



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-5279/1
MPG:skw

2021 BILL

- 1 **AN ACT to create** 5.05 (21), 13.101 (18) and 16.004 (22) of the statutes; **relating**
2 **to:** state agency compliance with election laws.

Analysis by the Legislative Reference Bureau

This bill requires the Elections Commission to submit an annual report to the Joint Committee on Finance and the secretary of administration that describes in detail all failures of the commission and the Departments of Transportation, Corrections, and Health Services to comply with certain elections-related laws specified in the bill. After receiving that report, the secretary of administration must submit a request to JCF that includes all of the following:

1. A request to abolish one or more full-time equivalent positions or portions thereof in the Elections Commission and DOT, DOC, and DHS or to maintain the existing level of authorized full-time equivalent positions in the commission or department or departments.
2. A request to lapse moneys to the general fund or transportation fund from one or more appropriations of the Elections Commission and DOT, DOC, and DHS, as specified in the bill.

Upon receiving that request from the secretary of administration, JCF may abolish one or more full-time equivalent positions or lapse moneys from one or more appropriations of the Elections Commission and DOT, DOC, and DHS if JCF finds that the commission or department or departments failed to comply with any election law, including those specified in the bill, or that the commission provided erroneous guidance to municipal clerks or other election officials. JCF may lapse from an appropriation specified in the bill up to \$50,000 for each day of noncompliance or provision of erroneous guidance, as determined by JCF.

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

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

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

2 5.05 (21) COMPLIANCE REPORTS. No later than 15 days after each spring election,
3 the commission shall submit a report to the joint committee on finance and the
4 secretary of administration that describes in detail all of the following:

5 (a) All failures in the preceding 12 months of the department of transportation
6 to comply with s. 85.61 (1).

7 (b) All failures in the preceding 12 months of the department of corrections to
8 comply with s. 301.03 (20m).

9 (c) All failures in the preceding 12 months of the department of health services
10 or state registrar to comply with s. 69.03 (16).

11 (d) All failures in the preceding 12 months of the commission to comply with
12 s. 6.36 (1) (ae) 3.

13 **SECTION 2.** 13.101 (18) of the statutes is created to read:

14 13.101 (18) (a) Upon receiving a request submitted under s. 16.004 (22), and
15 subject to par. (b), the committee may take any of the following actions with respect
16 to the elections commission and the departments of transportation, corrections, and
17 health services:

18 1. Abolish one or more full-time equivalent positions or portions thereof.

19 2. Lapse moneys to the general fund from one or more appropriation accounts
20 under ss. 20.410 (1) (a), 20.435 (1) (a), and 20.510 (1) (a).

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1 3. Lapse moneys to the transportation fund from the appropriation account
2 under. s. 20.395 (4) (aq).

3 (b) The committee may take an action under par. (a) with respect to the
4 departments of transportation, corrections, and health services if the committee
5 finds that the department or departments failed to comply with applicable election
6 laws, including those specified in s. 5.05 (21) (a), (b), and (c). The committee may take
7 an action under par. (a) with respect to the elections commission if the committee
8 finds that the commission failed to comply with any election law, including that
9 specified in s. 5.05 (21) (d), or provided erroneous guidance to municipal clerks or
10 other election officials, as defined in s. 5.02 (4e). The committee may lapse from an
11 appropriation specified in par. (a) 2. or 3. up to an amount equal to \$50,000 for each
12 day of noncompliance or provision of erroneous guidance, as determined by the
13 committee.

14 (c) Each request submitted under s. 16.004 (22) expires 45 days after the day
15 the committee receives the request if the committee takes no action under this
16 subsection within that time frame.

17 **SECTION 3.** 16.004 (22) of the statutes is created to read:

18 16.004 (22) REQUESTS RELATING TO ELECTION ADMINISTRATION. No later than 10
19 days after receiving each report under s. 5.05 (21), the secretary shall submit a
20 request to the joint committee on finance under s. 13.101 (18) that includes all of the
21 following:

22 (a) A request to abolish one or more full-time equivalent positions or portions
23 thereof in the elections commission and the departments of transportation,
24 corrections, and health services or to maintain the existing level of authorized
25 full-time equivalent positions in the commission or department or departments.

BILL**SECTION 3**

1 (b) A request to lapse moneys to the general fund from one or more
2 appropriation accounts under ss. 20.410 (1) (a), 20.435 (1) (a), and 20.510 (1) (a) or
3 to maintain the appropriation account's existing funding levels.

4 (c) A request to lapse moneys to the transportation fund from the appropriation
5 account under s. 20.395 (4) (aq) or to maintain that appropriation account's existing
6 funding levels.

7 **SECTION 4. Nonstatutory provisions.**

8 (1) RECONCILIATION PROVISION. This act is void unless either 2021 Senate Bill
9 (LRB-5268) or 2021 Assembly Bill (LRB-5930) is enacted into law in the
10 2021-22 legislative session.

11 (END)