2021 ASSEMBLY BILL 433

July 1, 2021 – Introduced by Representatives BEHNKE, BROOKS, CABRAL-GUEVARA, DITTRICH, EDMING, GUNDRUM, HORLACHER, JAMES, KUGLITSCH, MURPHY, MURSAU, RAMTHUN, SCHRAA, TUSLER and KNODL, cosponsored by Senators WIMBERGER and DARLING. Referred to Committee on Campaigns and Elections.

AUTHORS SUBJECT TO CHANGE

1 AN ACT *to create* 5.05 (5s) (an) of the statutes; **relating to:** submitting copies

2 of complaints filed with the Elections Commission to the legislature.

Analysis by the Legislative Reference Bureau

Under current law, any person may file a complaint with the Elections Commission alleging a violation of election laws by a voter or an election official. The commission may only initiate an investigation of an alleged violation of election laws based on a sworn complaint filed with the commission. Neither the commission nor the members or employees of the commission, including the administrator, may file a sworn complaint for the purposes of initiating an investigation. In addition, current law authorizes any eligible voter to file a complaint with the commission requesting the commission to compel an election official to conform his or her conduct to the law or to restrain the official from taking any action inconsistent with the law. Current law also authorizes a person to file a complaint with the commission indicating that the person believes a violation of the federal Help America Vote Act regarding an election for a national office in this state occurred, is occurring, or is proposed to occur.

Current law prohibits public access to records obtained or prepared by the Elections Commission in connection with an investigation, including the full text of any complaint filed with the commission, with certain exceptions. For example, the commission must provide such records to the Joint Committee on Finance in order to receive supplemental funds for an ongoing investigation. In addition, the commission must provide investigatory records to the Legislative Audit Bureau to the extent necessary for the bureau to carry out its duties.

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This bill requires the Elections Commission to provide a copy of the full text of any complaint received by the commission to the representative of the assembly of the assembly district and the senator of the senate district where the violation alleged in the complaint occurred, is occurring, or is proposed to occur and to the cochairpersons of the legislative standing committees with jurisdiction over elections no later than 30 days after receiving the complaint. In addition, the commission must provide to the aforementioned persons documentation specifying how each such complaint was resolved no later than 30 days after the complaint was resolved.

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

1   SECTION 1. 5.05 (5s) (an) of the statutes is created to read:

2   5.05 **(5s)** (an)   The commission shall provide a copy of the full text of any

3   complaint filed with the commission under sub. (2m) (c) or s. 5.06 or 5.061 to the

4   representative of the assembly of the assembly district and the senator of the senate

5   district where the violation alleged in the complaint occurred, is occurring, or is

6   proposed to occur and to the cochairpersons of the assembly and senate standing

7   committees with jurisdiction over elections no later than 30 days after receiving the

8   complaint. No later than 30 days following the resolution of each such complaint, the

9   commission shall provide documentation specifying how each such complaint was

10   resolved to the representative of the assembly of the assembly district and the

11   senator of the senate district where the violation alleged in the complaint occurred,

12   is occurring, or is proposed to occur and to the cochairpersons of the assembly and

13   senate standing committees with jurisdiction over elections.

14   **(END)**