



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-1911/1

SWB:skw

2025 SENATE BILL 75

February 26, 2025 - Introduced by Senators JAMES, NASS, TOMCZYK and WANGGAARD, cosponsored by Representatives STEFFEN, ALLEN, ARMSTRONG, DITTRICH, GOEBEN, GUNDRUM, KNODL, KREIBICH, MURPHY and SORTWELL. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT** *to amend* 801.50 (6) and 814.61 (2) (title); *to create* 753.067, 801.50
2 (4r) and 814.61 (2) (c) of the statutes; **relating to:** venue for actions in which
3 there is a governmental party.

Analysis by the Legislative Reference Bureau

This bill provides that when certain governmental parties are parties to or intervene in an action filed in a county in which there is a first or second class city, any party to the action may seek to have the clerk of the circuit court in which the case has been filed assign venue at random. Under the bill, a governmental party means 1) the legislature, either house of the legislature, or a committee of the legislature or of either house of the legislature, or any member of the legislature acting in his or her official capacity; 2) the elections commission or the ethics commission, or any commissioner thereof, acting in his or her official capacity; or 3) if acting in his or her official capacity, the governor, lieutenant governor, secretary of state, state treasurer, attorney general, or superintendent of public instruction, a secretary or deputy secretary of a department, a commissioner or deputy commissioner of an independent agency, the president or vice president of the United States, or any U.S. senator or representative in Congress from this state.

The bill provides that if an action is filed in a county in which there is a first or second class city and a governmental party is a party to the action, including as an intervenor, any party to the action has the option to elect random venue

SENATE BILL 75**SECTION 1**

assignment. A plaintiff seeking to exercise the option for random venue assignment must file a notice not later than five days after the summons and complaint are filed. If the party seeking to exercise the option for random venue assignment is not the plaintiff, that party must file notice not later than five days after the service of a summons and complaint upon that party. In an action in which a governmental party files a motion to intervene, the notice must be filed not later than five days after that governmental party's motion to intervene is granted.

Under the bill, upon receipt of a notice from a party seeking random venue assignment, the clerk of the circuit court in which the case is filed must select a circuit at random, excluding the circuit in which the case was originally filed, and then assign the selected circuit as the venue for the case. The clerk of courts for the county where the action was initially filed must notify the clerk of courts for the county where the action is assigned of the venue assignment. The court to which the action is assigned must then issue an order to notify the parties of the venue assignment. If a case is assigned under the provisions of the bill, no party may seek to exercise the random venue assignment option again in the case, and neither a court, acting on its own, nor any party or intervenor may move for any subsequent change of venue.

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

1 **SECTION 1.** 753.067 of the statutes is created to read:

2 **753.067 Actions filed in a 1st or 2nd class city in which there is a**
3 **governmental party; venue.** (1) Upon receiving notice under s. 801.50 (4r), the
4 clerk of the circuit court in which the action is filed shall select at random a circuit,
5 excluding the circuit in which the case has been filed, and assign the randomly
6 selected circuit as the venue for the matter. The clerk of courts for the county where
7 the action was initially filed shall notify the clerk of courts for the county where the
8 action is assigned under this section of the venue assignment. The court to which
9 the action is assigned shall then issue an order to notify the parties of the venue
10 assignment. The requirements under s. 801.61 shall apply to cases assigned under
11 this section.

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1 (2) Notwithstanding s. 801.52, once an action has been assigned under this
2 section, the assignment is conclusive. If an action has been assigned under this
3 section, no party may seek to exercise the random venue assignment option again in
4 the case, and neither a court, upon its own motion, nor any party or intervenor may
5 move for any subsequent change of venue.

6 **SECTION 2.** 801.50 (4r) of the statutes is created to read:

7 801.50 (4r) (a) In this subsection, “governmental party” means any of the
8 following:

9 1. The legislature, either house of the legislature, or a committee of the
10 legislature or of either house of the legislature, or any member of the legislature
11 acting in his or her official capacity.

12 2. The elections commission or the ethics commission, or any commissioner
13 thereof, acting in his or her official capacity.

14 3. Any of the following, acting in his or her official capacity:

15 a. The governor, lieutenant governor, secretary of state, state treasurer,
16 attorney general, or superintendent of public instruction, a secretary or deputy
17 secretary of a department, or a commissioner or deputy commissioner of an
18 independent agency.

19 b. The president or vice president of the United States, or any U.S. senator or
20 representative in Congress from this state.

21 (b) In any action in which a governmental party is a party, including as an
22 intervenor, and that is filed in a county in which there is a 1st or 2nd class city, any
23 party shall have the option to elect random venue assignment as described under s.

SENATE BILL 75**SECTION 2**

753.067. Venue shall be as provided in s. 753.067 if any party to an action of the type described in this paragraph notifies the clerk of the circuit court in which the action has been filed in writing that the party seeks to exercise the option for random venue assignment as follows:

1. If the party seeking to exercise the option for random venue assignment is the plaintiff, not later than 5 days after the summons and complaint are filed, or, if the party seeking to exercise the option for random venue assignment is not the plaintiff, not later than 5 days after the service of a summons and complaint upon that party.

2. In an action in which a governmental party files a motion to intervene, not later than 5 days after that governmental party's motion to intervene is granted.

SECTION 3. 801.50 (6) of the statutes is amended to read:

801.50 (6) ~~Venue~~ Except as provided under s. 753.067 (2), venue under this section may be changed under s. 801.52.

SECTION 4. 814.61 (2) (title) of the statutes is amended to read:

814.61 (2) (title) CHANGE OF VENUE; RANDOM VENUE ASSIGNMENT.

SECTION 5. 814.61 (2) (c) of the statutes is created to read:

814.61 (2) (c) A fee as set forth in par. (a) if a party exercises the option under s. 801.50 (4r) for random venue assignment.

(END)