

**2011 DRAFTING REQUEST**

**Senate Amendment (SA-SB367)**

Received: 01/12/2012

Received By: **jkuesel**

Wanted: **Today**

Companion to LRB:

For: **Glenn Grothman (608) 266-7513**

By/Representing: **Rachel Mattke**

May Contact:

Drafter: **jkuesel**

Subject: **Elections - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Grothman@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Permit attorney general to prosecute violations upon petition

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**Instructions:**

Permit AG to prosecute violations upon petition of any resident.

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 01/12/2012	mduchek 01/12/2012		_____			
/1			rschluet 01/12/2012	_____	lparisi 01/12/2012	lparisi 01/12/2012	

FE Sent For:

<END>

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1/1	jkuesel 1/12/12	↑ 1/13/12	Ⓞ 1/13/12	==			
FE Sent For:		1/1	1/12/12	<END>			



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRBa2090# 1

JTK:.....

*el med*

*NOW*

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~  
SENATE AMENDMENT,  
TO 2011 SENATE BILL 367

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

2 **1.** Page 2, line 4: after that line insert:

3 *→ Insert X*

(END)

**ASSEMBLY BILL 441**

report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

1       **SECTION 1.** 9.10 (2) (a) of the statutes is amended to read:

2       9.10 (2) (a) Every recall petition shall have on the face at the top in bold print  
3       the words "RECALL PETITION" and directly below shall state "Signing of a petition  
4       to recall the same officer more than once during the same circulation period is a  
5       felony under Wisconsin law.". Other requirements as to preparation and form of the  
6       petition shall be governed by s. 8.40.

7       **SECTION 2.** 12.13 (3) (zp) of the statutes is created to read:

8       12.13 (3) (zp) Sign a petition for the recall of the same officer more than once  
9       during the same circulation period under s. 9.10 (2) (d).

10       **SECTION 3.** 12.60 (1) (a) of the statutes is amended to read:

11       12.60 (1) (a) Whoever violates s. 12.09, 12.11 or 12.13 (1), (2) (b) 1. to 7. or (3)  
12       ~~(a), (c), (f), (j), (k), (L), (m), (y) or (z) or (zp)~~ is guilty of a Class I felony.

Inert  
X

13       **SECTION 4.** 12.60 (4) of the statutes is amended to read:

14       12.60 (4) Prosecutions under this chapter shall be conducted in accordance  
15       with s. 11.61 (2) except that in addition to the remedy provided in s. 5.05 (2m) (c), any  
16       resident of this state who believes that a violation of s. 12.13 (3) (zp) has occurred may  
17       petition the attorney general to investigate and prosecute the violation. The  
18       attorney general may then investigate and prosecute the violation.

19       **SECTION 5.** 978.05 (1) of the statutes is amended to read:

20       978.05 (1) CRIMINAL ACTIONS. Except as provided in s. 12.60 (4) and as otherwise  
21       provided by law, prosecute all criminal actions before any court within his or her

## ASSEMBLY BILL 441

1 prosecutorial unit and have sole responsibility for prosecution of all criminal actions  
2 arising from violations of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 and  
3 from violations of other laws arising from or in relation to the official functions of the  
4 subject of the investigation or any matter that involves elections, ethics, or lobbying  
5 regulation under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, that are  
6 alleged to be committed by a resident of his or her prosecutorial unit, or if alleged to  
7 be committed by a nonresident of this state, that are alleged to occur in his or her  
8 prosecutorial unit unless another prosecutor is substituted under s. 5.05 (2m) (i) or  
9 this chapter or by referral of the government accountability board under s. 5.05 (2m)  
10 (c) 15. or 16. For purposes of this subsection, a person other than a natural person  
11 is a resident of a prosecutorial unit if the person's principal place of operation is  
12 located in that prosecutorial unit. <sup>11,</sup>

**SECTION 6. Initial applicability.**

14 (1) The treatment of section ~~9.10~~ (2) (a) of the statutes first applies with respect  
15 to recall petitions for which circulation begins on or after the effective date of this  
16 subsection.

17 (END)