



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2011 Senate Bill 367**

**Senate Amendments  
2, 3, 4, 5, and 7**

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*Contact:* Katie Bender-Olson, Staff Attorney (266-2988)

### *Senate Bill 367*

**2011 Senate Bill 367** prohibits a person from signing a recall petition more than once for the same officer during the same 60-day petition circulation period. A person who violates the prohibition is guilty of a misdemeanor and is subject to penalties of a fine of \$1,000 or less, imprisonment of six months or less, or both.

### *Senate Amendment 2*

**Senate Amendment 2** to Senate Bill 367 relates to information that must be provided by a recall petitioner regarding any non-resident petition circulators. Under current law, a petitioner who seeks to recall an officer must first file a registration statement and a statement indicating his or her intent to circulate a recall petition for signatures. The statement of intent must provide certain information, such as the name of the officer who is being recalled.

**Amendment 2** requires a petitioner to include additional information in his or her statement of intent. The statement of intent must include the name and address of each non-Wisconsin resident who will circulate the recall petition on behalf of the petitioner.

### *Senate Amendment 3*

**Senate Amendment 3** to Senate Bill 367 adds an intent element to the bill. The amendment adds the word “knowingly,” so that a person violates the prohibition if he or she “knowingly signs” a recall petition more than once for the same officer during the same 60-day circulation period.

**Senate Amendment 4**

**Senate Amendment 4** to Senate Bill 367 creates an additional crime under the election fraud statute relating to compensation of recall petition circulations. The amendment prohibits any person from compensating an individual who circulates petitions for the recall of an officer based upon the number of signatures the individual collects. A person who violates the prohibition is guilty of a misdemeanor and is subject to penalties of a fine of \$1,000 or less, imprisonment of six months or less, or both.

**Senate Amendment 5**

**Senate Amendment 5** to Senate Bill 367 creates an additional crime under the election fraud statute relating to misrepresenting the content of a recall petition. The amendment prohibits any person from misrepresenting the true content of a recall petition to an elector in the course of soliciting the elector to sign the petition. A person who violates the prohibition is guilty of a misdemeanor and is subject to penalties of a fine of \$1,000 or less, imprisonment of six months or less, or both.

**Senate Amendment 7**

**Senate Amendment 7** to Senate Bill 367 allows the Attorney General to investigate and prosecute an individual who signs a recall petition for the same officer more than once during the same 60-day circulation period. Under current law, prosecutions under ch. 12, Stats., regarding prohibited election practices are conducted by the district attorney for the county where the defendant resides or, if the defendant is not a state resident, by the district attorney for the county where the alleged violation occurred.

**Amendment 7** retains the ability of the district attorney to prosecute election fraud violations, but additionally provides that any state resident who believes that an individual violated the bill's proposed prohibition on signing a recall petition more than once may petition the Attorney General to investigate and prosecute the violation. The Attorney General may then investigate and prosecute the alleged violation.

**Legislative History**

Senate Amendments 2, 3, 4, and 5 were offered by Senator Erpenbach on January 12, 2012. Senate Amendment 7 was offered by Senate Grothman on the same date.

The Senate Committee on Transportation and Elections held a public hearing and took executive action on January 12, 2012. The committee recommended adoption of Senate Amendment 2 on a vote of Ayes, 4; Noes 1. The committee recommended adoption of Senate Amendments 3, 4, and 5 on votes of Ayes, 5; Noes, 0. The committee recommended adoption of Senate Amendment 7 on a vote of Ayes, 3; Noes, 2. The committee then recommended passage of the bill, as amended, on a vote of Ayes, 4; Noes, 1.

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