

# State of Wisconsin



2015 Assembly Bill 388

Date of enactment: **December 16, 2015**  
Date of publication\*: **December 17, 2015**

## 2015 WISCONSIN ACT 118

(Vetoed in Part)

**AN ACT** to repeal 5.05 (1m), 5.05 (2m) (c) 3., 5.05 (2m) (c) 8., 5.05 (2m) (g), 5.05 (2s), 5.05 (5s) (f) 1., 5.05 (5s) (f) 2. a., 5.05 (5s) (f) 2. b., 5.052, 5.054, 5.09, 5.68 (3m), 13.62 (4), 15.07 (1) (a) 2., 15.07 (2) (b), 15.07 (5) (m), 15.60 (title), 15.60 (2), 15.60 (3), 15.60 (5), 15.60 (7), 15.603 (title), 15.603 (1) (title), 15.603 (2) (title), 15.607, 19.42 (3), 20.511 (intro.) and (1) (title), 20.923 (4) (f) 3j., 230.08 (2) (e) 4h., 230.08 (2) (on) and 758.19 (9); to renumber 5.05 (2m) (c) 2. b., 15.60 (6), 20.511 (1) (bm), 20.511 (1) (c), 20.511 (1) (d), 20.511 (1) (im), 20.511 (1) (t) and 20.511 (1) (x); to renumber and amend 5.02 (1s), 5.05 (2), 5.05 (5s) (f) 2. c., 5.05 (6a), 12.01, 15.06 (2), 15.60 (1), 15.60 (4), 15.60 (8), 15.603 (1), 15.603 (2), 19.47, 19.851, 20.511 (1) (a), 20.511 (1) (be), 20.511 (1) (g), 20.511 (1) (h), 20.511 (1) (i), 20.511 (1) (j), 20.511 (1) (jm) and 20.511 (1) (m); to amend 5.01 (4) (a), 5.05 (title), 5.05 (1) (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 (2m) (a), 5.05 (2m) (c) 2. a., 5.05 (2m) (c) 4., 5.05 (2m) (c) 5. (intro.), 5.05 (2m) (c) 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 (2m) (d) 1., 5.05 (2m) (h), 5.05 (2m) (i), 5.05 (2w), 5.05 (3g), 5.05 (5e), 5.05 (5s) (intro.), 5.05 (5s) (b), 5.05 (5s) (bm), 5.05 (5s) (d), 5.05 (9), 5.05 (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), 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., 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 (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), 7.52 (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) 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 (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 (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) (a), 9.01 (8) (c), 9.01 (8) (d), 9.01 (10), 10.06 (1) (title), 11.09, 11.21 (title), 11.21 (7) (intro.), 11.30 (2) (fm), 11.60 (4), 11.61 (2), 12.13 (5) (a), 13.123 (3) (b) 2., 13.23, 13.63 (1) (a), 13.685, 14.38 (10m), 15.01 (2), 15.04 (1) (d), 15.06 (5), 15.06 (6), 15.07 (1) (cm), 15.07 (4), 16.753 (2), 16.79 (2), 16.96 (3) (b), 16.973 (6), 17.17 (1), 17.17 (4), 19.43 (4), 19.43 (5), 19.46 (1) (intro.), 19.48 (intro.), 19.48 (1), 19.48 (2), 19.48 (3), 19.48 (7), 19.48 (9), 19.55 (1), 19.55 (2) (c), 19.59 (1) (g) 8., 19.85 (1) (h), 19.851 (title), 20.505 (1) (d), 20.930, 20.9305 (2) (e) (intro.), 38.16 (3) (br) 3., 45.44 (1) (b), 49.165 (4) (a), 59.605 (3) (a) 3., 67.05 (3) (b), 67.05 (6), 73.0301 (1) (d) 13., 73.0301 (1) (e), 85.61 (1), 108.227 (1) (e) 13., 108.227 (1) (f), 117.20 (2), 117.27 (2) (b) (intro.), 121.91 (3) (c), 125.05 (1) (b) 10., 165.25 (1), 165.93 (4) (a), 198.08 (10), 200.09 (11) (am) 2., 200.09 (11) (am) 3., 227.03 (6), 227.52 (6), 230.08 (4) (a), 234.02 (3m) (c), 301.03 (20m), 343.11 (2m), 756.04 (2) (c) 1., 778.135, 978.05 (1) and 978.05 (2); and to create 5.05 (2m) (k), 5.05 (2q), 5.05 (3d), 5.05 (5s) (am), 5.05 (5t), 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., 5.05 (16), 5.05 (17), 11.01 (4m), 12.01 (2), 13.62 (5m), 15.06 (1) (d), 15.06 (1) (e), 15.06 (2) (b), 15.06 (3) (a) 5., 15.06 (3) (a) 6., 15.06 (10), 15.61 (title), 15.61 (1) (a) 1. to 6., 15.61 (1) (b) 2., 15.61 (1m), 15.61 (5), 15.62, 19.42 (4p), 19.42 (10) (a), 19.46 (2), 19.47 (title), 19.47 (1), (2) and (4) to (10), 19.49, 19.50, 19.55 (3), 19.55 (4), 19.552, 19.554, 19.58 (4), 20.510 (intro.) and (1) (title), 20.510 (1) (br), 20.521 (intro.)

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

and (1), 230.08 (2) (eL) and 230.08 (2) (et) of the statutes; **relating to:** reorganizing the Government Accountability Board, requiring the exercise of rule-making authority, and making appropriations.

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

**SECTION 1.** 5.01 (4) (a) of the statutes is amended to read:

5.01 (4) (a) If 2 or more candidates for the same office receive the greatest, but an equal number of votes, the winner shall be chosen by lot in the presence of the board of canvassers charged with the responsibility to determine the election, or in the case of an election for state or national office or metropolitan sewerage commissioner, if the commissioner is elected under s. 200.09 (11) (am), in the presence of the chairperson of the board elections commission or the chairperson's designee.

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

**5.025 Elections commission; definition.** "Board in chs. 5 to 10 and 12, "commission" means the government accountability board elections commission.

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

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

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

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

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

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

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

5.05 (1) (c) Bring civil actions to require a forfeiture for any violation of chs. 5 to 10 or 12, subch. III of ch. 13, or subch. III of ch. 19 or a license revocation for any violation of subch. III of ch. 13 for which the offender is subject to a revocation. The board commission may compromise and settle any civil action or potential action brought or authorized to be brought by it which, in the opinion of the board commission, constitutes a minor violation, a violation caused by excusable neglect, or which for other good cause shown, should not in the public interest be prosecuted under such chapter. Notwithstanding s. 778.06, a civil action or proposed civil action authorized under this paragraph may be settled for such sum as may be agreed between the parties. Any settlement made by the board commission shall be in such amount as to deprive the alleged violator of any benefit of his or her wrongdoing and may contain a penal component to serve as a deterrent to future violations. In settling civil actions or proposed civil actions, the board commission shall treat comparable situations in a comparable manner and shall assure that any settlement bears a reasonable relationship to the severity of the offense or alleged offense. Except as otherwise provided in sub. (2m) (c) 15. and 16. and ss. 5.08, and 5.081, and 19.59 (8), forfeiture and license revocation actions brought by the board commission shall be brought in the circuit court for the county where the defendant resides, or if the defendant is a nonresident of this state, in circuit court for the county wherein the violation is alleged to occur. For purposes of this paragraph, a person other than a natural person an individual resides within a county if the person's principal place of operation is located within that county. Whenever the board commission enters into a settlement agreement with an individual who is accused of a civil violation of chs. 5 to 10 or 12, subch. III of ch. 13, or subch. III of ch. 19 or who is investigated by the board commission for a possible civil violation of one of those provisions, the board commission shall reduce the agreement to writing, together with a statement of the board's commission's findings and reasons for entering into the agreement and shall retain the agreement and statement in its office for inspection.

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

5.05 (1) (d) Sue for injunctive relief, a writ of mandamus or prohibition, or other such legal or equitable relief as may be appropriate to enforce any law regulating the conduct of elections or election campaigns, other than laws regulating campaign financing, or ensure its proper administration. No bond is required in such actions.

Actions shall be brought in circuit court for the county where a violation occurs or may occur.

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

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

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

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

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

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

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

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

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

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

5.05 (2m) (a) The ~~board~~ commission shall investigate violations of laws administered by the ~~board~~ commission and may prosecute alleged civil violations of those laws, directly or through its agents under this subsection, pursuant to all statutes granting or assigning that authority or responsibility to the ~~board~~ commission. Prosecution of alleged criminal violations investigated by the ~~board~~ commission may be brought only as provided in par. (c) 11., 14., 15., and 16. and s. 978.05 (1). For purposes of this subsection, the commission may only initi-

ate an investigation of an alleged violation of chs. 5 to 10 and 12, other than an offense described under par. (c) 12., based on a sworn complaint filed with the commission, as provided under par. (c). Neither the commission nor any member or employee of the commission, including the commission administrator, may file a sworn complaint for purposes of this subsection.

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

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

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

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

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

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

5.05 (2m) (c) 4. If the ~~board~~ commission reviews a complaint and fails to find that there is a reasonable suspicion that a violation under subd. 2. has occurred or is occurring, the ~~board~~ commission shall dismiss the complaint. If the ~~board~~ commission believes that there is reasonable suspicion that a violation under subd. 2. has occurred or is occurring, the ~~board~~ commission may by resolution authorize the commencement of an investigation. The resolution shall specifically set forth any matter that is authorized to be investigated. To assist in the investigation, the ~~board~~ commission may elect to retain a special investigator. If the ~~board~~ commission elects to retain a special investigator, the administrator of the ~~ethics and accountability division~~ commission shall submit to the ~~board~~ commission the names of 3 qualified individuals to serve as a special investigator. The ~~board~~ commission may retain one or more of the individuals. If the ~~board~~ commission retains a special investigator to investigate a complaint against a person who is a resident of

this state, the ~~board~~ commission shall provide to the district attorney for the county in which the person resides a copy of the complaint and shall notify the district attorney that it has retained a special investigator to investigate the complaint. For purposes of this subdivision, a person other than a natural person an individual resides within a county if the person's principal place of operation is located within that county. The ~~board~~ commission shall enter into a written contract with any individual who is retained as a special investigator setting forth the terms of the engagement. A special investigator who is retained by the ~~board~~ commission may request the ~~board~~ commission to issue a subpoena to a specific person or to authorize the special investigator to request ~~a~~ the circuit court of the county in which the specific person resides to issue a search warrant. The ~~board~~ commission may grant the request by approving a motion to that effect at a meeting of the ~~board~~ commission if the ~~board~~ commission finds that such action is legally appropriate.

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

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

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

5.05 (2m) (c) 6. a. If the ~~board~~ commission finds that there is probable cause to believe that a violation under

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

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

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

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

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

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

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

5.05 (2m) (c) 13. If a special investigator or the commission administrator ~~of the ethics and accountability division~~, in the course of an investigation authorized by the ~~board~~ commission, discovers evidence that a violation under subd. 2. that was not within the scope of the authorized investigation has occurred or is occurring, the special investigator or the administrator may present that evidence to the ~~board~~ commission. If the ~~board~~ commission finds that there is a reasonable suspicion that a violation under subd. 2. that is not within the scope of the authorized investigation has occurred or is occurring, the ~~board~~ commission may authorize the special investigator or the administrator to investigate the alleged violation or

may elect to authorize a separate investigation of the alleged violation as provided in subd. 4.

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

5.05 (2m) (c) 14. If a special investigator or the commission administrator of the ethics and accountability division of the board, in the course of an investigation authorized by the board commission, discovers evidence of a potential violation of a law that is not administered by the board commission arising from or in relation to the official functions of the subject of the investigation or any matter that involves elections, ethics, or lobbying regulation, the special investigator or the administrator may present that evidence to the board commission. The board commission may thereupon refer the matter to the appropriate district attorney specified in subd. 11. or may refer the matter to the attorney general. The attorney general may then commence a civil or criminal prosecution relating to the matter.

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

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

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

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

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

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

5.05 (2m) (i) If the defendant in an action for a criminal violation of chs. 5 to 10 or 12, subch. III of ch. 13, or subch. III of ch. 19 is a district attorney or a circuit judge or a candidate for either such office, the action shall be brought by the attorney general. If the defendant in an action for a criminal violation of chs. 5 to 10 or 12, subch. III of ch. 13, or subch. III of ch. 19 is the attorney general or a candidate for that office, the board commission may appoint a special prosecutor to conduct the prosecution on behalf of the state.

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

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

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

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

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

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

5.05 (2w) ELECTIONS DIVISION COMMISSION. The elections division commission has the responsibility for the administration of chs. 5 to 10 and 12.

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

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

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

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

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

5.05 (5e) ~~BIENNIAL ANNUAL REPORT.~~ The board commission shall ~~include in its biennial~~ submit an annual report under s. 15.04 (1) (d) ~~and shall include in its annual report~~ the names and duties of all individuals employed by the board commission and a summary of its determinations and advisory opinions issued under sub. (6a). Except as authorized or required under sub. (5s) (f) 2., the board commission shall make sufficient alterations in the summaries to prevent disclosing the identities of individuals or organizations involved in the decisions or opinions. ~~The board may also include in its biennial report any information compiled under s. 11.21 (7)~~ The commission shall identify in its report the statutory duties of the commission administrator, together with a description of the manner in which those duties are being fulfilled. Notwithstanding sub. (5s) and s. 12.13 (5), the commission shall also specify in its report the total number of investigations conducted by the commission since the last annual report and a description of the nature of each investigation. The board commission shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as it deems desirable.

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

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

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

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

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

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

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

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

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

5.05 (5s) (d) If the board commission commences a civil prosecution of a person for an alleged violation of

chs. 5 to 10 or 12, ~~subch. III of ch. 13, or subch. III of ch. 19~~ as the result of an investigation, the person who is the subject of the investigation may authorize the board commission to make available for inspection and copying under s. 19.35 (1) records of the investigation pertaining to that person if the records are available by law to the subject person and the board commission shall then make those records available.

**SECTION 40d.** 5.05 (5s) (f) 1. of the statutes is repealed.

**SECTION 40h.** 5.05 (5s) (f) 2. a. of the statutes is repealed.

**SECTION 40p.** 5.05 (5s) (f) 2. b. of the statutes is repealed.

**SECTION 40t.** 5.05 (5s) (f) 2. c. of the statutes is renumbered 5.05 (5s) (f) and amended to read:

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

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

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

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

5.05 (6a) (a) 1. Any individual, either personally or on behalf of an organization or governmental body, may make a ~~written or electronic~~ request of the board commission in writing, electronically, or by telephone for ~~an a~~ formal or informal advisory opinion regarding the propriety under chs. 5 to 10 or 12, ~~subch. III of ch. 13, or subch. III of ch. 19~~ of any matter to which the person is or may become a party; ~~and any.~~ Any appointing officer, with the consent of a prospective appointee, may request of the ~~board an~~ commission a formal or informal advisory opinion regarding the propriety under chs. 5 to 10 or 12, ~~subch. III of ch. 13, or subch. III of ch. 19~~ of any matter to which the prospective appointee is or may become a party. The board commission shall review a request for an advisory opinion and may issue a formal or informal written or electronic advisory opinion to the person making the request. Except as authorized or required for opinions specified in sub. (5s) (f) 2., the board's commission's deliberations and actions upon such requests shall

be in meetings not open to the public. ~~No person acting in good faith upon an advisory opinion issued by the board is subject to criminal or civil prosecution for so acting, if the material facts are as stated in the opinion request. A member of the commission may, by written request, require the commission to review an advisory opinion.~~

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

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

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

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

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

~~its opinion and may issue a revised opinion to the person. paragraph.~~

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

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

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

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

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

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

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

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

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

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

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

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

5.05 **(9)** STANDING. The board commission has standing to commence or intervene in any civil action or pro-

ceeding for the purpose of enforcing the laws regulating the conduct of elections or election campaigns, other than laws regulating campaign financing, or ensuring their proper administration. ~~If the board delegates authority to its legal counsel under sub. (1) (e) to act in its stead, the legal counsel has standing to commence or intervene in such an action or proceeding.~~

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

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

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

5.05 (11) AIDS TO COUNTIES AND MUNICIPALITIES. From the appropriations under s. ~~20.54~~ 20.510 (1) (t) and (x), the ~~board~~ commission may provide financial assistance to eligible counties and municipalities for election administration costs in accordance with the plan adopted under sub. (10). As a condition precedent to receipt of assistance under this subsection, the ~~board~~ commission shall enter into an agreement with the county or municipality receiving the assistance specifying the intended use of the assistance and shall ensure compliance with the terms of the agreement. Each agreement shall provide that if the federal government objects to the use of any assistance moneys provided to the county or municipality under the agreement, the county or municipality shall repay the amount of the assistance provided to the ~~board~~ commission.

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

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

(b) Notwithstanding par. (a), the commission may reconsider at any time any policy or procedure adopted

as provided under par. (a). If, upon reconsideration, the commission revises a previously reported policy or procedure, the commission shall report the revision to the appropriate standing committees of the legislature under s. 13.172 (3).

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

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

5.05 (17) PAYMENTS. The commission may accept payment by credit card, debit card, or other electronic payment mechanism for any amounts owed pursuant to the administration of chs. 5 to 10 or 12, and may charge a surcharge to the payer to recover charges associated with the acceptance of that electronic payment.

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

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

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

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

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

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

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

**5.07 Action to compel compliance.** Whenever a violation of the laws regulating the conduct of elections or election campaigns, other than a violation of the laws regulating campaign financing, occurs or is proposed to occur, the attorney general or the district attorney of the

county where the violation occurs or is proposed to occur may sue for injunctive relief, a writ of mandamus or prohibition, or other such legal or equitable relief as may be appropriate to compel compliance with the law. No bond is required in such actions.

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

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

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

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

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

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

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

troller, and county supervisor shall be determined by the county clerk or by the executive director of the county board of election commissioners in the manner specified in s. 5.60 (1) (b).

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

5.58 (2m) METROPOLITAN SEWERAGE COMMISSION. Except as authorized in s. 5.655, there shall be a separate ballot for members of the metropolitan sewerage commission if commissioners are elected under s. 200.09 (11) (am), with candidates for different seats listed in separate columns or rows if more than one seat is contested at any election. Arrangement of the names on the ballot shall be determined by the ~~board~~ elections commission.

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

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

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

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

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

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

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

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

6.26 (3) The ~~board~~ commission shall, by rule, prescribe procedures for appointment of special registration deputies, for revocation of appointments of special registration deputies, and for training of special registration deputies by municipal clerks and boards of election com-

missioners. The procedures shall be coordinated with training programs for special registration deputies conducted by municipal clerks under s. 7.315 and shall be formulated to promote increased registration of electors consistent with the needs of municipal clerks and boards of election commissioners to efficiently administer the registration process.

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

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

**SECTION 71.** 6.275 (2) of the statutes, as affected by [2013 Wisconsin Act 148](#), is amended to read:

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

**SECTION 72.** 6.33 (5) (a) of the statutes is amended to read:

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

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

**SECTION 73.** 6.36 (1) (b) 1. a. of the statutes is amended to read:

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

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

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

**SECTION 75.** 6.36 (2) (a) of the statutes is amended to read:

6.36 (2) (a) Except as provided in par. (b), each registration list prepared for use as a poll list at a polling place or for purposes of canvassing absentee ballots at an election shall contain the full name and address of each registered elector; a blank column for the entry of the serial number of the electors when they vote or the poll list number used by the municipal board of absentee ballot canvassers in canvassing absentee ballots; an indication next to the name of each elector for whom proof of residence under s. 6.34 is required; a space for entry of the type of and the name of the entity or institution that issued the identifying document submitted by the elector as proof of residence when proof of residence under s. 6.34 is required; a space for entry of the elector's signature, or if another person signed the elector's registration form for the elector by reason of the elector's physical disability, the word "exempt"; and a form of certificate bearing the certification of the commission administrator ~~of the elections division of the board~~ stating that the list is a true and complete registration list of the municipality or the ward or wards for which the list is prepared. The board commission shall, by rule, prescribe the space and location for entry of each elector's signature on the poll list which shall provide for entry of the signature without

changing the orientation of the poll list from the orientation used by the election officials.

**SECTION 76.** 6.50 (2g) of the statutes is amended to read:

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

**SECTION 77.** 6.50 (7) of the statutes is amended to read:

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

**SECTION 78.** 6.56 (3) of the statutes is amended to read:

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

**SECTION 79.** 6.95 of the statutes is amended to read:

**6.95 Voting procedure for challenged electors.**

Whenever the inspectors under ss. 6.92 to 6.94 receive the vote of a person offering to vote who has been challenged, the inspectors shall, before giving the elector a ballot, write on the back of the ballot the serial number of the challenged person corresponding to the number kept at the election on the poll list, or other list maintained under s. 6.79, and the notation "s. 6.95". If voting machines are used in the municipality where the person is voting, the person's vote may be received only upon an absentee ballot furnished by the municipal clerk which

shall have the corresponding serial number from the poll list or other list maintained under s. 6.79 and the notation "s. 6.95" written on the back of the ballot by the inspectors before the ballot is given to the elector. The inspectors shall indicate on the list the reason for the challenge. The inspectors shall then deposit the ballot. The challenged ballots shall be counted under s. 5.85 or 7.51. The municipal board of canvassers may decide any challenge when making its canvass under s. 7.53. If the returns are reported under s. 7.60, a challenge may be reviewed by the county board of canvassers. If the returns are reported under s. 7.70, a challenge may be reviewed by the chairperson of the ~~board~~ commission or the chairperson's designee. The decision of any board of canvassers or of the chairperson or chairperson's designee may be appealed under s. 9.01. The standard for disqualification specified in s. 6.325 shall be used to determine the validity of challenged ballots.

**SECTION 80.** 6.96 of the statutes is amended to read:

**6.96 Voting procedure for electors voting pursuant to federal court order.** Whenever any elector is allowed to vote at a polling place pursuant to a federal court order after the closing time provided under s. 6.78, the inspectors shall, before giving the elector a ballot, write on the back of the ballot the notation "s. 6.96". If voting machines are used in the municipality where the elector is voting, the elector's vote may be received only upon an absentee ballot furnished by the municipal clerk which shall have the notation "s. 6.96" written on the back of the ballot by the inspectors before the ballot is given to the elector. When receiving the elector's ballot, the inspectors shall provide the elector with the written voting information prescribed by the ~~board~~ commission under s. 7.08 (8). The inspectors shall indicate on the list the fact that the elector is voting pursuant to a federal court order. The inspectors shall then deposit the ballot. The ballot shall be counted under s. 5.85 or 7.51 unless the order is vacated. If the order is vacated after the ballot is counted, the appropriate board or boards of canvassers or the chairperson of the ~~board~~ commission or his or her designee shall reopen the canvass to discount any ballots that were counted pursuant to the vacated order and adjust the statements, certifications, and determinations accordingly.

**SECTION 81.** 6.97 (1) of the statutes is amended to read:

6.97 (1) Whenever any individual who is required to provide proof of residence under s. 6.34 in order to be permitted to vote appears to vote at a polling place and cannot provide the required proof of residence, the inspectors shall offer the opportunity for the individual to vote under this section. Whenever any individual, other than a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s. 6.34 (1) (b), or an elector who has a confidential listing under s. 6.47 (2), appears to vote at a polling place and does not present proof of

identification under s. 6.79 (2), whenever required, the inspectors or the municipal clerk shall similarly offer the opportunity for the individual to vote under this section. If the individual wishes to vote, the inspectors shall provide the elector with an envelope marked "Ballot under s. 6.97, stats." on which the serial number of the elector is entered and shall require the individual to execute on the envelope a written affirmation stating that the individual is a qualified elector of the ward or election district where he or she offers to vote and is eligible to vote in the election. The inspectors shall, before giving the elector a ballot, write on the back of the ballot the serial number of the individual corresponding to the number kept at the election on the poll list or other list maintained under s. 6.79 and the notation "s. 6.97". If voting machines are used in the municipality where the individual is voting, the individual's vote may be received only upon an absentee ballot furnished by the municipal clerk which shall have the corresponding number from the poll list or other list maintained under s. 6.79 and the notation "s. 6.97" written on the back of the ballot by the inspectors before the ballot is given to the elector. When receiving the individual's ballot, the inspectors shall provide the individual with written voting information prescribed by the board commission under s. 7.08 (8). The inspectors shall indicate on the list the fact that the individual is required to provide proof of residence or proof of identification under s. 6.79 (2) but did not do so. The inspectors shall notify the individual that he or she may provide proof of residence or proof of identification to the municipal clerk or executive director of the municipal board of election commissioners. The inspectors shall also promptly notify the municipal clerk or executive director of the name, address, and serial number of the individual. The inspectors shall then place the ballot inside the envelope and place the envelope in a separate carrier envelope.

**SECTION 82.** 7.03 (1) (a) of the statutes is amended to read:

7.03 (1) (a) Except as authorized under this paragraph, a reasonable daily compensation shall be paid to each inspector, voting machine custodian, automatic tabulating equipment technician, member of a board of canvassers, messenger, and tabulator who is employed and performing duties under chs. 5 to 12. Daily compensation shall also be provided to inspectors and inspector trainees for attendance at training programs conducted by the board commission and municipal clerks under ss. 7.31 and 7.315. Alternatively, such election officials and trainees may be paid by the hour at a proportionate rate for each hour actually worked. Any election official or trainee may choose to volunteer his or her services by filing with the municipal clerk of the municipality in which he or she serves a written declination to accept compensation. The volunteer status of the election official or

trainee remains effective until the official or trainee files a written revocation with the municipal clerk.

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

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

**SECTION 84.** 7.03 (2) of the statutes is amended to read:

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

**SECTION 85.** 7.08 (title) of the statutes is amended to read:

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

**SECTION 86.** 7.08 (1) (a) of the statutes is amended to read:

7.08 (1) (a) Prescribe all official ballot forms necessary under chs. 5 to 10 and 12 and revise the official ballot forms to harmonize with legislation and the current official status of the political parties whenever necessary. The board commission shall include on each ballot form, in the space for official endorsement, markings or spaces for identifying a ballot as an overvoted ballot, a duplicate overvoted ballot, a damaged ballot, or a duplicate damaged ballot, and for writing an identifying serial number. The board commission shall provide one copy of each ballot form without charge to each county and municipal clerk and board of election commissioners. The board commission shall distribute or arrange for distribution of additional copies. The prescribed forms shall be substantially followed in all elections under chs. 5 to 10 and 12.

**SECTION 87.** 7.08 (4) of the statutes is amended to read:

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

**SECTION 88.** 7.15 (1) (g) of the statutes, as affected by [2013 Wisconsin Act 148](#), is amended to read:

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

**SECTION 89.** 7.41 (5) of the statutes is amended to read:

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

**SECTION 90.** 7.52 (1) (a) of the statutes is amended to read:

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

**SECTION 91.** 7.60 (4) (a) of the statutes is amended to read:

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

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

**SECTION 92.** 7.60 (5) of the statutes is amended to read:

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

(b) If the board of canvassers becomes aware of a material mistake in the canvass of an election for state or national office or a statewide or technical college district referendum prior to the close of business on the day the

government accountability board elections commission receives returns from the last county board of canvassers with respect to that canvass, the board of canvassers may petition the government accountability board elections commission to reopen and correct the canvass. The government accountability board elections commission shall direct the canvass to be reopened and corrected if it determines that the public interest so requires. If the government accountability board elections commission directs the canvass to be reopened, the board of canvassers shall reconvene and transmit a certified corrected copy of the canvass statement to the government accountability board elections commission or secretary of the technical college district board.

**SECTION 93.** 7.70 (3) (b) of the statutes is amended to read:

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

**SECTION 94.** 7.70 (3) (i) of the statutes is amended to read:

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

**SECTION 95.** 7.70 (5) (a) of the statutes is amended to read:

7.70 (5) (a) The board commission shall record in its office each certified statement and determination made by the commission chairperson of the board or the chairperson's designee. Immediately after the expiration of

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

**SECTION 96.** 8.05 (1) (j) 3. of the statutes is amended to read:

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

**SECTION 97.** 8.10 (5) of the statutes is amended to read:

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

**SECTION 98.** 8.10 (6) (a) of the statutes is amended to read:

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

**SECTION 99.** 8.15 (4) (b) of the statutes is amended to read:

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

**SECTION 100.** 8.17 (9) (a) of the statutes is amended to read:

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

**SECTION 101.** 8.20 (6) of the statutes is amended to read:

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

**SECTION 102.** 8.20 (7) of the statutes is amended to read:

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

**SECTION 103.** 8.30 (2m) of the statutes is amended to read:

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

under s. 5.05 (2m) (d) 2. ~~or 15.60 (6), 15.61 (3), or 19.49 (2) (c) 2.~~

**SECTION 104.** 8.50 (1) (a) of the statutes is amended to read:

8.50 (1) (a) When there is to be a special election, the special election for county office shall be ordered by the county board of supervisors except as provided in s. 17.21 (5); the special election for city office shall be ordered by the common council; the special election for village office shall be ordered by the board of trustees; the special election for town office shall be ordered by the town board of supervisors; the special election for school board member in a school district organized under ch. 119 shall be ordered by the school board; the special election for municipal judge shall be ordered by the governing body of the municipality, except in 1st class cities, or if the judge is elected under s. 755.01 (4) jointly by the governing bodies of all municipalities served by the judge; and all other special elections shall be ordered by the governor. When the governor or attorney general issues the order, it shall be filed and recorded in the office of the ~~board~~ commission. When the county board of supervisors issues the order, it shall be filed and recorded in the office of the county clerk. When the county executive issues the order, it shall be filed in the office of the county board of election commissioners. When the common council issues the order, it shall be filed in the office of the city clerk. When the board of trustees issues the order, it shall be filed in the office of the village clerk. When the town board of supervisors issues the order, it shall be filed in the office of the town clerk. When the school board of a school district organized under ch. 119 issues the order, it shall be filed and recorded in the office of the city board of election commissioners. If a municipal judge is elected under s. 755.01 (4), the order shall be filed in the office of the county clerk or board of election commissioners of the county having the largest portion of the population of the jurisdiction served by the judge.

**SECTION 105.** 8.50 (3) (a) of the statutes is amended to read:

8.50 (3) (a) Nomination papers may be circulated no sooner than the day the order for the special election is filed and shall be filed not later than 5 p.m. 28 days before the day that the special primary will or would be held, if required, except when a special election is held concurrently with the spring election or general election, the deadline for filing nomination papers shall be specified in the order and the date shall be no earlier than the date provided in s. 8.10 (2) (a) or 8.15 (1), respectively, and no later than 35 days prior to the date of the spring primary or no later than June 1 preceding the partisan primary. Nomination papers may be filed in the manner specified in s. 8.10, 8.15, or 8.20. Each candidate shall file a declaration of candidacy in the manner provided in s. 8.21 no later than the latest time provided in the order for filing

nomination papers. If a candidate for state or local office has not filed a registration statement under s. 11.05 at the time he or she files nomination papers, the candidate shall file the statement with the papers. A candidate for state office shall also file a statement of economic interests with the board ethics commission no later than the end of the 3rd day following the last day for filing nomination papers specified in the order.

**SECTION 106.** 8.50 (3) (e) of the statutes is amended to read:

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

**SECTION 107.** 9.01 (1) (a) 1. of the statutes is amended to read:

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

**SECTION 108.** 9.01 (1) (a) 4. of the statutes is amended to read:

9.01 (1) (a) 4. The petition under subd. 1. may be amended to include information discovered as a result of the investigation of the board of canvassers or the commission chairperson of the board, or chairperson's designee, after the filing of the petition if the petitioner moves to amend the petition as soon as possible after the peti-

tioner discovers, or reasonably should have discovered, the information that is the subject of the amendment and if the petitioner was unable to include the information in the original petition.

**SECTION 109.** 9.01 (1) (ag) 4. of the statutes is amended to read:

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

**SECTION 110.** 9.01 (1) (ar) 3. of the statutes is amended to read:

9.01 (1) (ar) 3. Whenever a clerk receives a valid petition and any payment under par. (ag) 3., the clerk shall thereupon notify the proper board of canvassers. Whenever the board commission receives a valid petition and any payment under par. (ag) 3., the board commission shall promptly by certified mail or other expeditious means order the proper county boards of canvassers to commence the recount. County boards of canvassers shall convene no later than 9 a.m. on the second day after receipt of an order and may adjourn for not more than one day at a time until the recount is completed in the county, except that the board commission may permit extension of the time for adjournment. Returns from a recount ordered by the board commission shall be transmitted to the office of the board commission as soon as possible, but in no case later than 13 days from the date of the order of the board commission directing the recount. The commission chairperson of the board or the chairperson's designee may not make a determination in any election if a recount is pending before any county board of canvassers in that election. The commission chairperson of the board or the chairperson's designee need not recount actual ballots, but shall verify the returns of the county boards of canvassers in making his or her determinations.

**SECTION 111.** 9.01 (5) (a) of the statutes is amended to read:

9.01 (5) (a) The board of canvassers or the commission chairperson of the board or the chairperson's designee shall keep complete minutes of all proceedings before the board of canvassers or the chairperson or designee. The minutes shall include a record of objections and offers of evidence. If the board of canvassers or the commission chairperson or the chairperson's designee receives exhibits from any party, the board of canvassers or the chairperson or designee shall number and preserve the exhibits. The board of canvassers or the chairperson or chairperson's designee shall make specific findings of fact with respect to any irregularity raised in the petition or discovered during the recount. Any member of the board of canvassers or the chairper-

son or chairperson's designee may administer oaths, certify official acts, and issue subpoenas for purposes of this section. Witness fees shall be paid by the county. In the case of proceedings before the commission chairperson ~~of the board~~ or chairperson's designee, witness fees shall be paid by the ~~board~~ commission.

**SECTION 112.** 9.01 (5) (bm) of the statutes is amended to read:

9.01 (5) (bm) Upon the completion of its proceedings, a board of canvassers shall deliver to the ~~board~~ commission one copy of the minutes of the proceedings kept under par. (a). In addition, in the case of a recount of an election for state or national office, for each candidate whose name appears on the ballot for that office under the name of a political party, the board of canvassers shall deliver one copy of the minutes to the chief officer, if any, who is named in any registration statement filed under s. 11.05 (1) by the state committee of that political party, and in the case of a recount of an election for county office, for each candidate whose name appears on the ballot for that office under the name of a political party, the board of canvassers shall deliver one copy of the minutes to the chief officer, if any, who is named in any registration statement filed under s. 11.05 (1) by the county committee of that political party.

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

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

**SECTION 114.** 9.01 (6) (a) of the statutes is amended to read:

9.01 (6) (a) Within 5 business days after completion of the recount determination by the board of canvassers in all counties concerned, or within 5 business days after completion of the recount determination by the commission chairperson ~~of the board~~ or the chairperson's designee whenever a determination is made by the chairperson or designee, any candidate, or any elector when for a ref-

erendum, aggrieved by the recount may appeal to circuit court. The appeal shall commence by serving a written notice of appeal on the other candidates and persons who filed a written notice of appearance before each board of canvassers whose decision is appealed, or in the case of a statewide recount, before the commission chairperson ~~of the board~~ or the chairperson's designee. The appellant shall also serve notice on the ~~board~~ commission if the commission chairperson ~~of the board~~ or the chairperson's designee is responsible for determining the election. The appellant shall serve the notice by certified mail or in person. The appellant shall file the notice with the clerk of circuit court together with an undertaking and surety in the amount approved by the court, conditioned upon the payment of all costs taxed against the appellant.

**SECTION 115.** 9.01 (7) (a) of the statutes is amended to read:

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

**SECTION 116.** 9.01 (8) (a) of the statutes is amended to read:

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

**SECTION 117.** 9.01 (8) (c) of the statutes is amended to read:

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

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

9.01 (8) (d) The court shall set aside or modify the determination of the board of canvassers or the commission chairperson of the board or the chairperson's designee if it finds that the board of canvassers or the chairperson or chairperson's designee has erroneously interpreted a provision of law and a correct interpretation compels a particular action. If the determination depends on any fact found by the board of canvassers or the commission chairperson or the chairperson's designee, the court may not substitute its judgment for that of the board of canvassers or the chairperson or designee as to the weight of the evidence on any disputed finding of fact. The court shall set aside the determination if it finds that the determination depends on any finding of fact that is not supported by substantial evidence.

**SECTION 119.** 9.01 (10) of the statutes is amended to read:

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

**SECTION 120.** 10.06 (1) (title) of the statutes is amended to read:

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

**SECTION 121.** 11.01 (4m) of the statutes is created to read:

11.01 (4m) "Commission" means the ethics commission.

**SECTION 122.** 11.09 of the statutes is amended to read:

**11.09 Duplicate reports required in certain cases.**  
(3) Each registrant whose filing officer is the board commission, who or which makes disbursements in connection with elections for offices which serve or referenda which affect only one county or portion thereof, except a candidate, personal campaign committee, political party committee or other committee making disbursements in support of or in opposition to a candidate for state senator, representative to the assembly, court of appeals judge or circuit judge, shall file a duplicate original of each financial report filed with the board commission with the county clerk or board of election commissioners of the county in which the elections in which the registrant participates are held. Such reports shall be filed no later than the dates specified under s. 11.20 (2) and (4) for the filing of each report with the board commission.

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

**SECTION 123.** 11.21 (title) of the statutes is amended to read:

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

**SECTION 124.** 11.21 (7) (intro.) of the statutes is amended to read:

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

**SECTION 125.** 11.30 (2) (fm) of the statutes is amended to read:

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

**SECTION 126.** 11.60 (4) of the statutes is amended to read:

11.60 (4) Except as otherwise provided in ss. ~~5.05 (2m) (c) 15. and 16. and (h), 5.08, and 5.081~~ 19.49 (2) (b) 13. and 14. and (g) and 19.554, actions under this section may be brought by the board commission or by the district attorney for the county where the defendant resides or, if the defendant is a nonresident, by the district attorney for the county where the violation is alleged to have occurred. For purposes of this subsection, a person other than a ~~natural person~~ an individual resides within a county if the person's principal place of operation is located within that county.

**SECTION 127.** 11.61 (2) of the statutes is amended to read:

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

**SECTION 128.** 12.01 of the statutes is renumbered 12.01 (intro.) and amended to read:

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

(1) “Candidate” includes ~~candidates~~ a candidate for national office.

**SECTION 129.** 12.01 (2) of the statutes is created to read:

12.01 (2) “Commission” means the elections commission.

**SECTION 130.** 12.13 (5) (a) of the statutes is amended to read:

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

**SECTION 131.** 13.123 (3) (b) 2. of the statutes is amended to read:

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

**SECTION 132.** 13.23 of the statutes is amended to read:

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

**SECTION 133.** 13.62 (4) of the statutes is repealed.

**SECTION 134.** 13.62 (5m) of the statutes is created to read:

13.62 (5m) “Commission” means the ethics commission.

**SECTION 135.** 13.63 (1) (a) of the statutes is amended to read:

13.63 (1) (a) An ~~application applicant~~ for a license to act as a lobbyist may be ~~obtained~~ obtain an application from and ~~filed~~ file the application with the ~~board~~ com-

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

**SECTION 136.** 13.685 of the statutes is amended to read:

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

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

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

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

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

The ~~board~~ commission shall include in its ~~biennial~~ report under s. 15.04 (1) (d), a summary of the statements it has received under ss. 13.68 and 13.695.

**SECTION 137.** 14.38 (10m) of the statutes is amended to read:

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

**SECTION 138.** 15.01 (2) of the statutes is amended to read:

15.01 (2) “Commission” means a 3–member governing body in charge of a department or independent agency or of a division or other subunit within a department, except for the Wisconsin waterways commission which shall consist of 5 members, ~~the elections commission which shall consist of at least 6 members, the ethics commission which shall consist of at least 6 members,~~ and the parole commission which shall consist of 8 members. A Wisconsin group created for participation in a continuing interstate body, or the interstate body itself, shall be known as a “commission”, but is not a commission for purposes of s. 15.06. The parole commission created under s. 15.145 (1) shall be known as a “commission”, but is not a commission for purposes of s. 15.06.

**SECTION 139.** 15.04 (1) (d) of the statutes is amended to read:

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

**SECTION 140.** 15.06 (1) (d) of the statutes is created to read:

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

**SECTION 141.** 15.06 (1) (e) of the statutes is created to read:

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

**SECTION 142.** 15.06 (2) of the statutes, as affected by [2015 Wisconsin Act 55](#), is renumbered 15.06 (2) (a) and amended to read:

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

**SECTION 143.** 15.06 (2) (b) of the statutes is created to read:

15.06 (2) (b) 1. The chairperson of the elections commission shall be chosen from the members appointed under s. 15.61 (1) (a) 1. to 4. by affirmative vote of at least two–thirds of the commission members at the commission’s first meeting every 2 years. The chairperson shall serve a 2–year term. The first chairperson shall be chosen from the commissioners affiliated with the same major political party. The major political party from which to select the first chairperson shall be determined by lot. The 2nd chairperson shall be chosen from the commissioners affiliated with the other major political party. Each subsequent chairperson shall be chosen from the commissioners affiliated with the 2 major political parties on a rotating basis.

2. The chairperson of the ethics commission shall be chosen from the members appointed under s. 15.62 (1) (a) 1. to 4. by affirmative vote of at least two–thirds of the commission members at the commission’s first meeting every 2 years. The chairperson shall serve a 2–year term. The first chairperson shall be chosen from the commissioners affiliated with the same major political party. The major political party from which to select the first chairperson shall be determined by lot. The 2nd chairperson shall be chosen from the commissioners affiliated with the other major political party. Each subsequent chairperson shall be chosen from the commissioners affiliated with the 2 major political parties on a rotating basis.

**SECTION 144.** 15.06 (3) (a) 5. of the statutes is created to read:

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

**SECTION 145.** 15.06 (3) (a) 6. of the statutes is created to read:

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

**SECTION 146.** 15.06 (5) of the statutes is amended to read:

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

**SECTION 147.** 15.06 (6) of the statutes is amended to read:

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

**SECTION 148.** 15.06 (10) of the statutes is created to read:

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

**SECTION 149.** 15.07 (1) (a) 2. of the statutes is repealed.

**SECTION 150.** 15.07 (1) (cm) of the statutes is amended to read:

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

**SECTION 151.** 15.07 (2) (b) of the statutes is repealed.

**SECTION 152.** 15.07 (4) of the statutes is amended to read:

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

**SECTION 153.** 15.07 (5) (m) of the statutes is repealed.

**SECTION 154.** 15.60 (title) of the statutes is repealed.

**SECTION 155.** 15.60 (1) of the statutes is renumbered 15.61 (1) (a) (intro.) and amended to read:

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

**SECTION 156.** 15.60 (2) of the statutes is repealed.

**SECTION 157.** 15.60 (3) of the statutes is repealed.

**SECTION 158.** 15.60 (4) of the statutes is renumbered 15.61 (2) and amended to read:

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

**SECTION 159.** 15.60 (5) of the statutes is repealed.

**SECTION 160.** 15.60 (6) of the statutes is renumbered 15.61 (3).

**SECTION 161.** 15.60 (7) of the statutes is repealed.

**SECTION 162.** 15.60 (8) of the statutes is renumbered 15.61 (4) and amended to read:

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

**SECTION 163.** 15.603 (title) of the statutes is repealed.

**SECTION 164.** 15.603 (1) (title) of the statutes is repealed.

**SECTION 165.** 15.603 (1) of the statutes is renumbered 15.62 (1) (b) 1. and amended to read:

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

shall appoint a new administrator, and submit the appointment for senate confirmation, no later than 45 days after the date of the vacancy. If the commission has not appointed a new administrator at the end of the 45-day period, the joint committee on legislative organization shall appoint an interim administrator to serve until a new administrator has been confirmed by the senate but for a term of no longer than one year. If the administrator position remains vacant at the end of the one-year period, the process for filling the vacancy described in this subdivision is repeated until the vacancy is filled.

**SECTION 166.** 15.603 (2) (title) of the statutes is repealed.

**SECTION 167.** 15.603 (2) of the statutes is renumbered 15.61 (1) (b) 1. and amended to read:

15.61 (1) (b) 1. ~~There is created in the government accountability board an elections division. The elections division~~ commission shall be under the direction and supervision of an administrator, who shall be appointed by a majority of the members of the ~~board~~ commission, with the advice and consent of the senate, to serve for a 4-year term expiring on July 1 of the odd-numbered year. Until the senate has confirmed an appointment made under this subdivision, the elections commission shall be under the direction and supervision of an interim administrator selected by a majority of the members of the commission. If a vacancy occurs in the administrator position, the commission shall appoint a new administrator, and submit the appointment for senate confirmation, no later than 45 days after the date of the vacancy. If the commission has not appointed a new administrator at the end of the 45-day period, the joint committee on legislative organization shall appoint an interim administrator to serve until a new administrator has been confirmed by the senate but for a term of no longer than one year. If the administrator position remains vacant at the end of the one-year period, the process for filling the vacancy described in this subdivision is repeated until the vacancy is filled.

**SECTION 168.** 15.607 of the statutes is repealed.

**SECTION 169.** 15.61 (title) of the statutes is created to read:

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

**SECTION 170.** 15.61 (1) (a) 1. to 6. of the statutes are created to read:

15.61 (1) (a) 1. One member appointed by the senate majority leader.

2. One member appointed by the senate minority leader.

3. One member appointed by the speaker of the assembly.

4. One member appointed by the assembly minority leader.

5. Two members who formerly served as county or municipal clerks and who are nominated by the governor, with the advice and consent of a majority of the members

of the senate confirmed. The legislative leadership of the 2 major political parties that received the largest number of votes for president shall prepare a list of **not more than** 3 individuals such that each major political party has prepared one list. The governor shall choose one nominee from each list.

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

**SECTION 170g.** 15.61 (1) (b) 2. of the statutes is created to read:

15.61 (1) (b) 2. The administrator may be removed by the affirmative vote of a majority of all members of the commission voting at a meeting of the commission called for that purpose.

**SECTION 170m.** 15.61 (1m) of the statutes is created to read:

15.61 (1m) Members appointed with the advice and consent of the senate may serve prior to senate confirmation.

**SECTION 171.** 15.61 (5) of the statutes is created to read:

15.61 (5) (a) 1. Except as provided in subd. 2., if a vacancy occurs for a member appointed under sub. (1) (a) 1. to 4., the individual responsible for making the appointment shall appoint a new member no later than 45 days after the date of the vacancy.

2. If the political party affiliation of the individual responsible for filling a vacancy under this paragraph is not the same as the political party affiliation of the individual who made the initial appointment, the legislative leader of the political party that made the initial appointment shall fill the vacancy.

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

**SECTION 172.** 15.62 of the statutes is created to read:

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

1. One member appointed by the senate majority leader.

2. One member appointed by the senate minority leader.

3. One member appointed by the speaker of the assembly.

4. One member appointed by the assembly minority leader.

5. Two individuals who formerly served as judges for a court of record in this state, who were elected to the

**Vetoed  
In Part**

**Vetoed  
In Part**

positions in which they served, and who are nominated by the governor with the advice and consent of a majority of the members of the senate confirmed. The legislative leadership of the 2 major political parties that received the largest number of votes for president shall prepare a list of **not more than** 3 individuals such that each major political party has prepared one list. The governor shall choose one nominee from each list.

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

(b) 2. The administrator may be removed by the affirmative vote of a majority of all members of the commission voting at a meeting of the commission called for that purpose.

(1m) Members appointed with the advice and consent of the senate may serve prior to senate confirmation.

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

(3) No member, while serving on the commission, may become a candidate, as defined in s. 11.0101 (1), for state office or local office, as defined in s. 5.02.

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

(5) (a) 1. Except as provided in subd. 2., if a vacancy occurs for a member appointed under sub. (1) (a) 1. to 4., the individual responsible for making the appointment shall appoint a new member no later than 45 days after the date of the vacancy.

2. If the political party affiliation of the individual responsible for filling a vacancy under this paragraph is not the same as the political party affiliation of the individual who made the initial appointment, the legislative leader of the political party that made the initial appointment shall fill the vacancy.

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

**SECTION 173.** 16.753 (2) of the statutes is amended to read:

16.753 (2) Except as otherwise expressly provided, each agency shall provide to the ~~government accountability board~~ ethics commission for posting on the Internet a list identifying each solicitation for bids or competitive sealed proposals and each proposed order or contract of the agency for which bids or competitive sealed propos-

als will not be solicited that involves a major expenditure, together with all information required under sub. (4).

**SECTION 174.** 16.79 (2) of the statutes is amended to read:

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

**SECTION 175.** 16.96 (3) (b) of the statutes is amended to read:

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

**SECTION 176.** 16.973 (6) of the statutes is amended to read:

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

**SECTION 177.** 17.17 (1) of the statutes is amended to read:

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

**SECTION 178.** 17.17 (4) of the statutes is amended to read:

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

**SECTION 179.** 19.42 (3) of the statutes is repealed.

**SECTION 180.** 19.42 (4p) of the statutes is created to read:

19.42 (4p) "Commission" means the ethics commission.

**SECTION 181.** 19.42 (10) (a) of the statutes is created to read:

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

**SECTION 182.** 19.43 (4) of the statutes is amended to read:

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

**SECTION 183.** 19.43 (5) of the statutes is amended to read:

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

**SECTION 184.** 19.46 (1) (intro.) of the statutes is amended to read:

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

**SECTION 185.** 19.46 (2) of the statutes is created to read:

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 186.** 19.47 (title) of the statutes is created to read:

**19.47 (title) Operation.**

**SECTION 187.** 19.47 of the statutes is renumbered 19.47 (3) and amended to read:

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

**SECTION 188.** 19.47 (1), (2) and (4) to (10) of the statutes are created to read:

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

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

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

(5) ANNUAL REPORT. The commission shall submit an annual report under s. 15.04 (1) (d) and shall include in its annual report the names and duties of all individuals employed by the commission and a summary of its determinations and advisory opinions issued under s. 19.46 (2). Except as authorized or required under s. 19.55 (4) (b), the commission shall make sufficient alterations in the summaries to prevent disclosing the identities of individuals or organizations involved in the decisions or opinions. The commission shall identify in its report the statutory duties of the administrator of the commission, together with a description of the manner in which those duties are being fulfilled. Notwithstanding ss. 19.50 and 19.55 (3), the commission shall also specify in its report the total number of investigations conducted by the commission since the last annual report and a description of the nature of each investigation, including whether the investigation related to campaign finance, ethics, or lobbying. The commission may also include in its annual report any information compiled under s. 11.1304 (14). The commission shall make such further reports on the matters within its jurisdiction and such recommendations for legislation as it deems appropriate.

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

(7) GUIDANCE FOLLOWING BINDING COURT DECISIONS. Within 2 months following the publication of a decision of a state or federal court that is binding on the commission and this state, the commission shall issue updated guidance or formal advisory opinions, commence the

rule-making procedure to revise administrative rules promulgated by the commission, or request an opinion from the attorney general on the applicability of the court decision.

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

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

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

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

(10) **EMPLOYEES.** All employees of the commission shall be nonpartisan.

(11) **PAYMENTS.** The commission may accept payment by credit card, debit card, or other electronic payment mechanism for any amounts owed pursuant to the administration of ch. 11, subch. III of ch. 13, or this subchapter, and may charge a surcharge to the payer to recover charges associated with the acceptance of that electronic payment.

**SECTION 189.** 19.48 (intro.) of the statutes is amended to read:

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

**SECTION 190.** 19.48 (1) of the statutes is amended to read:

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

**SECTION 191.** 19.48 (2) of the statutes is amended to read:

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

**SECTION 192.** 19.48 (3) of the statutes is amended to read:

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

**SECTION 193.** 19.48 (7) of the statutes is amended to read:

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

**SECTION 194.** 19.48 (9) of the statutes is amended to read:

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

**SECTION 195.** 19.49 of the statutes is created to read:  
**19.49 Administration; enforcement. (1) GENERAL AUTHORITY.** The commission shall have the responsibility for the administration of ch. 11, subch. III of ch. 13, and this subchapter. Pursuant to such responsibility, the commission may:

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

(b) Bring civil actions to require a forfeiture for any violation of ch. 11, subch. III of ch. 13, or this subchapter or for a license revocation for any violation of subch. III of ch. 13 for which the offender is subject to a revocation. The commission may compromise and settle any civil

action or potential action brought or authorized to be brought by it which, in the opinion of the commission, constitutes a minor violation, a violation caused by excusable neglect, or which for other good cause shown, should not in the public interest be prosecuted under such chapter. Notwithstanding s. 778.06, a civil action or proposed civil action authorized under this paragraph may be settled for such sum as may be agreed between the parties. Any settlement made by the commission shall be in such amount as to deprive the alleged violator of any benefit of his or her wrongdoing and may contain a penal component to serve as a deterrent to future violations. In settling civil actions or proposed civil actions, the commission shall treat comparable situations in a comparable manner and shall assure that any settlement bears a reasonable relationship to the severity of the offense or alleged offense. Except as otherwise provided in sub. (2) (b) 13. and 14. and ss. 19.554 and 19.59 (8), forfeiture and license revocation actions brought by the commission shall be brought in the circuit court for the county where the defendant resides, or if the defendant is a nonresident of this state, in circuit court for the county wherein the violation is alleged to occur. For purposes of this paragraph, a person other than an individual resides within a county if the person's principal place of operation is located within that county. Whenever the commission enters into a settlement agreement with an individual who is accused of a civil violation of ch. 11, subch. III of ch. 13, or this subchapter or who is investigated by the commission for a possible civil violation of one of those provisions, the commission shall reduce the agreement to writing, together with a statement of the commission's findings and reasons for entering into the agreement and shall retain the agreement and statement in its office for inspection.

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

**(1m)** (title) COMPLAINTS.

**(2)** ENFORCEMENT. (a) The commission shall investigate violations of laws administered by the commission and may prosecute alleged civil violations of those laws, directly or through its agents under this subsection, pursuant to all statutes granting or assigning that authority or responsibility to the commission. Prosecution of alleged criminal violations investigated by the commission may be brought only as provided in par. (b) 9., 12., 13., and 14. and s. 978.05 (1). For purposes of this subsection, the commission may only initiate an investigation of an alleged violation of ch. 11, subch. III of ch. 13, and this subchapter, other than an offense described under par. (b) 10., based on a sworn complaint filed with the commis-

sion, as provided under par. (b). Neither the commission nor any member or employee of the commission, including the commission administrator, may file a sworn complaint for purposes of this subsection.

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

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

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

3. If the commission reviews a complaint and fails to find that there is a reasonable suspicion that a violation under subd. 1. has occurred or is occurring, the commission shall dismiss the complaint. If the commission believes that there is reasonable suspicion that a violation under subd. 1. has occurred or is occurring, the commission may by resolution authorize the commencement of an investigation. The resolution shall specifically set forth any matter that is authorized to be investigated. To assist in the investigation, the commission may elect to retain a special investigator. If the commission elects to retain a special investigator, the administrator shall submit to the commission the names of 3 qualified individuals to serve as a special investigator. The commission may retain one or more of the individuals. If the commission retains a special investigator to investigate a complaint against a person who is a resident of this state, the commission shall provide to the district attorney for the county in which the person resides a copy of the complaint and shall notify the district attorney that it has retained a special investigator to investigate the complaint. For purposes of this subdivision, a person other than an individual resides within a county if the person's principal place of operation is located within that county. The commission shall enter into a written contract with any individual who is retained as a special investigator

setting forth the terms of the engagement. A special investigator who is retained by the commission may request the commission to issue a subpoena to a specific person or to authorize the special investigator to request the circuit court of the county in which the specific person resides to issue a search warrant. The commission may grant the request by approving a motion to that effect at a meeting of the commission if the commission finds that such action is legally appropriate.

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

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

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

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

5. a. If the commission finds that there is probable cause to believe that a violation under subd. 1. has occurred or is occurring, the commission may authorize the administrator to file a civil complaint against the alleged violator. In such case, the administrator may request the assistance of special counsel to prosecute any action brought by the commission. If the administrator requests the assistance of special counsel with respect to any matter, the administrator shall submit to the commis-

sion the names of 3 qualified individuals to serve as special counsel. The commission may retain one of the individuals to act as special counsel. The staff of the commission shall provide assistance to the special counsel as may be required by the counsel to carry out his or her responsibilities.

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

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

7. At the conclusion of its investigation, the commission shall, in preliminary written findings of fact and conclusions based thereon, make a determination of whether or not probable cause exists to believe that a violation under subd. 1. has occurred or is occurring. If the commission determines that no probable cause exists, it shall dismiss the complaint. Whenever the commission dismisses a complaint or a complaint is deemed to be dismissed under subd. 4., the commission shall immediately send written notice of the dismissal to the accused and to the party who made the complaint.

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

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

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

11. If a special investigator or the administrator, in the course of an investigation authorized by the commission, discovers evidence that a violation under subd. 1. that was not within the scope of the authorized investiga-

tion has occurred or is occurring, the special investigator or the administrator may present that evidence to the commission. If the commission finds that there is a reasonable suspicion that a violation under subd. 1. that is not within the scope of the authorized investigation has occurred or is occurring, the commission may authorize the special investigator or the administrator to investigate the alleged violation or may elect to authorize a separate investigation of the alleged violation as provided in subd. 3.

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

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

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

commence a civil or criminal prosecution relating to the matter.

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

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

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

2. No employee of the commission, while so employed, may become a candidate, as defined in s. 11.0101 (1), for a state or partisan local office. No individual who is retained by the commission to serve as a special investigator or as special counsel may, while so retained, become a candidate, as defined in s. 11.0101 (1), for any state or local office. A filing officer shall decline to accept nomination papers or a declaration of candidacy from any individual who does not qualify to become a candidate under this paragraph.

(d) No individual who serves as an employee of the commission and no individual who is retained by the commission to serve as a special investigator or a special counsel may, while so employed or retained, make a contribution, as defined in s. 11.0101 (8), to a candidate for state or local office. No individual who serves as an employee of the commission and no individual who is retained by the commission to serve as a special investigator or as special counsel, for 12 months prior to becoming so employed or retained, may have made a contribution, as defined in s. 11.0101 (8), to a candidate for a partisan state or local office.

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

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

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

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

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

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

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

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

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

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

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

**(2q) SUPPLEMENTAL FUNDING FOR ONGOING INVESTIGATIONS.** The commission may request supplemental funds to be credited to the appropriation account under s. 20.521 (1) (be) for the purpose of continuing an ongoing investigation initiated under sub. (2). A request under this subsection shall be filed with the secretary of administration and the cochairpersons of the joint committee on finance in writing and shall contain a statement of the action requested, the purposes therefor, the statutory provision authorizing or directing the performance of the action, and information about the nature of the investigation for which the commission seeks supplemental funds, excluding the name of any individual or organization that is the subject of the investigation. If the cochairpersons

of the joint committee on finance do not notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the request within 14 working days after the commission filed the request, the secretary shall supplement the appropriation under s. 20.521 (1) (be) from the appropriation under s. 20.505 (1) (d) in an amount not to exceed the amount the commission requested. If, within 14 working days after the commission filed the request, the cochairpersons of the joint committee on finance notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the commission's request under this subsection, the secretary may supplement the appropriation under s. 20.521 (1) (be) only with the committee's approval. The committee and the secretary shall notify the commission of all their actions taken under this subsection.

**SECTION 196.** 19.50 of the statutes is created to read:

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

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

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

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

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

**SECTION 197.** 19.55 (1) of the statutes is amended to read:

19.55 (1) Except as provided in sub. ~~subs.~~ (2) and s. 5.05 ~~(5s)~~ to (4), all records under ch. 11, this subchapter, or subch. III of ch. 13 in the possession of the ~~board~~ commission are open to public inspection at all reasonable times. The ~~board~~ commission shall require an individual wishing to examine a statement of economic interests or the list of persons who inspect any statements which are in the ~~board's~~ commission's possession to provide his or her full name and address, and if the individual is representing another person, the full name and address of the person which he or she represents. Such identification

may be provided in writing or in person. The ~~board~~ commission shall record and retain for at least 3 years information obtained by it pursuant to this subsection. No individual may use a fictitious name or address or fail to identify a principal in making any request for inspection.

**SECTION 198.** 19.55 (2) (c) of the statutes is amended to read:

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

**SECTION 199.** 19.55 (3) of the statutes is created to read:

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 200.** 19.55 (4) of the statutes is created to read:

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

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

(c) Within 30 days after completing an investigation related to and the preparation of a formal advisory opinion on a matter under the jurisdiction of the commission, the commission shall make public the formal advisory opinion and records obtained in connection with the request for the formal advisory opinion, replacing the identity of any organization or governmental body on whose behalf the formal opinion is requested with generic, descriptive terms. The commission shall redact information related to the identity of any natural person making the request.

**SECTION 201.** 19.552 of the statutes is created to read:  
**19.552 Action to compel compliance.** Whenever a violation of the laws regulating campaign financing occurs or is proposed to occur, the attorney general or the district attorney of the county where the violation occurs or is proposed to occur may sue for injunctive relief, a writ of mandamus or prohibition, or other such legal or

equitable relief as may be appropriate to compel compliance with the law. No bond is required in such actions.

**SECTION 202.** 19.554 of the statutes is created to read:

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

**SECTION 203.** 19.58 (4) of the statutes is created to read:

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

**SECTION 204.** 19.59 (1) (g) 8. of the statutes is amended to read:

19.59 (1) (g) 8. No district board member, member of a district board member's immediate family, nor any organization with which the district board member or a member of the district board member's immediate family owns or controls at least 10% of the outstanding equity, voting rights, or outstanding indebtedness may enter into any contract or lease involving a payment or payments of more than \$3,000 within a 12-month period, in whole or in part derived from district funds unless the district board member has first made written disclosure of the nature and extent of such relationship or interest to the ~~government accountability board~~ commission and to the

district. Any contract or lease entered into in violation of this subdivision may be voided by the district in an action commenced within 3 years of the date on which the ~~government accountability board~~ commission, or the district, knew or should have known that a violation of this subdivision had occurred. This subdivision does not affect the application of s. 946.13.

**SECTION 205.** 19.85 (1) (h) of the statutes is amended to read:

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

**SECTION 206.** 19.851 (title) of the statutes is amended to read:

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

**SECTION 207.** 19.851 of the statutes is renumbered 19.851 (2) and amended to read:

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

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

**SECTION 208.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

		2015-16		2016-17	
<b>20.510 Elections commission</b>					
(1)	ADMINISTRATION OF ELECTIONS				
(a)	General program operations; general purpose revenue	GPR	B	-0-	-0-
(be)	Investigations	GPR	A	-0-	-0-
(br)	Special counsel	GPR	A	-0-	-0-
(c)	Voter identification training	GPR	A	-0-	-0-
(e)	Elections administration	GPR	A	-0-	-0-
(g)	Recount fees	PR	A	-0-	-0-
(h)	Materials and services	PR	A	-0-	-0-

				2015-16	2016-17
(jm)	Gifts and grants	PR	A	-0-	-0-
(m)	Federal aid	PR-F	A	-0-	-0-
(t)	Election administration	SEG	A	-0-	-0-
(x)	Federal aid; election administration fund	SEG-F	C	-0-	-0-
<b>20.521 Ethics commission</b>					
(1)	ETHICS, CAMPAIGN FINANCE AND LOBBYING REGULATION				
(a)	General program operations; general purpose revenue	GPR	A	-0-	-0-
(be)	Investigations	GPR	A	-0-	-0-
(br)	Special counsel	GPR	A	-0-	-0-
(g)	General program operations; program revenue	PR	A	-0-	-0-
(h)	Gifts and grants	PR	A	-0-	-0-
(i)	Materials and services	PR	A	-0-	-0-
(im)	Lobbying administration; program revenue	PR	A	-0-	-0-
(j)	Electronic filing software	PR	A	-0-	-0-

**SECTION 209.** 20.505 (1) (d) of the statutes is amended to read:

20.505 (1) (d) *Special counsel.* A sum sufficient, subject to s. 5.05 (2q), for supplementing the appropriation under s. 20.510 (1) (be) for ongoing investigations; subject to s. 19.49 (2q), for supplementing the appropriation under s. 20.521 (1) (be) for ongoing investigations; and, subject to the procedures established in ~~ss. 5.05 (2m) (e) and s. 14.11 (2) (c)~~, for the compensation of special counsel appointed as provided in ~~ss. 5.05 (2m) (e), 14.11 (2), and 321.42.~~

**SECTION 210.** 20.510 (intro.) and (1) (title) of the statutes are created to read:

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

(1) (title) ADMINISTRATION OF ELECTIONS.

**SECTION 211.** 20.510 (1) (br) of the statutes is created to read:

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

**SECTION 212.** 20.511 (intro.) and (1) (title) of the statutes are repealed.

**SECTION 213.** 20.511 (1) (a) of the statutes is renumbered 20.510 (1) (a) and amended to read:

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

**SECTION 214.** 20.511 (1) (be) of the statutes is renumbered 20.510 (1) (be) and amended to read:

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

**SECTION 215.** 20.511 (1) (bm) of the statutes is renumbered 20.510 (1) (bm).

**SECTION 216.** 20.511 (1) (c) of the statutes is renumbered 20.510 (1) (c).

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

**SECTION 218.** 20.511 (1) (g) of the statutes is renumbered 20.510 (1) (g) and amended to read:

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

**SECTION 219.** 20.511 (1) (h) of the statutes is renumbered 20.510 (1) (h) and amended to read:

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

moneys received from requesters from sales of copies of the official registration list, shall be credited to this appropriation account.

**SECTION 220.** 20.511 (1) (i) of the statutes is renumbered 20.510 (1) (e) and amended to read:

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

**SECTION 221m.** 20.511 (1) (im) of the statutes is renumbered 20.521 (1) (im).

**SECTION 222.** 20.511 (1) (j) of the statutes is renumbered 20.521 (1) (j) and amended to read:

20.521 (1) (j) *Electronic filing software.* The amounts in the schedule for providing software to be utilized for electronic filing of campaign finance reports under s. 11.1304 (6). All moneys received from registrants who purchase software to be utilized for electronic filing of campaign finance reports under s. 11.21 (16), for the purpose of providing that software s. 11.1304 (6) shall be credited to this appropriation account.

**SECTION 223.** 20.511 (1) (jm) of the statutes is renumbered 20.510 (1) (jm) and amended to read:

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

**SECTION 224.** 20.511 (1) (m) of the statutes is renumbered 20.510 (1) (m) and amended to read:

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

**SECTION 225.** 20.511 (1) (t) of the statutes is renumbered 20.510 (1) (t).

**SECTION 226.** 20.511 (1) (x) of the statutes is renumbered 20.510 (1) (x).

**SECTION 227.** 20.521 (intro.) and (1) of the statutes are created to read:

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

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

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

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

(g) *General program operations; program revenue.* The amounts in the schedule for general program operations under ch. 11 and subch. III of ch. 19. All moneys received from fees imposed under s. 11.0102 (2) shall be credited to this appropriation account.

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

(i) *Materials and services.* The amounts in the schedule for the cost of publishing documents, locating and copying records, postage and shipping, and conducting programs under s. 19.48 (9) and of compiling, disseminating, and making available information prepared by and filed with the commission under s. 19.48 (10). All moneys received by the commission from sales of documents, and from fees collected for copies of records, for postage, shipping, and location fees, and from fees assessed under s. 19.48 (9) and (10) shall be credited to this appropriation account.

**SECTION 228.** 20.923 (4) (f) 3j. of the statutes is repealed.

**SECTION 229.** 20.930 of the statutes is amended to read:

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

**SECTION 230.** 20.9305 (2) (e) (intro.) of the statutes is amended to read:

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

**SECTION 231.** 38.16 (3) (br) 3. of the statutes is amended to read:

38.16 (3) (br) 3. The referendum shall be held in accordance with chs. 5 to 12. The district board shall provide the election officials with all necessary election supplies. The form of the ballot shall correspond substantially with the standard form for referendum ballots prescribed by the government accountability board elections commission under ss. 5.64 (2) and 7.08 (1) (a). The question submitted shall be whether the limit under this subsection may be exceeded by a specified amount. The limit otherwise applicable to the district under this sub-

section is increased by the amount approved by a majority of those voting on the question.

**SECTION 232.** 45.44 (1) (b) of the statutes is amended to read:

45.44 (1) (b) “Licensing agency” means the department of agriculture, trade and consumer protection; the department of children and families; the department of financial institutions; the department of health services; the department of natural resources; the department of public instruction; the department of revenue; the department of safety and professional services and its examining boards and affiliated credentialing boards; the department of transportation; the department of workforce development; the board of commissioners of public lands; the ~~government accountability board~~ ethics commission; or the office of the commissioner of insurance.

**SECTION 233.** 49.165 (4) (a) of the statutes is amended to read:

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

**SECTION 234.** 59.605 (3) (a) 3. of the statutes is amended to read:

59.605 (3) (a) 3. The referendum shall be held in accordance with chs. 5 to 12. The governing body shall provide the election officials with all necessary election supplies. The form of the ballot shall correspond substantially with the standard form for referendum ballots prescribed by the ~~government accountability board~~ elections commission under ss. 5.64 (2) and 7.08 (1) (a). If the resolution under subd. 1. specifies the operating levy rate, the question shall be submitted as follows: “Under state law, the operating levy rate for the .... (name of county), for the tax to be imposed for the year .... (year), is limited to \$.... per \$1,000 of equalized value. Shall the .... (name of county) be allowed to exceed this rate limit for .... (a specified number of years) (an indefinite period) by \$.... per \$1,000 of equalized value that results in an operating levy rate of \$.... per \$1,000 of equalized value?” If the resolution under subd. 1. specifies the operating levy, the question shall be submitted as follows: “Under state law, the operating levy rate for the .... (name of county), for the tax to be imposed for the year .... (year), is limited to \$.... per \$1,000 of equalized value. Notwithstanding the operating levy rate limit, shall the .... (name of county) be allowed to levy an amount not to exceed \$.... (operating levy) for operating purposes for the year .... (year), which may increase the operating levy rate for .... (a specified number of years) (an indefinite period)? This would allow a ...% increase above the levy of \$.... (preceding year operating levy) for the year .... (preceding year).”

**SECTION 235.** 67.05 (3) (b) of the statutes is amended to read:

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

**SECTION 236.** 67.05 (6) of the statutes is amended to read:

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

**SECTION 237.** 73.0301 (1) (d) 13. of the statutes is amended to read:

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

**SECTION 238.** 73.0301 (1) (e) of the statutes is amended to read:

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

**SECTION 239.** 85.61 (1) of the statutes is amended to read:

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

**SECTION 240.** 108.227 (1) (e) 13. of the statutes is amended to read:

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

**SECTION 241.** 108.227 (1) (f) of the statutes is amended to read:

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

**SECTION 242.** 117.20 (2) of the statutes is amended to read:

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

**SECTION 243.** 117.27 (2) (b) (intro.) of the statutes is amended to read:

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

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

**SECTION 244.** 121.91 (3) (c) of the statutes is amended to read:

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

**SECTION 245.** 125.05 (1) (b) 10. of the statutes is amended to read:

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

**SECTION 246.** 165.25 (1) of the statutes is amended to read:

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

**SECTION 247.** 165.93 (4) (a) of the statutes is amended to read:

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

**SECTION 248.** 198.08 (10) of the statutes is amended to read:

198.08 (10) ELECTION STATISTICS. The clerk of the district shall seasonably obtain, compile, and file in his or her office, for the information of the public, a statement showing the total number of votes cast for the office of governor in the last preceding general election in each subdistrict of the district. The clerk of every municipality and the ~~government accountability board~~ elections com-

mission shall furnish such information so far as obtainable from their records, duly certified, to the clerk of the district upon request therefor by the clerk of the district. If the total number of votes cast in any subdistrict for the office of governor in the last preceding election cannot, because of an intervening change of boundaries of election wards or for any reason, be ascertained from any official record the clerk of the district shall fairly estimate such number for the purposes of such statement to be filed in his or her office.

**SECTION 249.** 200.09 (11) (am) 2. of the statutes is amended to read:

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

**SECTION 250.** 200.09 (11) (am) 3. of the statutes is amended to read:

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

**SECTION 251.** 227.03 (6) of the statutes is amended to read:

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

**SECTION 252.** 227.52 (6) of the statutes is amended to read:

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

**SECTION 253.** 230.08 (2) (e) 4h. of the statutes is repealed.

**SECTION 254.** 230.08 (2) (eL) of the statutes is created to read:

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

**SECTION 255.** 230.08 (2) (et) of the statutes is created to read:

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

**SECTION 256.** 230.08 (2) (on) of the statutes is repealed.

**SECTION 257.** 230.08 (4) (a) of the statutes is amended to read:

230.08 (4) (a) The number of administrator positions specified in sub. (2) (e) includes all administrator positions specifically authorized by law to be employed out-

side the classified service in each department, board or commission and the historical society, and any other managerial position determined by an appointing authority. In this paragraph, "department" has the meaning given under s. 15.01 (5), "board" means the educational communications board, ~~government accountability board~~, investment board, public defender board and technical college system board and "commission" means the employment relations commission and the public service commission. Notwithstanding sub. (2) (z), no division administrator position exceeding the number authorized in sub. (2) (e) may be created in the unclassified service.

**SECTION 258.** 234.02 (3m) (c) of the statutes is amended to read:

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

**SECTION 259.** 301.03 (20m) of the statutes is amended to read:

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

**SECTION 260.** 343.11 (2m) of the statutes is amended to read:

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

**SECTION 261.** 756.04 (2) (c) 1. of the statutes is amended to read:

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

**SECTION 262.** 758.19 (9) of the statutes is repealed.

**SECTION 263.** 778.135 of the statutes is amended to read:

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

**SECTION 264.** 978.05 (1) of the statutes is amended to read:

978.05 (1) CRIMINAL ACTIONS. Except as otherwise provided by law, prosecute all criminal actions before any court within his or her prosecutorial unit and have sole responsibility for prosecution of all criminal actions arising from violations of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 and from violations of other laws arising from or in relation to the official functions of the subject of the investigation or any matter that involves elections, ethics, or lobbying regulation under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, that are alleged to be committed by a resident of his or her prosecutorial unit, or if alleged to be committed by a nonresident of this state, that are alleged to occur in his or her prosecutorial unit unless another prosecutor is substituted under s. 5.05 (2m) (i) or 19.49 (2) (h) or this chapter or by referral of the ~~government accountability board~~ elections commission under s. 5.05 (2m) (c) 15. or 16. or the ethics commission under s. 19.49 (2) (b) 13. or 14. For purposes of this subsection, a person other than a ~~natural person~~ an individual is a resident of a prosecutorial unit if the person's principal place of operation is located in that prosecutorial unit.

**SECTION 265.** 978.05 (2) of the statutes is amended to read:

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

**SECTION 266. Nonstatutory provisions.**

(1) AUDIT REPORT RECOMMENDATIONS. The elections commission and ethics commission, and their employees, shall, to the extent practicable within their respective responsibilities, implement the recommendations contained in the legislative audit bureau's Report 14–14 and

Report 15–13 regarding the past performance of the government accountability board. The elections commission and ethics commission shall report their progress implementing those recommendations to the legislature no later than December 31, 2016.

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

(3) POSITIONS AND EMPLOYEES.

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

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

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

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

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

(6) RULES, ORDERS, AND FORMAL OPINIONS. All rules promulgated and all formal opinions and orders issued by the government accountability board that are in effect on the effective date of this subsection are transferred to the elections commission and the ethics commission and

shall remain in effect until the commission to which they are transferred amends or repeals a rule or order or changes or withdraws a formal opinion. The secretary of administration shall determine which rules, orders, and formal opinions are transferred to each commission.

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

(8) TRANSITIONS; INITIAL TERMS.

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

(ag) Notwithstanding section 15.60 of the statutes and notwithstanding section 15.06 (1) (d) of the statutes and section 15.61 of the statutes, as created by this act, the governor, majority leader of the senate, minority leader of the senate, speaker of the assembly, and minority leader of the assembly may appoint members to serve on the government accountability board in a nonvoting capacity effective February 1, 2016. Individuals appointed to the government accountability board under this paragraph may also be appointed to the elections commission under paragraph (b) and may serve prior to senate confirmation. Individuals appointed under this paragraph may identify and appoint an individual to serve as administrator of the elections commission in the manner provided under section 15.61 (1) (b) 1. of the statutes and the senate may confirm the appointment of that individual as provided under section 15.61 (1) (b) 1. of the statutes, but that individual may not serve as administrator until June 30, 2016.

(ar) Notwithstanding section 15.60 of the statutes and notwithstanding section 15.06 (1) (e) of the statutes and section 15.62 of the statutes, as created by this act, the governor, majority leader of the senate, minority leader of the senate, speaker of the assembly, and minority leader of the assembly may appoint members to serve on the government accountability board in a nonvoting capacity effective February 1, 2016. Individuals appointed to the government accountability board under this paragraph may also be appointed to the ethics commission under paragraph (b) and may serve prior to senate confirmation. Individuals appointed under this paragraph may identify and appoint an individual to serve as administrator of the ethics commission in the manner provided under section 15.62 (1) (b) 1. of the statutes and the senate may confirm the appointment of that individ-

ual as provided under section 15.62 (1) (b) 1. of the statutes, but that individual may not serve as administrator until June 30, 2016.

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

(bg) The members of the elections commission shall appoint an individual to serve as administrator of the commission pursuant to section 15.61 (1) (b) of the statutes no later than 45 days after the effective date of this paragraph. If the elections commission has not made an appointment as required under this paragraph, the joint committee on legislative organization shall appoint an interim administrator of the elections commission to serve until an administrator has been confirmed by the senate but for a term of no longer than one year. If the administrator position remains vacant at the end of the one-year period, the process for filling the position described in this subsection is repeated until the position is filled.

(br) The members of the ethics commission shall appoint an individual to serve as administrator of the commission pursuant to section 15.62 (1) (b) of the statutes no later than 45 days after the effective date of this paragraph. If the ethics commission has not made an appointment as required under this paragraph, the joint committee on legislative organization shall appoint an interim administrator of the ethics commission to serve until an administrator has been confirmed by the senate but for a term of no longer than one year. If the administrator position remains vacant at the end of the one-year period, the process for filling the position described in this subsection is repeated until the position is filled.

(c) Notwithstanding section 15.06 (1) (d) of the statutes and section 15.61 of the statutes, as created by this act, one half of the members of the elections commission who are appointed as initial members of the commission shall serve for terms expiring on May 1, 2019.

(d) Notwithstanding section 15.06 (1) (e) of the statutes and section 15.62 of the statutes, as created by this act, one half of the members of the ethics commission who are appointed as initial members of the commission shall serve for terms expiring on May 1, 2019.

(em) The chairperson of the assembly committee on campaigns and elections or the senate committee on elections and local government may request that individuals employed by the government accountability board on the date of publication of this act and the individual who is serving as director and general counsel of the government accountability board on the date of publication of this act to appear before either of both committees for the purpose of providing information to the committees about the progress of transitioning from the government accountability board to the elections commission and the ethics commission.

(9m) IMPLEMENTATION PLAN. The secretary of administration shall submit an implementation plan by June 1, 2016, to the joint committee on finance for approval under section 13.10 of the statutes. In the plan the secretary shall propose expenditure authority for the elections commission and the ethics commission by appropriation and shall specify funding sources of all positions for each commission. The individual who is serving as director and general counsel of the government accountability board on the date of publication of this act shall work in concert with the secretary of administration and members appointed to the elections commission and the ethics commission to ensure a smooth transition and shall participate in formulating the implementation plan.

(10) TERMINOLOGY CHANGE. In the following, as affected by the acts of 2015, substitute "commission" for "board," sections 5.05 (2m) (c) 9., 10., 11., 15., 16., 17., and 18., (d) 2., (e), and (f) (intro.), 1., and 2., (4), (5f), (5s) (a), (c), (e) (intro.), 1., and 2., (f) 1., (7), (12), (13) (a), (b), (c), and (d) (intro.), (14), and (15), 5.06 (1), (2), (4), (5), (6), (7), (8), and (9), 5.061 (1), (2), (3), and (4), 5.25 (4), 5.35 (6) (a) 2m., 4a., 4b., and 5. and (b), 5.40 (5m), 5.51 (6) and (8), 5.58 (1b) (bm) and (cm), 5.60 (3) (ag), (5) (ar), (6) (a), and (8) (am), 5.62 (1) (a) and (b) 1., (2) (a), (3), and (4) (ar), 5.64 (1) (ag), (b), and (es) and (2) (am) and (c), 5.655 (3), 5.72 (1), (2), and (3), 5.83, 5.87 (2), 5.905 (2), (3), and (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) 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 (6), 6.47 (1) (ag), (am) 2., and (dm), (2), and (3), 6.50 (1) (intro.), (2), and (2r) (intro.), (b), and (h), 6.55 (2) (a) 1. (intro.) and (cs) and (3) (b), 6.56 (3m), (4), and (7), 6.57, 6.79 (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, 7.08 (1) (b), (c), and (d), (2) (a) and (d), (3) (intro.) and (a), and (6), 7.10 (1) (a), (2), (3) (a), (4), (7), (8), (9), and (10), 7.15 (1) (e), (1m), (8), (9), (10), and (13), 7.30 (2) (c), (4) (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) and (b), (3) (a), (c), (d), (e), (g), and (h), and (5) (b), 8.07, 8.12 (1) (a), (b), (c), and (d), (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 (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 (1), (2) (c), and (3) (intro.), 10.06 (1) (a), (c), (e), (f), (h), and (i) and (2) (a), (b), (e), (h), and (k), 11.02 (1), (2), (4), and (5), 11.05 (3) (e) and (3m), 11.055 (1), 11.06 (1) (intro.), (3) (b) (intro.), (3m) (c), (3r) (c), and (9), 11.08, 11.12 (5), 11.16 (3) and (5), 11.20 (1), 11.21 (1), (2), (12), (13), and (16), 11.22 (intro.), (1), and (4), 11.23 (6), 11.30 (3) (b), 11.38 (1) (a) 2., 11.60 (5), 11.66, 12.13 (5) (b) (intro.) and 3., 13.62 (4m), 13.621 (5), 13.63 (1) (am) and (b), 13.64 (1) (intro.), (2), (2m), and (3), 13.65, 13.67 (1) and (2), 13.68 (1) (intro.) and (c)

(intro.), (4), and (6), 13.69 (1) and (2), 13.695 (1) (intro.) and (2), 13.74 (1) and (2), 13.75 (intro.), 19.41 (2), 19.43 (1), (2), (3), (7), and (8), 19.44 (1) (intro.), 19.45 (6) and (11) (a), 19.47, 19.48 (4) (a), (b), and (c), (5), (6), and (10), 19.55 (2) (intro.), 19.56 (2) (b) 4., 19.57, 19.575, 19.579 (1), and 19.59 (6) of the statutes.

#### **SECTION 267. Fiscal changes.**

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

(2b) In the schedule under section 20.005 (3) of the statutes for the appropriations to the government accountability board under section 20.511 of the statutes, as affected by the acts of 2015, the dollar amounts are zero for the second fiscal year of the fiscal biennium in which this subsection takes effect for the purposes for which the appropriations are made.

(2c) In the schedule under section 20.005 (3) of the statutes for the appropriation to the joint committee on finance under section 20.865 (4) (a) of the statutes, as affected by the acts of 2015, the dollar amount is increased by \$2,920,500 for the second fiscal year of the fiscal biennium in which this subsection takes effect for the purposes for which the appropriation is made.

(2d) In the schedule under section 20.005 (3) of the statutes for the appropriation to the joint committee on finance under section 20.865 (4) (g) of the statutes, as affected by the acts of 2015, the dollar amount is increased by \$559,500 for the second fiscal year of the fiscal biennium in which this subsection takes effect for the purposes for which the appropriation is made.

(2e) In the schedule under section 20.005 (3) of the statutes for the appropriation to the joint committee on finance under section 20.865 (4) (m) of the statutes, as affected by the acts of 2015, the dollar amount is increased by \$3,015,100 for the second fiscal year of the fiscal biennium in which this subsection takes effect for the purposes for which the appropriation is made.

(2f) In the schedule under section 20.005 (3) of the statutes for the appropriation to the joint committee on finance under section 20.865 (4) (u) of the statutes, as affected by the acts of 2015, the dollar amount is increased by \$100 for the second fiscal year of the fiscal biennium in which this subsection takes effect for the purposes for which the appropriation is made.

**SECTION 268. Effective dates.** This act takes effect on June 30, 2016, except as follows:

(1) SECTIONS 266 (8) (ag), (ar), and (em) and (9m) and 267 (2b), (2c), (2d), (2e), and (2f) of this act take effect on the day after publication.