



**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1995 ASSEMBLY BILL 37**

January 30, 1995 – Offered by Representative WALKER.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 5: after “law” insert “, false representations affecting elections
3 and providing a penalty”.

4 **2.** Page 1, line 6: before that line insert:

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

6 5.05 (1) (c) Bring civil actions to require forfeitures for any violation of ch. 11
7 or s. 12.05 under s. 11.60 (4). Forfeiture actions brought by the board may concern
8 only violations with respect to reports or statements required by law to be filed with
9 it, and other violations arising under elections for state office or statewide referenda.
10 The board may compromise and settle any civil action or potential action brought or
11 authorized to be brought by it under ~~ch. 11~~ s. 11.60 (4) which, in the opinion of the
12 board, constitutes a minor violation, a violation caused by excusable neglect, or
13 which for other good cause shown, should not in the public interest be prosecuted
14 under such chapter. Notwithstanding s. 778.06, an action or proposed action
15 authorized under this paragraph may be settled for such sum as may be agreed

1 between the parties. Any settlement made by the board shall be in such amount as
2 to deprive the alleged violator of any benefit of his or her wrongdoing and may
3 contain a penal component to serve as a deterrent to future violations. In settling
4 actions or proposed actions, the board shall treat comparable situations in a
5 comparable manner and shall assure that any settlement bears a reasonable
6 relationship to the severity of the offense or alleged offense. Forfeiture actions
7 brought by the board shall be brought in the circuit court for the county wherein the
8 violation is alleged to occur.

9 **SECTION 1e.** 5.05 (3) (d) of the statutes is created to read:

10 5.05 (3) (d) If the board receives a verified complaint under par. (a) alleging a
11 violation of s. 12.05, the board shall investigate the complaint and make a public
12 statement concerning the truthfulness of any false representation alleged in the
13 complaint within 15 days after receipt of the complaint by the board, unless the board
14 dismisses the complaint under par. (c).”.

15 **3.** Page 1, line 6: substitute “**SECTION 1m.**” for “**SECTION 1.**”.

16 **4.** Page 10, line 13: after that line insert:

17 “**SECTION 18c.** 12.60 (title) of the statutes is amended to read:

18 **12.60** (title) **Penalties; enforcement.**

19 **SECTION 18g.** 12.60 (1) (b) of the statutes is amended to read:

20 12.60 (1) (b) Whoever violates s. 12.03, ~~12.05~~, 12.07, 12.08 or 12.13 (3) (b), (c),
21 (d), (g), (i) or (n) to (x) may be fined not more than \$1,000, or imprisoned for not more
22 than 6 months or both.

23 **SECTION 18n.** 12.60 (1) (bm) of the statutes is created to read:

1 12.60 (1) (bm) Whoever intentionally violates s. 12.05 may be fined not more
2 than \$1,000 or imprisoned for not more than 6 months or both.

3 **SECTION 18r.** 12.60 (1) (c) of the statutes is amended to read:

4 12.60 (1) (c) Whoever violates s. 12.05 or 12.13 (3) (am) or (4) may be required
5 to forfeit not more than \$500.

6 **SECTION 18w.** 12.60 (4) of the statutes is amended to read:

7 12.60 (4) ~~Prosecutions under Violations of this chapter shall be conducted in~~
8 ~~accordance with may be prosecuted in the manner provided in s. 11.61 (2), except that~~
9 ~~any civil violation of s. 12.05 may be prosecuted in the manner provided in s. 11.60~~
10 ~~(4).~~”.

11

(END)