



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-0268/1
JK&MPG:skw

2021 ASSEMBLY BILL 352

May 27, 2021 - Introduced by Representatives HEBL, ANDERSON, BALDEH, CONLEY, EMERSON, NEUBAUER, POPE, S. RODRIGUEZ, SPREITZER, STUBBS and SUBECK, cosponsored by Senators ROYS, BEWLEY, ERPENBACH and JOHNSON. Referred to Committee on Campaigns and Elections.

1 **AN ACT** *to renumber and amend* 11.1400 (3); *to amend* 11.1401 (1) (c) (intro.);
2 and *to create* 11.1002, 11.1400 (3) (b) and 11.1401 (1) (d) of the statutes;
3 **relating to:** notice of certain campaign finance contributions made to a judge
4 or justice.

Analysis by the Legislative Reference Bureau

This bill provides that whenever an interested contributor makes a contribution to the candidate committee of a court of appeals, circuit, or municipal judge or supreme court justice in a pending civil or criminal action or proceeding over which the judge or justice is presiding, the contributor must, within five days of the date that the contribution is made, notify the judge or justice and every party other than the interested contributor to the action or proceeding, in writing, of the fact that the contribution has been made and the date and amount of the contribution. The bill defines an "interested contributor" as a party to a pending civil or criminal action or proceeding; an affiliate of such a party; a spouse, minor child, or minor stepchild of such a party; an attorney representing such a party; or the law firm, partner, or associate of such an attorney.

Currently, there is no similar requirement. However, the recipient of a campaign finance contribution, as well as any contributor that also accepts contributions, is subject to registration and periodic reporting requirements, with certain exceptions.

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Violators of the reporting requirement created by the bill are subject to a forfeiture (civil penalty) of not more than \$500 for each violation.

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

1 **SECTION 1.** 11.1002 of the statutes is created to read:

2 **11.1002 Notice of contributions by certain interested contributors. (1)**

3 In this section:

4 (a) “Affiliate” means a person that controls, is controlled by, or is under common
5 control with another person.

6 (b) “Interested contributor” means all of the following:

7 1. A party to a pending civil or criminal action or proceeding.

8 2. An affiliate of a party described under subd. 1.

9 3. A spouse, minor child, or minor stepchild of a party described under subd.

10 1.

11 4. An attorney representing a party described under subd. 1.

12 5. The law firm, partner, or associate of an attorney described under subd. 4.

13 (c) “Judge” means a court of appeals judge, a circuit court judge, or a municipal
14 judge.

15 (d) “Pending civil or criminal action or proceeding” means an ongoing civil or
16 criminal action or proceeding that has been commenced under ch. 800, 801, or 968.

17 **(2)** If a person makes a contribution to the candidate committee of a judge or
18 supreme court justice in a pending civil or criminal action or proceeding in which the
19 person is an interested contributor and over which the judge or justice is presiding,
20 the contributor shall, within 5 days of the date that the contribution is made, notify
21 in writing the judge or justice and every party to the pending civil or criminal action

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1 or proceeding, other than the interested contributor, of the fact that the contribution
2 has been made and the date and amount of the contribution.

3 **SECTION 2.** 11.1400 (3) of the statutes is renumbered 11.1400 (3) (a) and
4 amended to read:

5 11.1400 (3) (a) Notwithstanding Except as provided in par. (b) and
6 notwithstanding sub. (1), any person who makes any contribution in violation of this
7 chapter may be required to forfeit treble the amount of the contribution or portion
8 of that contribution which is illegally contributed.

9 **SECTION 3.** 11.1400 (3) (b) of the statutes is created to read:

10 11.1400 (3) (b) Paragraph (a) does not apply to a violation of s. 11.1002.

11 **SECTION 4.** 11.1401 (1) (c) (intro.) of the statutes is amended to read:

12 11.1401 (1) (c) (intro.) Whoever Subject to par. (d), whoever intentionally
13 violates any of the following may be fined not more than \$1,000 or imprisoned not
14 more than 6 months or both:

15 **SECTION 5.** 11.1401 (1) (d) of the statutes is created to read:

16 11.1401 (1) (d) Paragraph (c) does not apply to a violation of s. 11.1002.

17 (END)