 160.** 15.60 (4) of the statutes is renumbered 15.61 (2) and amended  
25 to read:

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1           15.61 (2) No member of the commission may hold another office or position that  
2 is a state public office or a local public office, as defined in s. 19.42, except the office  
3 of circuit judge or court of appeals judge under s. 753.075.

4           **SECTION 161.** 15.60 (5) of the statutes is repealed.

5           **SECTION 162.** 15.60 (6) of the statutes is renumbered 15.61 (3).

6           **SECTION 163.** 15.60 (7) of the statutes is repealed.

7           **SECTION 164.** 15.60 (8) of the statutes is renumbered 15.61 (4) and amended  
8 to read:

9           15.61 (4) No member may be a lobbyist, as defined in s. 13.62 (11), ~~or an~~  
10 ~~employee of a principal, as defined in s. 13.62 (12), except that a member may serve~~  
11 ~~as a circuit judge or court of appeals judge under s. 753.075.~~

12           **SECTION 165.** 15.603 (title) of the statutes is repealed.

13           **SECTION 166.** 15.603 (1) (title) of the statutes is repealed.

14           **SECTION 167.** 15.603 (1) of the statutes is renumbered 15.62 (1) (b) and  
15 amended to read:

16           15.62 (1) (b) ~~There is created in the government accountability board an ethics~~  
17 ~~and accountability division. The ethics and accountability division~~ commission shall  
18 be under the direction and supervision of an administrator, who shall be appointed  
19 by a majority of the members of the board commission, with the advice and consent  
20 of the senate, to serve for a 4-year term expiring on July 1 of the odd-numbered year.  
21 Until the senate has confirmed an appointment made under this subsection, the  
22 ethics commission shall be under the direction and supervision of an interim  
23 administrator selected by a majority of the members of the commission. If a vacancy  
24 occurs in the administrator position, the commission shall appoint a new

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1 administrator, and submit the appointment for senate confirmation, no later than  
2 45 days after the date of the vacancy.

3 **SECTION 168.** 15.603 (2) (title) of the statutes is repealed.

4 **SECTION 169.** 15.603 (2) of the statutes is renumbered 15.61 (1) (b) and  
5 amended to read:

6 15.61 (1) (b) ~~There is created in the government accountability board an~~  
7 ~~elections division.~~ The elections division commission shall be under the direction  
8 and supervision of an administrator, who shall be appointed by a majority of the  
9 members of the board commission, with the advice and consent of the senate, to serve  
10 for a 4-year term expiring on July 1 of the odd-numbered year. Until the senate has  
11 confirmed an appointment made under this subsection, the elections commission  
12 shall be under the direction and supervision of an interim administrator selected by  
13 a majority of the members of the commission. If a vacancy occurs in the  
14 administrator position, the commission shall appoint a new administrator, and  
15 submit the appointment for senate confirmation, no later than 45 days after the date  
16 of the vacancy.

17 **SECTION 170.** 15.607 of the statutes is repealed.

18 **SECTION 171.** 15.61 (title) of the statutes is created to read:

19 **15.61 (title) Elections commission; creation.**

20 **SECTION 172.** 15.61 (1) (a) 1. to 6. of the statutes are created to read:

- 21 15.61 (1) (a) 1. One member appointed by the senate majority leader.  
22 2. One member appointed by the senate minority leader.  
23 3. One member appointed by the speaker of the assembly.  
24 4. One member appointed by the assembly minority leader.

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1           5. Two members who formerly served as county or municipal clerks and who  
2           are nominated by the governor, with the advice and consent of a majority of the  
3           members of the senate confirmed. The governor shall choose the nominees from a  
4           list of 6 individuals selected by the senate majority leader, the senate minority leader,  
5           the speaker of the assembly, and the assembly minority leader and in such manner  
6           that no members of the same political party select, collectively, more than 3  
7           individuals.

8           6. For each political party qualifying for a separate ballot under s. 5.62 (1) (b)  
9           or (2) whose candidate for governor received at least 10 percent of the vote in the most  
10          recent gubernatorial election, one member, nominated by the governor from a list of  
11          3 individuals selected by the chief officer of that political party and with the advice  
12          and consent of a majority of the members of the senate confirmed.

13          **SECTION 173.** 15.61 (5) of the statutes is created to read:

14          15.61 (5) (a) If a vacancy occurs for a member appointed under sub. (1) (a) 1.  
15          to 4., the individual responsible for making the appointment shall appoint a new  
16          member no later than 45 days after the date of the vacancy.

17          (b) If a vacancy occurs for a member appointed under sub. (1) (a) 5. or 6., a new  
18          member shall be selected, nominated, and submitted to the senate for confirmation  
19          no later than 45 days after the date of the vacancy.

20          **SECTION 174.** 15.62 of the statutes is created to read:

21          **15.62 Ethics commission; creation.** (1) (a) There is created an ethics  
22          commission consisting of the following members who shall serve for 5-year terms:

- 23           1. One member appointed by the senate majority leader.
- 24           2. One member appointed by the senate minority leader.
- 25           3. One member appointed by the speaker of the assembly.



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1           4. One member appointed by the assembly minority leader.

2           5. Two members, nominated by the governor and with the advice and consent  
3 of a majority of the members of the senate confirmed. The governor shall choose the  
4 nominees from a list of 6 individuals, one each selected by the senate majority leader,  
5 the senate minority leader, the speaker of the assembly, and the assembly minority  
6 leader and in such manner that no members of the same political party select,  
7 collectively, more than 3 individuals.

8           6. For each political party qualifying for a separate ballot under s. 5.62 (1) (b)  
9 or (2) whose candidate for governor received at least 10 percent of the vote in the most  
10 recent gubernatorial election, one member, nominated by the governor from a list of  
11 3 individuals selected by the chief officer of that political party and with the advice  
12 and consent of a majority of the members of the senate confirmed.

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

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

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

21           (5) (a) If a vacancy occurs for a member appointed under sub. (1) (a) 1. to 4.,  
22 the individual responsible for making the appointment shall appoint a new member  
23 no later than 45 days after the date of the vacancy.

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1 (b) If a vacancy occurs for a member appointed under sub. (1) (a) 5. or 6., a new  
2 member shall be selected, nominated, and submitted to the senate for confirmation  
3 no later than 45 days after the date of the vacancy.

4 **SECTION 175.** 16.753 (2) of the statutes is amended to read:

5 16.753 (2) Except as otherwise expressly provided, each agency shall provide  
6 to the ~~government accountability board~~ ethics commission for posting on the  
7 Internet a list identifying each solicitation for bids or competitive sealed proposals  
8 and each proposed order or contract of the agency for which bids or competitive  
9 sealed proposals will not be solicited that involves a major expenditure, together  
10 with all information required under sub. (4).

11 **SECTION 176.** 16.79 (2) of the statutes is amended to read:

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

21 **SECTION 177.** 16.96 (3) (b) of the statutes is amended to read:

22 16.96 (3) (b) Maintain and keep current throughout the decade the maps of  
23 congressional and legislative district boundaries received from the legislative  
24 reference bureau under s. 13.92 (1) (a) 6. and provide copies thereof to the  
25 ~~government accountability board~~ elections commission.

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1           **SECTION 178.** 16.973 (6) of the statutes is amended to read:

2           16.973 (6) With the advice of the ~~government accountability board~~ ethics  
3 commission, adopt and enforce standards of ethical conduct applicable to its paid  
4 consultants which are similar to the standards prescribed in subch. III of ch. 19,  
5 except that the department shall not require its paid consultants to file statements  
6 of economic interests.

7           **SECTION 179.** 17.17 (1) of the statutes is amended to read:

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

12           **SECTION 180.** 17.17 (4) of the statutes is amended to read:

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

16           **SECTION 181.** 19.42 (3) of the statutes is repealed.

17           **SECTION 182.** 19.42 (4p) of the statutes is created to read:

18           19.42 (4p) “Commission” means the ethics commission.

19           **SECTION 183.** 19.42 (10) (a) of the statutes is created to read:

20           19.42 (10) (a) A member of the elections commission.

21           **SECTION 184.** 19.43 (4) of the statutes is amended to read:

22           19.43 (4) A candidate for state public office shall file with the ~~board~~ commission  
23 a statement of economic interests meeting each of the requirements of s. 19.44 (1) no  
24 later than 4:30 p.m. on the 3rd day following the last day for filing nomination papers  
25 for the office which the candidate seeks, or no later than 4:30 p.m. on the next

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

17 **SECTION 185.** 19.43 (5) of the statutes is amended to read:

18 19.43 (5) Each member of the investment board and each employee of the  
19 investment board who is a state public official shall complete and file with the  
20 ~~government accountability board~~ commission a quarterly report of economic  
21 transactions no later than the last day of the month following the end of each  
22 calendar quarter during any portion of which he or she was a member or employee  
23 of the investment board. Such reports of economic transactions shall be in the form  
24 prescribed by the ~~government accountability board~~ commission and shall identify  
25 the date and nature of any purchase, sale, put, call, option, lease, or creation,

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1 dissolution, or modification of any economic interest made during the quarter for  
2 which the report is filed and disclosure of which would be required by s. 19.44 if a  
3 statement of economic interests were being filed.

4 **SECTION 186.** 19.46 (1) (intro.) of the statutes is amended to read:

5 19.46 (1) (intro.) Except in accordance with the board's commission's advice  
6 under ~~s. 5.05 (6a)~~ sub. (2) and except as otherwise provided in sub. (3), no state public  
7 official may:

8 **SECTION 187.** 19.46 (2) of the statutes is created to read:

9 19.46 (2) (a) 1. Any individual, either personally or on behalf of an organization  
10 or governmental body, may make a request of the commission in writing,  
11 electronically, or by telephone for a formal or informal advisory opinion regarding the  
12 propriety under ch. 11, subch. III of ch. 13, or this subchapter of any matter to which  
13 the person is or may become a party. Any appointing officer, with the consent of a  
14 prospective appointee, may request of the commission a formal or informal advisory  
15 opinion regarding the propriety under ch. 11, subch. III of ch. 13, or this subchapter  
16 of any matter to which the prospective appointee is or may become a party. The  
17 commission shall review a request for an advisory opinion and may issue a formal  
18 or informal written or electronic advisory opinion to the person making the request.  
19 Except as authorized or required for opinions specified in s. 19.55 (4) (b), the  
20 commission's deliberations and actions upon such requests shall be in meetings not  
21 open to the public. A member of the commission may, by written request, require the  
22 commission to review an advisory opinion.

23 2. To have legal force and effect, each formal and informal advisory opinion  
24 issued by the commission must be supported by specific legal authority under a  
25 statute or other law, or by specific case or common law authority. Each formal and

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1 informal advisory opinion shall include a citation to each statute or other law and  
2 each case or common law authority upon which the opinion is based, and shall  
3 specifically articulate or explain which parts of the cited authority are relevant to the  
4 commission's conclusion and why they are relevant.

5 3. No person acting in good faith upon a formal or informal advisory opinion  
6 issued by the commission under this subsection is subject to criminal or civil  
7 prosecution for so acting, if the material facts are as stated in the opinion request.

8 4. At each regular meeting of the commission, the commission administrator  
9 shall review informal advisory opinions requested of and issued by the administrator  
10 and that relate to recurring issues or issues of first impression for which no formal  
11 advisory opinion has been issued. The commission may determine to issue a formal  
12 advisory opinion adopting or modifying the informal advisory opinion. If the  
13 commission disagrees with a formal or informal advisory opinion that has been  
14 issued by or on behalf of the commission, the commission may withdraw the opinion,  
15 issue a revised formal or informal advisory opinion, or request an opinion from the  
16 attorney general. No person acting after the date of the withdrawal or issuance of  
17 the revised advisory opinion is exempted from prosecution under this subsection if  
18 the opinion upon which the person's action is based has been withdrawn or revised  
19 in relevant degree.

20 5. Except as authorized or required under s. 19.55 (4) (b), no member or  
21 employee of the commission may make public the identity of the individual  
22 requesting a formal or informal advisory opinion or of individuals or organizations  
23 mentioned in the opinion.

24 (b) 1. The commission may authorize the commission administrator or his or  
25 her designee to issue an informal written advisory opinion or transmit an informal

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1 advisory opinion electronically on behalf of the commission, subject to such  
2 limitations as the commission deems appropriate. Every informal advisory opinion  
3 shall be consistent with applicable formal advisory opinions issued by the  
4 commission, statute or other law, and case law.

5 2. Any individual may request in writing, electronically, or by telephone an  
6 informal advisory opinion from the commission under this paragraph. The  
7 commission's designee shall provide a written response, a written reference to an  
8 applicable statute or law, or a written reference to a formal advisory opinion of the  
9 commission to the individual, or shall refer the request to the commission for review  
10 and the issuance of a formal advisory opinion.

11 3. Any person receiving an informal advisory opinion under this paragraph  
12 may, at any time, request a formal advisory opinion from the commission on the same  
13 matter.

14 (c) 1. Any individual may request in writing, electronically, or by telephone a  
15 formal advisory opinion from the commission or the review or modification of a  
16 formal advisory opinion issued by the commission under this paragraph. The  
17 individual making the request shall include all pertinent facts relevant to the matter.  
18 The commission shall review a request for a formal advisory opinion and may issue  
19 a formal advisory opinion to the individual making the request. Except as authorized  
20 or required for opinions specified in s. 19.55 (4) (b), the commission's deliberations  
21 and actions upon such requests shall be in meetings not open to the public.

22 2. Any person requesting a formal advisory opinion under this paragraph may  
23 request a public or private hearing before the commission to discuss the opinion. The  
24 commission shall grant a request for a public or private hearing under this  
25 paragraph.



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1           3. Promptly upon issuance of each formal advisory opinion, the commission  
2 shall publish the opinion together with the information specified under s. 19.55 (4)  
3 (c) on the commission’s Internet site.

4           4. If the commission declines to issue a formal advisory opinion, it may refer  
5 the matter to the attorney general or to the standing legislative oversight  
6 committees.

7           **SECTION 188.** 19.47 (title) of the statutes is created to read:

8           **19.47 (title) Operation.**

9           **SECTION 189.** 19.47 of the statutes is renumbered 19.47 (3) and amended to  
10 read:

11           **19.47 (3) STATEMENTS OF ECONOMIC INTERESTS.** All members and employees of  
12 the board commission shall file statements of economic interests with the board  
13 commission.

14           **SECTION 190.** 19.47 (1), (2) and (4) to (9) of the statutes are created to read:

15           **19.47 (1) OFFICE.** The office of the commission shall be in Madison, but the  
16 commission may, after proper public notice and in compliance with subch. V, meet or  
17 exercise any of its powers at any other place in the state.

18           **(2) ADMINISTRATOR.** The commission shall appoint an administrator in the  
19 manner provided under s. 15.62 (1) (b). The administrator shall be outside the  
20 classified service. The administrator shall appoint such other personnel as he or she  
21 requires to carry out the duties of the commission and may designate an employee  
22 of the commission to serve as legal counsel of the commission. The administrator  
23 shall perform such duties as the commission assigns to him or her in the  
24 administration of ch. 11, subch. III of ch. 13, and this subchapter.

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1           (4) ACTION. Any action by the commission, except an action relating to  
2 procedure of the commission, requires the affirmative vote of at least two-thirds of  
3 its members.

4           (5) ANNUAL REPORT. The commission shall submit an annual report under s.  
5 15.04 (1) (d) and shall include in its annual report the names and duties of all  
6 individuals employed by the commission and a summary of its determinations and  
7 advisory opinions issued under s. 19.46 (2). Except as authorized or required under  
8 s. 19.55 (4) (b), the commission shall make sufficient alterations in the summaries  
9 to prevent disclosing the identities of individuals or organizations involved in the  
10 decisions or opinions. The commission shall identify in its report the statutory duties  
11 of the administrator of the commission, together with a description of the manner in  
12 which those duties are being fulfilled. Notwithstanding s. 19.55 (3) and s. 19.50, the  
13 commission shall also specify in its report the total number of investigations  
14 conducted by the commission since the last annual report and a description of the  
15 nature of each investigation, including whether the investigation related to  
16 campaign finance, ethics, or lobbying. The commission may also include in its  
17 annual report any information compiled under s. 11.21 (7). The commission shall  
18 make such further reports on the matters within its jurisdiction and such  
19 recommendations for legislation as it deems appropriate.

20           (6) OPERATION. The joint committee on legislative organization shall be  
21 advisory to the commission on all matters relating to operation of the commission.

22           (7) GUIDANCE FOLLOWING BINDING COURT DECISIONS. Within 2 months following  
23 the publication of a decision of a state or federal court that is binding on the  
24 commission and this state, the commission shall issue updated guidance or formal  
25 advisory opinions, commence the rule-making procedure to revise administrative

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1 rules promulgated by the commission, or request an opinion from the attorney  
2 general on the applicability of the court decision.

3 (8) STANDING. The commission has standing to commence or intervene in any  
4 civil action or proceeding for the purpose of enforcing the laws regulating campaign  
5 finance, ethics, or lobbying or ensuring their proper administration.

6 (9) POLICIES AND PROCEDURES. (a) Annually, the commission shall adopt written  
7 policies and procedures in order to govern its internal operations and management  
8 and shall annually report such policies and procedures to the appropriate standing  
9 committees of the legislature under s. 13.172 (3).

10 (b) Notwithstanding par. (a), the commission may reconsider at any time any  
11 policy or procedure adopted as provided under par. (a). If, upon reconsideration, the  
12 commission revises a previously reported policy or procedure, the commission shall  
13 report the revision to the appropriate standing committees of the legislature under  
14 s. 13.172 (3).

15 (c) The commission may reconsider at any time any written directives or  
16 written guidance provided to the general public or to any person subject to the  
17 provisions of ch. 11, subch. III of ch. 13, and this subchapter with regard to the  
18 enforcement and administration of those provisions.

19 **SECTION 191.** 19.48 (intro.) of the statutes is amended to read:

20 **19.48 Duties of the board ethics commission.** (intro.) The board  
21 commission shall:

22 **SECTION 192.** 19.48 (1) of the statutes is amended to read:

23 19.48 (1) Promulgate rules necessary to carry out ~~this subchapter and ch. 11,~~  
24 ~~subch. III of ch. 13, and this subchapter.~~ The board commission shall give prompt  
25 notice of the contents of its rules to state public officials who will be affected thereby.

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1           **SECTION 193.** 19.48 (2) of the statutes is amended to read:

2           19.48 (2) Prescribe and make available forms for use under ~~this subchapter and~~  
3 ch. 11, subch. III of ch. 13, and this subchapter, including the forms specified in s.  
4 13.685 (1).

5           **SECTION 194.** 19.48 (3) of the statutes is amended to read:

6           19.48 (3) Accept and file any information related to the purposes of ~~this~~  
7 subchapter and ch. 11, subch. III of ch. 13, and this subchapter which is voluntarily  
8 supplied by any person in addition to the information required by this subchapter.

9           **SECTION 195.** 19.48 (7) of the statutes is amended to read:

10           19.48 (7) Prepare and publish special reports and technical studies to further  
11 the purposes of ~~this subchapter and~~ ch. 11, subch. III of ch. 13, and this subchapter.

12           **SECTION 196.** 19.48 (9) of the statutes is amended to read:

13           19.48 (9) Administer programs to explain and interpret ~~this subchapter and~~  
14 ch. 11, subch. III of ch. 13, and this subchapter for state public officials, and for  
15 elective state officials, candidates for state public office, legislative officials, agency  
16 officials, lobbyists, as defined in s. 13.62, local public officials, corporation counsels  
17 and attorneys for local governmental units. The programs shall provide advice  
18 regarding appropriate ethical and lobbying practices, with special emphasis on  
19 public interest lobbying. The ~~board~~ commission may delegate creation and  
20 implementation of any such program to a group representing the public interest. The  
21 ~~board~~ commission may charge a fee to participants in any such program.

22           **SECTION 197.** 19.49 of the statutes is created to read:

23           **19.49 Administration; enforcement. (1) GENERAL AUTHORITY.** The  
24 commission shall have the responsibility for the administration of ch. 11, subch. III  
25 of ch. 13, and this subchapter. Pursuant to such responsibility, the commission may:

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

13          (b) Bring civil actions to require a forfeiture for any violation of ch. 11, subch.  
14          III of ch. 13, or this subchapter or for a license revocation for any violation of subch.  
15          III of ch. 13, or this subchapter for which the offender is subject to a revocation. The  
16          commission may compromise and settle any civil action or potential action brought  
17          or authorized to be brought by it which, in the opinion of the commission, constitutes  
18          a minor violation, a violation caused by excusable neglect, or which for other good  
19          cause shown, should not in the public interest be prosecuted under such chapter.  
20          Notwithstanding s. 778.06, a civil action or proposed civil action authorized under  
21          this paragraph may be settled for such sum as may be agreed between the parties.  
22          Any settlement made by the commission shall be in such amount as to deprive the  
23          alleged violator of any benefit of his or her wrongdoing and may contain a penal  
24          component to serve as a deterrent to future violations. In settling civil actions or  
25          proposed civil actions, the commission shall treat comparable situations in a

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1 comparable manner and shall assure that any settlement bears a reasonable  
2 relationship to the severity of the offense or alleged offense. Except as otherwise  
3 provided in sub. (2) (b) 13. and 14. and ss. 19.554 and 19.59 (8), forfeiture and license  
4 revocation actions brought by the commission shall be brought in the circuit court  
5 for the county where the defendant resides, or if the defendant is a nonresident of this  
6 state, in circuit court for the county wherein the violation is alleged to occur. For  
7 purposes of this paragraph, a person other than an individual resides within a county  
8 if the person's principal place of operation is located within that county. Whenever  
9 the commission enters into a settlement agreement with an individual who is  
10 accused of a civil violation of ch. 11, subch. III of ch. 13, or this subchapter or who is  
11 investigated by the commission for a possible civil violation of one of those provisions,  
12 the commission shall reduce the agreement to writing, together with a statement of  
13 the commission's findings and reasons for entering into the agreement and shall  
14 retain the agreement and statement in its office for inspection.

15 (c) Sue for injunctive relief, a writ of mandamus or prohibition, or other such  
16 legal or equitable relief as may be appropriate to enforce any law regulating  
17 campaign financing or ensure its proper administration. No bond is required in such  
18 actions. Actions shall be brought in circuit court for the county where a violation  
19 occurs or may occur.

20 (1m) (title) COMPLAINTS.

21 (2) ENFORCEMENT. (a) The commission shall investigate violations of laws  
22 administered by the commission and may prosecute alleged civil violations of those  
23 laws, directly or through its agents under this subsection, pursuant to all statutes  
24 granting or assigning that authority or responsibility to the commission.  
25 Prosecution of alleged criminal violations investigated by the commission may be

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1 brought only as provided in par. (b) 9., 12., 13., and 14. and s. 978.05 (1). For purposes  
2 of this subsection, the commission may only initiate an investigation of an alleged  
3 violation of ch. 11, subch. III of ch. 13, and this subchapter, other than an offense  
4 described under par. (b) 10., based on a sworn complaint filed with the commission,  
5 as provided under par. (b). Neither the commission nor any member or employee of  
6 the commission, including the commission administrator, may file a sworn complaint  
7 for purposes of this subsection.

8 (b) 1. Any person may file a complaint with the commission alleging a violation  
9 of ch. 11, subch. III of ch. 13, or this subchapter. No later than 5 days after receiving  
10 a complaint, the commission shall notify each person who or which the complaint  
11 alleges committed such a violation. Before voting on whether to take any action  
12 regarding the complaint, other than to dismiss, the commission shall give each  
13 person receiving a notice under this subdivision an opportunity to demonstrate to the  
14 commission, in writing and within 15 days after receiving the notice, that the  
15 commission should take no action against the person on the basis of the complaint.  
16 The commission may not conduct any investigation or take any other action under  
17 this subsection solely on the basis of a complaint by an unidentified complainant.

18 1m. If the commission finds, by a preponderance of the evidence, that a  
19 complaint is frivolous, the commission may order the complainant to forfeit not more  
20 than the greater of \$500 or the expenses incurred by the commission in investigating  
21 the complaint.

22 2. Any person to whom ch. 11, subch. III of ch. 13, or this subchapter may have  
23 application may request the commission to make an investigation of his or her own  
24 conduct or of allegations made by other persons as to his or her conduct. Such a  
25 request shall be made in writing and shall set forth in detail the reasons therefor.



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1           3. If the commission reviews a complaint and fails to find that there is a  
2 reasonable suspicion that a violation under subd. 1. has occurred or is occurring, the  
3 commission shall dismiss the complaint. If the commission believes that there is  
4 reasonable suspicion that a violation under subd. 1. has occurred or is occurring, the  
5 commission may by resolution authorize the commencement of an investigation. The  
6 resolution shall specifically set forth any matter that is authorized to be investigated.  
7 To assist in the investigation, the commission may elect to retain a special  
8 investigator. If the commission elects to retain a special investigator, the  
9 administrator shall submit to the commission the names of 3 qualified individuals  
10 to serve as a special investigator. The commission may retain one or more of the  
11 individuals. If the commission retains a special investigator to investigate a  
12 complaint against a person who is a resident of this state, the commission shall  
13 provide to the district attorney for the county in which the person resides a copy of  
14 the complaint and shall notify the district attorney that it has retained a special  
15 investigator to investigate the complaint. For purposes of this subdivision, a person  
16 other than an individual resides within a county if the person's principal place of  
17 operation is located within that county. The commission shall enter into a written  
18 contract with any individual who is retained as a special investigator setting forth  
19 the terms of the engagement. A special investigator who is retained by the  
20 commission may request the commission to issue a subpoena to a specific person or  
21 to authorize the special investigator to request the circuit court of the county in which  
22 the specific person resides to issue a search warrant. The commission may grant the  
23 request by approving a motion to that effect at a meeting of the commission if the  
24 commission finds that such action is legally appropriate.

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1           4. Each special investigator who is retained by the commission shall make  
2           periodic reports to the commission, as directed by the commission, but in no case may  
3           the interval for reporting exceed 30 days. If the commission authorizes the  
4           administrator to investigate any matter without retaining a special investigator, the  
5           administrator shall make periodic reports to the commission, as directed by the  
6           commission, but in no case may the reporting interval exceed 30 days. During the  
7           pendency of any investigation, the commission shall meet for the purpose of  
8           reviewing the progress of the investigation at least once every 90 days. The special  
9           investigator or the administrator shall report in person to the commission at that  
10          meeting concerning the progress of the investigation. If, after receiving a report, the  
11          commission does not vote to continue an investigation for an additional period not  
12          exceeding 90 days, the investigation is terminated at the end of the reporting  
13          interval. The commission shall not expend more than \$25,000 to finance the cost of  
14          an investigation before receiving a report on the progress of the investigation and a  
15          recommendation to commit additional resources. The commission may vote to  
16          terminate an investigation at any time. If an investigation is terminated, any  
17          complaint from which the investigation arose is deemed to be dismissed by the  
18          commission. Unless an investigation is terminated by the commission, at the  
19          conclusion of each investigation, the administrator shall present to the commission  
20          one of the following:

21           a. A recommendation to make a finding that probable cause exists to believe  
22           that one or more violations under subd. 1. have occurred or are occurring, together  
23           with a recommended course of action.

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

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1           c. A recommendation to terminate the investigation due to lack of sufficient  
2 evidence to indicate that a violation under subd. 1. has occurred or is occurring.

3           5. a. If the commission finds that there is probable cause to believe that a  
4 violation under subd. 1. has occurred or is occurring, the commission may authorize  
5 the administrator to file a civil complaint against the alleged violator. In such case,  
6 the administrator may request the assistance of special counsel to prosecute any  
7 action brought by the commission. If the administrator requests the assistance of  
8 special counsel with respect to any matter, the administrator shall submit to the  
9 commission the names of 3 qualified individuals to serve as special counsel. The  
10 commission may retain one of the individuals to act as special counsel. The staff of  
11 the commission shall provide assistance to the special counsel as may be required by  
12 the counsel to carry out his or her responsibilities.

13           b. The commission shall enter into a written contract with any individual who  
14 is retained as special counsel setting forth the terms of the engagement. The contract  
15 shall set forth the compensation to be paid such counsel by the state. The contract  
16 shall be executed on behalf of the state by the commission and the commission shall  
17 file the contract in the office of the secretary of state. The compensation shall be  
18 charged to the appropriation under s. 20.521 (1) (br).

19           6. No individual who is appointed or retained by the commission to serve as  
20 special counsel or as a special investigator is subject to approval under s. 20.930.

21           7. At the conclusion of its investigation, the commission shall, in preliminary  
22 written findings of fact and conclusions based thereon, make a determination of  
23 whether or not probable cause exists to believe that a violation under subd. 1. has  
24 occurred or is occurring. If the commission determines that no probable cause exists,  
25 it shall dismiss the complaint. Whenever the commission dismisses a complaint or

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1 a complaint is deemed to be dismissed under subd. 4., the commission shall  
2 immediately send written notice of the dismissal to the accused and to the party who  
3 made the complaint.

4 8. The commission shall inform the accused or his or her counsel of exculpatory  
5 evidence in its possession.

6 9. If the commission finds that there is probable cause to believe that a violation  
7 under subd. 1. has occurred or is occurring, the commission may, in lieu of civil  
8 prosecution of any matter by the commission, refer the matter to the district attorney  
9 for the county in which the alleged violator resides, or if the alleged violator is a  
10 nonresident, to the district attorney for the county where the matter arises, or if par.  
11 (h) applies, to the attorney general or a special prosecutor. For purposes of this  
12 subdivision, a person other than an individual resides within a county if the person's  
13 principal place of operation is located within that county.

14 10. The commission shall, by rule, prescribe categories of civil offenses which  
15 the commission will agree to compromise and settle without a formal investigation  
16 upon payment of specified amounts by the alleged offender. The commission may  
17 authorize the administrator to compromise and settle such alleged offenses in the  
18 name of the commission if the alleged offenses by an offender, in the aggregate, do  
19 not involve payment of more than \$2,500.

20 11. If a special investigator or the administrator, in the course of an  
21 investigation authorized by the commission, discovers evidence that a violation  
22 under subd. 1. that was not within the scope of the authorized investigation has  
23 occurred or is occurring, the special investigator or the administrator may present  
24 that evidence to the commission. If the commission finds that there is a reasonable  
25 suspicion that a violation under subd. 1. that is not within the scope of the authorized

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1 investigation has occurred or is occurring, the commission may authorize the special  
2 investigator or the administrator to investigate the alleged violation or may elect to  
3 authorize a separate investigation of the alleged violation as provided in subd. 3.

4 12. If a special investigator or the administrator, in the course of an  
5 investigation authorized by the commission, discovers evidence of a potential  
6 violation of a law that is not administered by the commission arising from or in  
7 relation to the official functions of the subject of the investigation or any matter that  
8 involves campaign finance, ethics, or lobbying regulation, the special investigator or  
9 the administrator may present that evidence to the commission. The commission  
10 may thereupon refer the matter to the appropriate district attorney specified in subd.  
11 9. or may refer the matter to the attorney general. The attorney general may then  
12 commence a civil or criminal prosecution relating to the matter.

13 13. Except as provided in subd. 15., if the commission refers a matter to the  
14 district attorney specified in subd. 9. for prosecution of a potential violation under  
15 subd. 1. or 12. and the district attorney informs the commission that he or she  
16 declines to prosecute any alleged civil or criminal violation related to any matter  
17 referred to the district attorney by the commission, or the district attorney fails to  
18 commence a prosecution of any civil or criminal violation related to any matter  
19 referred to the district attorney by the commission within 60 days of the date of the  
20 commission's referral, the commission may refer the matter to the district attorney  
21 for another prosecutorial unit that is contiguous to the prosecutorial unit of the  
22 district attorney to whom the matter was originally referred. If there is more than  
23 one such prosecutorial unit, the chairperson of the commission shall determine the  
24 district attorney to whom the matter shall be referred by publicly drawing lots at a

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1 meeting of the commission. The district attorney may then commence a civil or  
2 criminal prosecution relating to the matter.

3 14. Except as provided in subd. 15., if the commission refers a matter to a  
4 district attorney under subd. 13. for prosecution of a potential violation under subd.  
5 1. or 12. and the district attorney informs the commission that he or she declines to  
6 prosecute any alleged civil or criminal violation related to any matter referred to the  
7 district attorney by the commission, or the district attorney fails to commence a  
8 prosecution of any civil or criminal violation related to any matter referred to the  
9 district attorney by the commission within 60 days of the date of the commission's  
10 referral, the commission may refer the matter to the attorney general. The attorney  
11 general may then commence a civil or criminal prosecution relating to the matter.

12 15. The commission is not authorized to act under subd. 13. or 14. if a special  
13 prosecutor is appointed under s. 978.045 in lieu of the district attorney specified in  
14 subd. 9.

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

23 (c) 1. No individual who serves as the administrator may have been a lobbyist,  
24 as defined in s. 13.62 (11). No such individual may have served in a partisan state  
25 or local office.

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1           2. No employee of the commission, while so employed, may become a candidate,  
2 as defined in s. 11.01 (1), for a state or partisan local office. No individual who is  
3 retained by the commission to serve as a special investigator or as special counsel  
4 may, while so retained, become a candidate, as defined in s. 11.01 (1), for any state  
5 or local office. A filing officer shall decline to accept nomination papers or a  
6 declaration of candidacy from any individual who does not qualify to become a  
7 candidate under this paragraph.

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

16           (e) Pursuant to any investigation authorized under par. (b), the commission has  
17 the power:

18           1. To require any person to submit in writing such reports and answers to  
19 questions relevant to the proceedings as the commission may prescribe, such  
20 submission to be made within such period and under oath or otherwise as the  
21 commission may determine.

22           2. To order testimony to be taken by deposition before any individual who is  
23 designated by the commission and has the power to administer oaths, and, in such  
24 instances, to compel testimony and the production of evidence in the same manner  
25 as authorized by sub. (1) (a).



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1           3. To pay witnesses the same fees and mileage as are paid in like circumstances  
2 by the courts of this state.

3           4. To request and obtain from the department of revenue copies of state income  
4 or franchise tax returns and access to other appropriate information under s. 71.78  
5 (4) regarding all persons who are the subject of such investigation.

6           (f) 1. Except as provided in subd. 2., no action may be taken on any complaint  
7 that is filed later than 3 years after a violation of ch. 11, subch. III of ch. 13, or this  
8 subchapter is alleged to have occurred.

9           2. The period of limitation under subd. 1. is tolled for a complaint alleging a  
10 violation of s. 19.45 (13) or 19.59 (1) (br) for the period during which such a complaint  
11 may not be filed under sub. (1m) or s. 19.59 (8) (cm).

12           (g) If the defendant in an action for a civil violation of ch. 11, subch. III of ch.  
13 13, or this subchapter is a district attorney or a circuit judge or a candidate for either  
14 such office, the action shall be brought by the commission. If the defendant in an  
15 action for a civil violation of ch. 11, subch. III of ch. 13, or this subchapter is the  
16 attorney general or a candidate for that office, the commission may appoint special  
17 counsel to bring suit on behalf of the state.

18           (h) If the defendant in an action for a criminal violation of ch. 11, subch. III of  
19 ch. 13, or this subchapter is a district attorney or a circuit judge or a candidate for  
20 either such office, the action shall be brought by the attorney general. If the  
21 defendant in an action for a criminal violation of ch. 11, subch. III of ch. 13, or this  
22 subchapter is the attorney general or a candidate for that office, the commission may  
23 appoint a special prosecutor to conduct the prosecution on behalf of the state.

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

4 (j) The commission's power to initiate civil actions under this subsection for the  
5 enforcement of ch. 11, subch. III of ch. 13, or this subchapter shall be the exclusive  
6 remedy for alleged civil violations of ch. 11, subch. III of ch. 13, or this subchapter.

7 **(2q) SUPPLEMENTAL FUNDING FOR ONGOING INVESTIGATIONS.** The commission may  
8 request supplemental funds to be credited to the appropriation account under s.  
9 20.521 (1) (be) for the purpose of continuing an ongoing investigation initiated under  
10 sub. (2). A request under this subsection shall be filed with the secretary of  
11 administration and the cochairpersons of the joint committee on finance in writing  
12 and shall contain a statement of the action requested, the purposes therefor, the  
13 statutory provision authorizing or directing the performance of the action, and  
14 information about the nature of the investigation for which the commission seeks  
15 supplemental funds, excluding the name of any individual or organization that is the  
16 subject of the investigation. If the cochairpersons of the joint committee on finance  
17 do not notify the secretary of administration that the committee has scheduled a  
18 meeting for the purpose of reviewing the request within 14 working days after the  
19 commission filed the request, the secretary shall supplement the appropriation  
20 under s. 20.521 (1) (be) from the appropriation under s. 20.505 (1) (d) in an amount  
21 not to exceed the amount the commission requested. If, within 14 working days after  
22 the commission filed the request, the cochairpersons of the joint committee on  
23 finance notify the secretary that the committee has scheduled a meeting for the  
24 purpose of reviewing the commission's request under this subsection, the secretary  
25 may supplement the appropriation under s. 20.521 (1) (be) only with the committee's

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1 approval. The committee and the secretary shall notify the commission of all their  
2 actions taken under this subsection.

3 **SECTION 198.** 19.50 of the statutes is created to read:

4 **19.50 Unauthorized release of records or information.** (1) Except as  
5 specifically authorized by law and except as provided in sub. (2), no investigator,  
6 prosecutor, employee of an investigator or prosecutor, or member or employee of the  
7 commission may disclose information related to an investigation or prosecution  
8 under ch. 11, subch. III of ch. 13, or this subchapter or any other law specified in s.  
9 978.05 (1) or (2) or provide access to any record of the investigator, prosecutor, or the  
10 commission that is not subject to access under s. 19.55 (3) to any person other than  
11 an employee or agent of the prosecutor or investigator or a member, employee, or  
12 agent of the commission prior to presenting the information or record in a court of  
13 law.

14 (2) This section does not apply to any of the following communications made  
15 by an investigator, prosecutor, employee of an investigator or prosecutor, or member  
16 or employee of the commission:

17 (a) Communications made in the normal course of an investigation or  
18 prosecution.

19 (b) Communications with a local, state, or federal law enforcement or  
20 prosecutorial authority.

21 (c) Communications made to the attorney of an investigator, prosecutor,  
22 employee, or member of the commission or to a person or the attorney of a person who  
23 is investigated or prosecuted by the commission.

24 **SECTION 199.** 19.55 (1) of the statutes is amended to read:

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1           19.55 (1) Except as provided in ~~sub.~~ subs. (2) ~~and s. 5.05 (5s) to (4)~~, all records  
2 under ch. 11, this subchapter, or subch. III of ch. 13 in the possession of the ~~board~~  
3 commission are open to public inspection at all reasonable times. The ~~board~~  
4 commission shall require an individual wishing to examine a statement of economic  
5 interests or the list of persons who inspect any statements which are in the ~~board's~~  
6 commission's possession to provide his or her full name and address, and if the  
7 individual is representing another person, the full name and address of the person  
8 which he or she represents. Such identification may be provided in writing or in  
9 person. The ~~board~~ commission shall record and retain for at least 3 years  
10 information obtained by it pursuant to this subsection. No individual may use a  
11 fictitious name or address or fail to identify a principal in making any request for  
12 inspection.

13           **SECTION 200.** 19.55 (2) (c) of the statutes is amended to read:

14           19.55 (2) (c) Statements of economic interests and reports of economic  
15 transactions which are filed with the ~~government accountability board~~ commission  
16 by members or employees of the investment board, except that the ~~government~~  
17 ~~accountability board~~ commission shall refer statements and reports filed by such  
18 individuals to the legislative audit bureau for its review, and except that a statement  
19 of economic interests filed by a member or employee of the investment board who is  
20 also an official required to file shall be open to public inspection.

21           **SECTION 201.** 19.55 (3) of the statutes is created to read:

22           19.55 (3) Records obtained or prepared by the commission in connection with  
23 an investigation, including the full text of any complaint received by the commission,  
24 are not subject to the right of inspection and copying under s. 19.35 (1), except as  
25 follows:

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1 (a) The commission shall permit inspection of records that are distributed or  
2 discussed in the course of a meeting or hearing by the commission in open session.

3 (am) The commission shall provide to the joint committee on finance records  
4 obtained or prepared by the commission in connection with an ongoing investigation  
5 when required under s. 19.49 (2q).

6 (b) Investigatory records of the commission may be made public in the course  
7 of a prosecution initiated under ch. 11, subch. III of ch. 13, or this subchapter.

8 (bm) The commission shall provide investigatory records to the state auditor  
9 and the employees of the legislative audit bureau to the extent necessary for the  
10 bureau to carry out its duties under s. 13.94.

11 (c) The commission shall provide information from investigation and hearing  
12 records that pertains to the location of individuals and assets of individuals as  
13 requested under s. 49.22 (2m) by the department of children and families or by a  
14 county child support agency under s. 59.53 (5).

15 (d) If the commission commences a civil prosecution of a person for an alleged  
16 violation of ch. 11, subch. III of ch. 13, or this subchapter as the result of an  
17 investigation, the person who is the subject of the investigation may authorize the  
18 commission to make available for inspection and copying under s. 19.35 (1) records  
19 of the investigation pertaining to that person if the records are available by law to  
20 the subject person and the commission shall then make those records available.

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

23 1. Any record of the action of the commission authorizing the filing of a civil  
24 complaint under s. 19.49 (2) (b) 5.

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

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

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

7           **SECTION 202.** 19.55 (4) of the statutes is created to read:

8           19.55 (4) (a) Except as authorized or required under par. (b), records obtained  
9 in connection with a request for an advisory opinion issued under s. 19.46 (2), other  
10 than summaries of advisory opinions that do not disclose the identity of individuals  
11 requesting such opinions or organizations on whose behalf they are requested, are  
12 not subject to the right of inspection and copying under s. 19.35 (1). Except as  
13 authorized or required under par. (b), the commission shall make sufficient  
14 alterations in the summaries to prevent disclosing the identities of individuals or  
15 organizations involved in the opinions.

16           (b) The commission may make records obtained in connection with an informal  
17 advisory opinion under par. (a) public with the consent of the individual requesting  
18 the informal advisory opinion or the organization or governmental body on whose  
19 behalf it is requested. A person who makes or purports to make public the substance  
20 of or any portion of an informal advisory opinion requested by or on behalf of the  
21 person is deemed to have waived the confidentiality of the request for an informal  
22 advisory opinion and of any records obtained or prepared by the commission in  
23 connection with the request for an informal advisory opinion.

24           (c) Within 30 days after completing an investigation related to and the  
25 preparation of a formal advisory opinion on a matter under the jurisdiction of the

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1 commission, the commission shall make public the formal advisory opinion and  
2 records obtained in connection with the request for the formal advisory opinion,  
3 replacing the identity of any organization or governmental body on whose behalf the  
4 formal opinion is requested with generic, descriptive terms. The commission shall  
5 redact information related to the identity of any natural person making the request.

6 **SECTION 203.** 19.552 of the statutes is created to read:

7 **19.552 Action to compel compliance.** Whenever a violation of the laws  
8 regulating campaign financing occurs or is proposed to occur, the attorney general  
9 or the district attorney of the county where the violation occurs or is proposed to occur  
10 may sue for injunctive relief, a writ of mandamus or prohibition, or other such legal  
11 or equitable relief as may be appropriate to compel compliance with the law. No bond  
12 is required in such actions.

13 **SECTION 204.** 19.554 of the statutes is created to read:

14 **19.554 Petition for enforcement.** In addition to or in lieu of filing a  
15 complaint, any elector may file a verified petition alleging such facts as are within  
16 his or her knowledge to indicate that an election official has failed or is failing to  
17 comply with any law regulating campaign financing or proposes to act in a manner  
18 inconsistent with such a law, and requesting that an action be commenced for  
19 injunctive relief, a writ of mandamus or prohibition or other such legal or equitable  
20 relief as may be appropriate to compel compliance with the law. The petition shall  
21 be filed with the district attorney for the county having jurisdiction to prosecute the  
22 alleged failure to comply under s. 978.05 (1) and (2). The district attorney may then  
23 commence the action or dismiss the petition. If the district attorney declines to act  
24 upon the petition or if the district attorney fails to act upon the petition within 15



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1 days of the date of filing, the petitioner may file the same petition with the attorney  
2 general, who may then commence the action.

3 **SECTION 205.** 19.58 (4) of the statutes is created to read:

4 19.58 (4) A person who violates s. 19.50 may be fined not more than \$10,000  
5 or imprisoned for not more than 9 months or both.

6 **SECTION 206.** 19.59 (1) (g) 8. of the statutes is amended to read:

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

20 **SECTION 207.** 19.85 (1) (h) of the statutes is amended to read:

21 19.85 (1) (h) Consideration of requests for confidential written advice from the  
22 ~~government accountability board~~ elections commission under s. 5.05 (6a) or the  
23 ethics commission under s. 19.46 (2), or from any county or municipal ethics board  
24 under s. 19.59 (5).

25 **SECTION 208.** 19.851 (title) of the statutes is amended to read:

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1           **19.851** (title) ~~Closed sessions by government accountability board~~  
2           **ethics or elections commission.**

3           **SECTION 209.** 19.851 of the statutes is renumbered 19.851 (2) and amended to  
4 read:

5           19.851 (2) The ~~government accountability board~~ commission shall hold each  
6 meeting of the ~~board~~ commission for the purpose of deliberating concerning an  
7 investigation of any violation of the law under the jurisdiction of the ~~ethics and~~  
8 ~~accountability division of the board~~ commission in closed session under this section.

9           **(1)** Prior to convening under this section or under s. 19.85 (1), the government  
10 ~~accountability board~~ ethics commission and the elections commission shall vote to  
11 convene in closed session in the manner provided in s. 19.85 (1). The ethics  
12 commission shall identify the specific reason or reasons under sub. (2) and s. 19.85  
13 (1) (a) to (h) for convening in closed session. The elections commission shall identify  
14 the specific reason or reasons under s. 19.85 (1) (a) to (h) for convening in closed  
15 session. No business may be conducted by the ~~government accountability board~~  
16 ethics commission or the elections commission at any closed session under this  
17 section except that which relates to the purposes of the session as authorized in this  
18 section or as authorized in s. 19.85 (1).

19           **SECTION 210.** 20.005 (3) (schedule) of the statutes: at the appropriate place,  
20 insert the following amounts for the purposes indicated:

21		<b>2015-16</b>	<b>2016-17</b>
22	<b>20.510 Elections commission</b>		
23	(1) ADMINISTRATION OF ELECTIONS		
24	(be) Investigations	GPR    A	-0-       -0-

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				2015-16	2016-17
1	(br)	Special counsel	GPR A	-0-	-0-
2	(e)	Elections administration	GPR A	-0-	-0-
3	(g)	Recount fees	PR A	-0-	-0-
4	(jm)	Gifts and grants	PR A	-0-	-0-
5	(m)	Federal aid	PR-F A	-0-	-0-
6	<b>20.521 Ethics commission</b>				
7	(1)	ETHICS, CAMPAIGN FINANCE AND LOBBYING			
8		REGULATION			
9	(a)	General program operations;			
10		general purpose revenue	GPR A	-0-	-0-
11	(be)	Investigations	GPR A	-0-	-0-
12	(br)	Special counsel	GPR A	-0-	-0-
13	(g)	General program operations;			
14		program revenue	PR A	-0-	-0-
15	(h)	Gifts and grants	PR A	-0-	-0-
16	(i)	Materials and services	PR A	-0-	-0-
17	(j)	Electronic filing software	PR A	-0-	-0-

18 **SECTION 211.** 20.505 (1) (d) of the statutes is amended to read:

19 20.505 (1) (d) *Special counsel.* A sum sufficient, subject to s. 5.05 (2q), for  
20 supplementing the appropriation under s. 20.510 (1) (be) for ongoing investigations;  
21 subject to s. 19.49 (2q), for supplementing the appropriation under s. 20.521 (1) (be)  
22 for ongoing investigations; and, subject to the procedures established in ~~ss. 5.05 (2m)~~

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1 (e) and s. 14.11 (2) (c), for the compensation of special counsel appointed as provided  
2 in ss. ~~5.05 (2m) (e)~~, 14.11 (2), and 321.42.

3 **SECTION 212.** 20.510 (intro.) and (1) (title) of the statutes are created to read:

4 **20.510 Elections commission.** (intro.) There is appropriated from the  
5 general fund, except where otherwise indicated, to the elections commission for the  
6 following programs:

7 (1) (title) ADMINISTRATION OF ELECTIONS.

8 **SECTION 213.** 20.510 (1) (br) of the statutes is created to read:

9 20.510 (1) (br) *Special counsel.* The amounts in the schedule for the  
10 compensation of special counsel appointed as provided in s. 5.05 (2m) (c) 6.

11 **SECTION 214.** 20.511 (intro.) and (1) (title) of the statutes are repealed.

12 **SECTION 215.** 20.511 (1) (a) of the statutes is renumbered 20.510 (1) (a) and  
13 amended to read:

14 20.510 (1) (a) *General program operations; general purpose revenue.*  
15 Biennially, the amounts in the schedule for general program operations of the board  
16 commission, including the printing of forms, materials, manuals, and election laws  
17 under ss. 7.08 (1) (b), (3), and (4) and ~~11.21 (3) and (14)~~, and the training of election  
18 officials under s. 5.05 (7).

19 **SECTION 216.** 20.511 (1) (be) of the statutes is renumbered 20.510 (1) (be) and  
20 amended to read:

21 20.510 (1) (be) *Investigations.* ~~A sum sufficient~~ The amounts in the schedule  
22 for the purpose of financing the costs of investigations authorized by the board  
23 commission of potential violations of chs. 5 to 10 and 12, ~~subch. III of ch. 13, and~~  
24 ~~subch. III of ch. 19.~~

25 **SECTION 217.** 20.511 (1) (bm) of the statutes is renumbered 20.510 (1) (bm).

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1           **SECTION 218.** 20.511 (1) (c) of the statutes is renumbered 20.510 (1) (c).

2           **SECTION 219.** 20.511 (1) (d) of the statutes is renumbered 20.510 (1) (d).

3           **SECTION 220.** 20.511 (1) (g) of the statutes is renumbered 20.510 (1) (g) and  
4 amended to read:

5           20.510 (1) (g) *Recount fees.* The amounts in the schedule to be apportioned to  
6 the county clerks or county board of election commissioners as prescribed in s. 9.01  
7 (1) (ag). All moneys received on account of recount petitions filed with it, ~~to be~~  
8 ~~apportioned to the county clerks or county board of election commissioners as~~  
9 ~~prescribed in s. 9.01 (1) (ag)~~ the commission shall be credited to this appropriation  
10 account.

11           **SECTION 221.** 20.511 (1) (h) of the statutes is renumbered 20.510 (1) (h) and  
12 amended to read:

13           20.510 (1) (h) *Materials and services.* The amounts in the schedule for the costs  
14 of publishing documents, locating and copying records, and conducting ~~programs~~  
15 ~~under s. 19.48 (9) and administrative meetings and conferences, for compiling,~~  
16 ~~disseminating, and making available information prepared by and filed with the~~  
17 ~~board under s. 19.48 (10)~~ commission, and for supplies, postage, and shipping. All  
18 moneys received by the board commission from collections for sales of publications,  
19 for copies of records, for supplies, for postage, for shipping and records location fees,  
20 ~~from fees assessed under s. 19.48 (9) and (10), and for charges assessed to~~  
21 ~~participants in administrative meetings and conferences, except moneys received~~  
22 ~~from requesters from sales of copies of the official registration list, shall be credited~~  
23 ~~to this appropriation account.~~

24           **SECTION 222.** 20.511 (1) (i) of the statutes is renumbered 20.510 (1) (e) and  
25 amended to read:

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1           20.510 (1) (e) *Elections administration; ~~program revenue~~*. The amounts in the  
2           schedule for the administration of chs. 5 to 10 and 12. ~~All moneys received from fees~~  
3           ~~imposed under s. 11.055 (1) shall be credited to this appropriation account.~~

4           **SECTION 223.** 20.511 (1) (im) of the statutes is repealed.

5           **SECTION 224.** 20.511 (1) (j) of the statutes is renumbered 20.521 (1) (j) and  
6           amended to read:

7           20.521 (1) (j) *Electronic filing software*. The amounts in the schedule for  
8           providing software to be utilized for electronic filing of campaign finance reports  
9           under s. 11.21 (16). All moneys received from registrants who purchase software to  
10          be utilized for electronic filing of campaign finance reports under s. 11.21 (16), for the  
11          purpose of providing that software shall be credited to this appropriation account.

12          **SECTION 225.** 20.511 (1) (jm) of the statutes is renumbered 20.510 (1) (jm) and  
13          amended to read:

14          20.510 (1) (jm) *Gifts and grants*. The amounts in the schedule to carry out the  
15          purposes, not inconsistent with the law, for which gifts, grants, and bequests to the  
16          commission are made. All moneys received by the board commission from gifts,  
17          grants, and bequests to carry out the purposes, not inconsistent with the law, for  
18          which made or received shall be credited to this appropriation account.

19          **SECTION 226.** 20.511 (1) (m) of the statutes is renumbered 20.510 (1) (m) and  
20          amended to read:

21          20.510 (1) (m) *Federal aid*. The amounts in the schedule to be used for the  
22          administration of chs. 5 to 10 and 12. All moneys received from the federal  
23          government, as authorized by the governor under s. 16.54, that are not appropriated  
24          under par. (x), to be used for the administration of chs. 5 to 12, subch. III of ch. 13,  
25          or subch. III of ch. 19 shall be credited to this appropriation account.

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1           **SECTION 227.** 20.511 (1) (t) of the statutes is renumbered 20.510 (1) (t).

2           **SECTION 228.** 20.511 (1) (x) of the statutes is renumbered 20.510 (1) (x).

3           **SECTION 229.** 20.521 (intro.) and (1) of the statutes are created to read:

4           **20.521 Ethics commission.** (intro.) There is appropriated to the ethics  
5 commission for the following programs:

6           **(1) ETHICS, CAMPAIGN FINANCE AND LOBBYING REGULATION.** (a) *General program*  
7 *operations; general purpose revenue.* The amounts in the schedule for general  
8 program operations under ch. 11, subch. III of ch. 13, and subch. III of ch. 19.

9           (b) *Investigations.* The amounts in the schedule for the purpose of financing  
10 the costs of investigations authorized by the commission of potential violations of ch.  
11 11, subch. III of ch. 13, or subch. III of ch. 19.

12           (br) *Special counsel.* The amounts in the schedule for the compensation of  
13 special counsel appointed as provided in s. 19.49 (2) (b) 5.

14           (g) *General program operations; program revenue.* The amounts in the  
15 schedule for general program operations under ch. 11, subch. III of ch. 13, and subch.  
16 III of ch. 19. All moneys received from fees collected under s. 13.75 and all moneys  
17 received from fees imposed under s. 11.055 (1) shall be credited to this appropriation  
18 account.

19           (h) *Gifts and grants.* The amounts in the schedule to carry out the purposes,  
20 not inconsistent with the law, for which gifts, grants, and bequests to the commission  
21 are made. All moneys received by the commission from gifts, grants, and bequests  
22 shall be credited to this appropriation account.

23           (i) *Materials and services.* The amounts in the schedule for the cost of  
24 publishing documents, locating and copying records, postage and shipping, and  
25 conducting programs under s. 19.48 (9) and of compiling, disseminating, and making



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1 available information prepared by and filed with the commission under s. 19.48 (10).

2 All moneys received by the commission from sales of documents, and from fees  
3 collected for copies of records, for postage, shipping, and location fees, and from fees  
4 assessed under s. 19.48 (9) and (10) shall be credited to this appropriation account.

5 **SECTION 230.** 20.923 (4) (f) 3j. of the statutes is repealed.

6 **SECTION 231.** 20.930 of the statutes is amended to read:

7 **20.930 Attorney fees.** Except as provided in ss. 5.05 (2m) (c) 7., 19.49 (2) (b)  
8 6., 46.27 (7g) (h), 49.496 (3) (f), and 49.682 (6), no state agency in the executive branch  
9 may employ any attorney until such employment has been approved by the governor.

10 **SECTION 232.** 20.9305 (2) (e) (intro.) of the statutes is amended to read:

11 20.9305 (2) (e) (intro.) The governor shall post on the Internet site maintained  
12 by the ~~government accountability board~~ ethics commission under s. 16.753 all of the  
13 following:

14 **SECTION 233.** 38.16 (3) (br) 3. of the statutes is amended to read:

15 38.16 (3) (br) 3. The referendum shall be held in accordance with chs. 5 to 12.  
16 The district board shall provide the election officials with all necessary election  
17 supplies. The form of the ballot shall correspond substantially with the standard  
18 form for referendum ballots prescribed by the ~~government accountability board~~  
19 elections commission under ss. 5.64 (2) and 7.08 (1) (a). The question submitted shall  
20 be whether the limit under this subsection may be exceeded by a specified amount.  
21 The limit otherwise applicable to the district under this subsection is increased by  
22 the amount approved by a majority of those voting on the question.

23 **SECTION 234.** 45.44 (1) (b) of the statutes is amended to read:

24 45.44 (1) (b) “Licensing agency” means the department of agriculture, trade  
25 and consumer protection; the department of children and families; the department

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1 of financial institutions; the department of health services; the department of  
2 natural resources; the department of public instruction; the department of revenue;  
3 the department of safety and professional services and its examining boards and  
4 affiliated credentialing boards; the department of transportation; the department of  
5 workforce development; the board of commissioners of public lands; the ~~government~~  
6 ~~accountability board~~ ethics commission; or the office of the commissioner of  
7 insurance.

8 **SECTION 235.** 49.165 (4) (a) of the statutes is amended to read:

9 49.165 (4) (a) The department shall certify to the ~~government accountability~~  
10 ~~board~~ elections commission, on a continuous basis, a list containing the name and  
11 address of each organization that is eligible to receive grants under sub. (2).

12 **SECTION 236.** 59.605 (3) (a) 3. of the statutes is amended to read:

13 59.605 (3) (a) 3. The referendum shall be held in accordance with chs. 5 to 12.  
14 The governing body 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 ~~government accountability board~~  
17 elections commission under ss. 5.64 (2) and 7.08 (1) (a). If the resolution under subd.  
18 1. specifies the operating levy rate, the question shall be submitted as follows:  
19 “Under state law, the operating levy rate for the .... (name of county), for the tax to  
20 be imposed for the year .... (year), is limited to \$.... per \$1,000 of equalized value.  
21 Shall the .... (name of county) be allowed to exceed this rate limit for .... (a specified  
22 number of years) (an indefinite period) by \$.... per \$1,000 of equalized value that  
23 results in an operating levy rate of \$.... per \$1,000 of equalized value?” If the  
24 resolution under subd. 1. specifies the operating levy, the question shall be submitted  
25 as follows: “Under state law, the operating levy rate for the .... (name of county), for

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

8 **SECTION 237.** 67.05 (3) (b) of the statutes is amended to read:

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

17 **SECTION 238.** 67.05 (6) of the statutes is amended to read:

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

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1 so far as applicable, which govern the calling and conduct of special meetings in  
2 general. The notice of the meeting, which shall be publicly read before the balloting  
3 shall commence, and the ballot used, shall embody a copy of the resolution; the form  
4 of the ballot shall correspond with the form prescribed by the ~~government~~  
5 ~~accountability board~~ elections commission under ss. 5.64 (2) and 7.08 (1) (a); and the  
6 question submitted shall be whether the resolution shall be approved.

7 **SECTION 239.** 73.0301 (1) (d) 13. of the statutes is amended to read:

8 73.0301 (1) (d) 13. A license issued by the ~~government accountability board~~  
9 ethics commission under s. 13.63 (1).

10 **SECTION 240.** 73.0301 (1) (e) of the statutes is amended to read:

11 73.0301 (1) (e) “Licensing department” means the department of  
12 administration; the department of agriculture, trade and consumer protection; the  
13 board of commissioners of public lands; the department of children and families; the  
14 ~~government accountability board~~ ethics commission; the department of financial  
15 institutions; the department of health services; the department of natural resources;  
16 the department of public instruction; the department of safety and professional  
17 services; the department of workforce development; the office of the commissioner  
18 of insurance; or the department of transportation.

19 **SECTION 241.** 85.61 (1) of the statutes is amended to read:

20 85.61 (1) The secretary of transportation and the administrator of the elections  
21 ~~division of the government accountability board~~ commission shall enter into an  
22 agreement to match personally identifiable information on the official registration  
23 list maintained by the ~~government accountability board~~ commission under s. 6.36 (1)  
24 with personally identifiable information in the operating record file database under  
25 ch. 343 and vehicle registration records under ch. 341 to the extent required to enable

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1 the secretary of transportation and the administrator of the elections ~~division of the~~  
2 ~~government accountability board~~ commission to verify the accuracy of the  
3 information provided for the purpose of voter registration.

4 **SECTION 242.** 108.227 (1) (e) 13. of the statutes is amended to read:

5 108.227 (1) (e) 13. A license issued by the ~~government accountability board~~  
6 ethics commission under s. 13.63 (1).

7 **SECTION 243.** 108.227 (1) (f) of the statutes is amended to read:

8 108.227 (1) (f) “Licensing department” means the department of  
9 administration; the department of agriculture, trade and consumer protection; the  
10 board of commissioners of public lands; the department of children and families; the  
11 ~~government accountability board~~ ethics commission; the department of financial  
12 institutions; the department of health services; the department of natural resources;  
13 the department of public instruction; the department of revenue; the department of  
14 safety and professional services; the office of the commissioner of insurance; or the  
15 department of transportation.

16 **SECTION 244.** 117.20 (2) of the statutes is amended to read:

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

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1 commission a certified statement prepared by the school district board of canvassers  
2 of the results of the referendum in that school district.

3 **SECTION 245.** 117.27 (2) (b) (intro.) of the statutes is amended to read:

4 117.27 (2) (b) (intro.) The school district clerk shall include in the notice of the  
5 spring election a statement that the election ballot will include a question on the  
6 change requested by the petition. The form of the ballot shall correspond to the form  
7 prescribed by the ~~government accountability board~~ elections commission under ss.  
8 5.64 (2) and 7.08 (1) (a) and the question on the ballot shall be:

9 **SECTION 246.** 121.91 (3) (c) of the statutes is amended to read:

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

21 **SECTION 247.** 125.05 (1) (b) 10. of the statutes is amended to read:

22 125.05 (1) (b) 10. Each question submitted to the electors shall conform to the  
23 form prescribed by the ~~government accountability board~~ elections commission under  
24 ss. 5.64 (2) and 7.08 (1) (a).

25 **SECTION 248.** 165.25 (1) of the statutes is amended to read:

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1           165.25 (1) REPRESENT STATE IN APPEALS AND ON REMAND. Except as provided in  
2           ss. 5.05 (2m) (a), 19.49 (2) (a), and 978.05 (5), appear for the state and prosecute or  
3           defend all actions and proceedings, civil or criminal, in the court of appeals and the  
4           supreme court, in which the state is interested or a party, and attend to and prosecute  
5           or defend all civil cases sent or remanded to any circuit court in which the state is  
6           a party. Nothing in this subsection deprives or relieves the attorney general or the  
7           department of justice of any authority or duty under this chapter.

8           **SECTION 249.** 165.93 (4) (a) of the statutes is amended to read:

9           165.93 (4) (a) The department shall certify to the ~~government accountability~~  
10          ~~board~~ elections commission, on a continuous basis, a list containing the name and  
11          address of each organization that is eligible to receive grants under sub. (2).

12          **SECTION 250.** 198.08 (10) of the statutes is amended to read:

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

25          **SECTION 251.** 200.09 (11) (am) 2. of the statutes is amended to read:



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

6           **SECTION 252.** 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 metropolitan sewerage district commission shall immediately notify the government  
11 accountability board elections commission under s. 5.05 upon passage of a resolution  
12 under this subdivision.

13           **SECTION 253.** 227.03 (6) of the statutes is amended to read:

14           227.03 (6) Orders of the ~~government accountability board~~ elections commission  
15 under s. 5.06 (6) are not subject to this chapter.

16           **SECTION 254.** 227.52 (6) of the statutes is amended to read:

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

19           **SECTION 255.** 230.08 (2) (e) 4h. of the statutes is repealed.

20           **SECTION 256.** 230.08 (2) (eL) of the statutes is created to read:

21           230.08 (2) (eL) The administrator and assistant administrator of the elections  
22 commission.

23           **SECTION 257.** 230.08 (2) (et) of the statutes is created to read:

24           230.08 (2) (et) The administrator and assistant administrator of the ethics  
25 commission.

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1           **SECTION 258.** 230.08 (2) (on) of the statutes is repealed.

2           **SECTION 259.** 230.08 (4) (a) of the statutes is amended to read:

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

14           **SECTION 260.** 234.02 (3m) (c) of the statutes is amended to read:

15           234.02 (3m) (c) The authority shall, with the advice of the ~~government~~  
16 ~~accountability board~~ ethics commission, adopt and enforce ethics guidelines  
17 applicable to its paid consultants which are similar to subch. III of ch. 19, except that  
18 the authority may not require its paid consultants to file financial disclosure  
19 statements.

20           **SECTION 261.** 301.03 (20m) of the statutes is amended to read:

21           301.03 (20m) Transmit to the ~~government accountability board~~ elections  
22 commission, on a continuous basis, a list containing the name of each living person  
23 who has been convicted of a felony under the laws of this state and whose civil rights  
24 have not been restored, together with his or her residential address and the date on  
25 which the department expects his or her civil rights to be restored.

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1           **SECTION 262.** 343.11 (2m) of the statutes is amended to read:

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

6           **SECTION 263.** 756.04 (2) (c) 1. of the statutes is amended to read:

7           756.04 **(2)** (c) 1. A list of registered voters from the ~~government accountability~~  
8 ~~board~~ elections commission.

9           **SECTION 264.** 758.19 (9) of the statutes is repealed.

10          **SECTION 265.** 778.135 of the statutes is amended to read:

11          **778.135 Campaign finance, lobbying, and ethics forfeitures; how**  
12 **recovered.** Notwithstanding s. 778.13, whenever any action or proposed action by  
13 the ~~government accountability board~~ elections commission under s. 5.05 (1) (c) or the  
14 ethics commission under s. 19.49 (1) (b) is settled as a result of agreement between  
15 the parties without approval of the court, the moneys accruing to the state on account  
16 of such settlement shall be paid to the ~~board~~ commission and deposited with the  
17 secretary of administration.

18          **SECTION 266.** 978.05 (1) of the statutes is amended to read:

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

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1 committed by a resident of his or her prosecutorial unit, or if alleged to be committed  
2 by a nonresident of this state, that are alleged to occur in his or her prosecutorial unit  
3 unless another prosecutor is substituted under s. 5.05 (2m) (i) or s. 19.49 (2) (h) or  
4 this chapter or by referral of the ~~government accountability board elections~~  
5 commission under s. 5.05 (2m) (c) 15. or 16. or the ethics commission under s. 19.49  
6 (2) (b) 13. or 14. For purposes of this subsection, a person other than a natural person  
7 an individual is a resident of a prosecutorial unit if the person's principal place of  
8 operation is located in that prosecutorial unit.

9 **SECTION 267.** 978.05 (2) of the statutes is amended to read:

10 978.05 (2) FORFEITURES. Except as otherwise provided by law, prosecute all  
11 state forfeiture actions, county traffic actions and actions concerning violations of  
12 county ordinances which are in conformity with state criminal laws in the courts  
13 within his or her prosecutorial unit and have joint responsibility, together with the  
14 government accountability board elections commission and the ethics commission,  
15 for prosecution of all forfeiture actions arising from violations of chs. 5 to 12, subch.  
16 III of ch. 13, or subch. III of ch. 19 and from violations of other laws arising from or  
17 in relation to the official functions of the subject of the investigation or any matter  
18 that involves elections, ethics, or lobbying regulation under chs. 5 to 12, subch. III  
19 of ch. 13, or subch. III of ch. 19 that are alleged to be committed by a resident of his  
20 or her prosecutorial unit, or if alleged to be committed by a nonresident of this state,  
21 that are alleged to occur within his or her prosecutorial unit unless another  
22 prosecutor is substituted under s. 5.05 (2m) (h) or s. 19.49 (2) (g) or this chapter or  
23 by referral of the ~~government accountability board elections commission~~ under s.  
24 5.05 (2m) (c) 15. or 16. or the ethics commission under s. 19.49 (2) (b) 13. or 14. For  
25 purposes of this subsection, a person other than a natural person an individual is a

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1 resident of a prosecutorial unit if the person's principal place of operation is located  
2 in that prosecutorial unit.

**SECTION 268. Nonstatutory provisions.**

3  
4 (1) AUDIT REPORT RECOMMENDATIONS. The elections commission and ethics  
5 commission, and their employees, shall, to the extent practicable within their  
6 respective responsibilities, implement the recommendations contained in the  
7 legislative audit bureau's Report 14-14 regarding the past performance of the  
8 government accountability board. The elections commission and ethics commission  
9 shall report their progress implementing those recommendations to the legislature  
10 no later than December 31, 2016.

11 (2) ASSETS AND LIABILITIES. On the effective date of this subsection, all assets  
12 and liabilities of the government accountability board are transferred to the elections  
13 commission and the ethics commission. The secretary of administration shall  
14 determine which assets and which liabilities are transferred to each commission.

**(3) POSITIONS AND EMPLOYEES.**

15  
16 (a) On the effective date of this paragraph, all full-time equivalent positions  
17 of the government accountability board are transferred to the elections commission  
18 and the commission. The secretary of administration shall determine which  
19 full-time equivalent positions are transferred to each commission.

20 (b) All incumbent employees holding positions at the government  
21 accountability board on the effective date of this paragraph, except the incumbent  
22 employee holding the position of director and general counsel, are transferred on the  
23 effective date of this paragraph to the elections commission or the ethics commission.  
24 The secretary of administration shall determine which incumbent employees are  
25 transferred to each commission.

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

7           (4) TANGIBLE PERSONAL PROPERTY. On the effective date of this subsection, all  
8 tangible personal property, including records, of the government accountability  
9 board is transferred to the elections commission and the ethics commission. The  
10 secretary of administration shall determine which property is transferred to each  
11 commission.

12           (5) CONTRACTS. All contracts entered into by the government accountability  
13 board that are in effect on the effective date of this subsection shall remain in effect  
14 and are transferred to the elections commission and the ethics commission. The  
15 secretary of administration shall determine which contracts are transferred to each  
16 commission. The elections commission and the ethics commission shall carry out all  
17 contractual obligations under each contract until the contract is modified or  
18 rescinded by that commission to the extent allowed under the contract.

19           (6) RULES, ORDERS, AND FORMAL OPINIONS. All rules promulgated and all formal  
20 opinions and orders issued by the government accountability board that are in effect  
21 on the effective date of this subsection are transferred to the elections commission  
22 and the ethics commission and shall remain in effect until the commission to which  
23 they are transferred amends or repeals a rule or order or changes or withdraws a  
24 formal opinion. The secretary of administration shall determine which rules, orders,  
25 and formal opinions are transferred to each commission.

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1           (7) PENDING MATTERS. All matters pending with the government accountability  
2 board on the effective date of this subsection are transferred to the elections  
3 commission and the ethics commission, and all materials submitted to or actions  
4 taken by the government accountability board with respect to any pending matter  
5 are considered as having been submitted to or taken by the elections commission or  
6 the ethics commission. The secretary of administration shall determine which  
7 pending matters are transferred to each commission.

8           (8) TRANSITIONS; INITIAL TERMS.

9           (a) Notwithstanding section 15.60, 2013 stats., and section 15.07 (1) (cm), 2013  
10 stats., the terms of office of all members of the government accountability board  
11 holding office on the effective date of this paragraph shall expire on the effective date  
12 of this paragraph.

13           (b) On the effective date of this paragraph, all members of the elections  
14 commission and the ethics commission who are appointed and qualify for office shall  
15 take office.

16           (c) Notwithstanding section 15.07 (1) (c) of the statutes and section 15.61 of the  
17 statutes, as created by this act, one half of the members of the elections commission  
18 who are appointed as initial members of the commission shall serve for terms  
19 expiring on May 1, 2019.

20           (d) Notwithstanding section 15.07 (1) (c) of the statutes and section 15.62 of the  
21 statutes, as created by this act, one half of the members of the ethics commission who  
22 are appointed as initial members of the commission shall serve for terms expiring on  
23 May 1, 2019.

24           (e) The governor, majority leader of the senate, minority leader of the senate,  
25 speaker of the assembly, and minority leader of the assembly, may make



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1 appointments and nominations to serve on the elections commission and the ethics  
2 commission and the senate may act upon nominations to serve on the ethics  
3 commission before the term of office of the appointees begin. The initial appointees  
4 may serve prior to senate confirmation.

5 (9) IMPLEMENTATION PLAN. The secretary of administration shall adopt an  
6 implementation plan that incorporates his or her determinations under this SECTION  
7 268 of this act prior to the first day of the 6th month beginning after the date of  
8 publication of this act. The individual who is serving as executive director of the  
9 government accountability board on the date of publication of this act shall work in  
10 concert with the secretary of administration and members appointed to the elections  
11 commission and the ethics commission to ensure a smooth transition and shall  
12 participate in formulating the implementation plan.

13 (10) TERMINOLOGY CHANGE. In the following, as affected by the acts of 2015,  
14 substitute “commission” for “board,” sections 5.05 (2m) (c) 9., 10., 11., 15., 16., 17., and  
15 18., (d) 2., (e), and (f) (intro.), 1., and 2., (4), (5f), (5s) (a), (c), (e) (intro.), 1., and 2., (f)  
16 1., (7), (12), (13) (a), (b), (c), and (d) (intro.), (14), and (15), 5.06 (1), (2), (4), (5), (6), (7),  
17 (8), and (9), 5.061 (1), (2), (3), and (4), 5.25 (4), 5.35 (6) (a) 2m., 4a., 4b., and 5. and  
18 (b), 5.40 (5m), 5.51 (6) and (8), 5.58 (1b) (bm) and (cm), 5.60 (3) (ag), (5) (ar), (6) (a),  
19 and (8) (am), 5.62 (1) (a) and (b) 1., (2) (a), (3), and (4) (ar), 5.64 (1) (ag), (b), and (es)  
20 and (2) (am) and (c), 5.655 (3), 5.72 (1), (2), and (3), 5.83, 5.87 (2), 5.905 (2), (3), and  
21 (4), 5.91 (intro.), 5.95, 6.06, 6.22 (4) (d) and (6), 6.24 (3), (4) (d), (5), and (6), 6.276 (2)  
22 and (3), 6.29 (2) (am), 6.30 (4), 6.33 (1) and (5) (b), 6.36 (1) (a), (bn), (d), (e), and (f) and  
23 (6), 6.47 (1) (ag), (am) 2., and (dm), (2), and (3), 6.50 (1) (intro.), (2), and (2r) (intro.),  
24 (b), and (h), 6.55 (2) (a) 1. (intro.) and (cs) and (3) (b), 6.56 (3m), (4), and (7), 6.57, 6.79  
25 (1m), 6.86 (2) (a), (2m) (a), and (3) (a) 1., 6.869, 6.87 (3) (d), 6.875 (5), 6.92 (1), 6.925,

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1 7.08 (1) (b), (c), and (d), (2) (a) and (d), (3) (intro.) and (a), and (6), 7.10 (1) (a), (2), (3)  
2 (a), (4), (7), (8), (9), and (10), 7.15 (1) (e), (1m), (8), (9), (10), and (13), 7.30 (2) (c), (4)  
3 (e), and (6) (b), 7.31 (1), (2), (4), and (5), 7.315 (1) (a), (2), and (3), 7.38 (5), 7.70 (1) (a)  
4 and (b), (3) (a), (c), (d), (e), (g), and (h), and (5) (b), 8.07, 8.12 (1) (a), (b), (c), and (d),  
5 (2), and (3), 8.15 (8) (a), 8.16 (2) (b) and (7), 8.17 (12), 8.18 (2), 8.185 (2) and (3), 8.19  
6 (1) and (3), 8.40 (3), 8.50 (1) (b) and (d), 9.01 (1) (ar) 2., 10.01 (1) and (2) (intro.), 10.02  
7 (1), (2) (c), and (3) (intro.), 10.06 (1) (a), (c), (e), (f), (h), and (i) and (2) (a), (b), (e), (h),  
8 and (k), 11.02 (1), (2), (4), and (5), 11.05 (3) (e) and (3m), 11.055 (1), 11.06 (1) (intro.),  
9 (3) (b) (intro.), (3m) (c), (3r) (c), and (9), 11.08, 11.12 (5), 11.16 (3) and (5), 11.20 (1),  
10 11.21 (1), (2), (12), (13), and (16), 11.22 (intro.), (1), and (4), 11.23 (6), 11.30 (3) (b),  
11 11.38 (1) (a) 2., 11.60 (5), 11.66, 12.13 (5) (b) (intro.) and 3., 13.62 (4m), 13.621 (5),  
12 13.63 (1) (am) and (b), 13.64 (1) (intro.), (2), (2m), and (3), 13.65, 13.67 (1) and (2),  
13 13.68 (1) (intro.) and (c) (intro.), (4), and (6), 13.69 (1) and (2), 13.695 (1) (intro.) and  
14 (2), 13.74 (1) and (2), 13.75 (intro.), 19.41 (2), 19.43 (1), (2), (3), (7), and (8), 19.44 (1)  
15 (intro.), 19.45 (6) and (11) (a), 19.48 (4) (a), (b), and (c), (5), (6), and (10), 19.55 (2)  
16 (intro.), 19.56 (2) (b) 4., 19.57, 19.575, 19.579 (1), and 19.59 (6) of the statutes.

**SECTION 269. Fiscal changes.**

17  
18 (1) The unencumbered balance in the appropriation account under section  
19 20.511 (1) (i), 2013 stats., immediately before the effective date of this subsection, is  
20 transferred to the appropriation account under section 20.521 (1) (g) of the statutes,  
21 as created by this act.

22 (2) The unencumbered balance in the appropriation account under section  
23 20.511 (1) (im) of the statutes, as affected by this act, is transferred to the  
24 appropriation account under section 20.521 (1) (g) of the statutes, as created by this  
25 act.

