



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1208/1
TKK:wlj

2015 ASSEMBLY BILL 588

December 10, 2015 – Introduced by Representatives HEBL, C. TAYLOR, WACHS, BERCEAU, BILLINGS, GENRICH, JOHNSON, KESSLER, KOLSTE, OHNSTAD, POPE, SPREITZER, SUBECK and ZEPNICK, cosponsored by Senators VINEHOUT, BEWLEY, RINGHAND and L. TAYLOR. Referred to Committee on Judiciary.

1 **AN ACT** *to renumber and amend* 757.19 (3); and *to create* 757.19 (2) (h) and
2 757.19 (3) (b) of the statutes; **relating to:** judicial disqualification based on
3 campaign financial support.

Analysis by the Legislative Reference Bureau

Current law requires a supreme court justice and a judge in the court of appeals, in circuit court, and in municipal court (judge) to disqualify himself or herself from a civil or criminal action or proceeding (action) under certain circumstances, including when a judge is related to any party or counsel to the action, when a judge is a party or a material witness in the action, when a judge has a significant financial or personal interest in the outcome of the action, and when a judge determines that he or she cannot, or it appears he or she cannot, act in an impartial manner.

This bill requires a judge to disqualify himself or herself from an action if, as a candidate for judicial office and within the past four years, the judge received campaign financial support of \$1,000 or more from a party to the action. The bill specifies that financial support includes campaign contributions, independent contributions made on behalf of the judge, and independent contributions made against the judge's opponent. In the event that a judge must disqualify himself or herself under the condition established in the bill, the judge may disclose the reason for disqualification and ask the parties and the lawyers of the parties to consider whether to waive disqualification. If the party who is opposed to the party who

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provided campaign financial support to the judge waives disqualification, the judge may participate in the action.

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

1 **SECTION 1.** 757.19 (2) (h) of the statutes is created to read:

2 757.19 (2) (h) 1. In this paragraph:

3 a. “Campaign financial support” includes campaign contributions,
4 independent contributions made on behalf of the judge, and independent
5 contributions made against the judge’s opponent.

6 b. “Candidate” has the meaning given in s. 11.01 (1).

7 c. “Contribution” has the meaning given in s. 11.01 (6).

8 d. “Party” includes an immediate family member of a party, a party’s business
9 or business partner or associate, an attorney or law firm representing a party, and
10 a partner or associate of the attorney or law firm representing a party.

11 2. When a judge has received, as a candidate for judicial office and within the
12 past 4 years, campaign financial support from a party to the action or proceeding in
13 an amount of \$1,000 or more.

14 **SECTION 2.** 757.19 (3) of the statutes is renumbered 757.19 (3) (a) and amended
15 to read:

16 757.19 (3) (a) ~~Any~~ Subject to par. (b), any disqualification that may occur under
17 sub. (2) may be waived by agreement of all parties and the judge after full and
18 complete disclosure on the record of the factors creating such disqualification.

19 **SECTION 3.** 757.19 (3) (b) of the statutes is created to read:

20 757.19 (3) (b) A judge who is required to disqualify himself or herself under sub.
21 (2) (h) may disclose on the record the basis of the judge’s disqualification and may ask

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1 the parties and their lawyers to consider, out of the presence of the judge, whether
2 to waive disqualification. If, following disclosure under sub. (2) (h), the party who
3 is opposed to the party that provided campaign financial support to the judge
4 determines that the judge should not be required to disqualify himself or herself, and
5 if the parties and the lawyers of the parties all agree, the parties may waive
6 disqualification of the judge, and the judge, if willing, may participate in the action
7 or proceeding. The agreement or waiver shall be incorporated into the record of the
8 action or proceeding.

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(END)