

1 **AN ACT** *to amend* 11.60 (3), 11.61 (1) (b) and 11.61 (1) (c); and *to create* 11.26 (2m)
 2 of the statutes; **relating to:** notice of campaign contributions made to a judge.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft, relating to notice of campaign contributions made to a judge, was prepared for the Joint Legislative Council’s Special Committee on Judicial Discipline and Recusal.

3 **SECTION 1.** 11.26 (2m) of the statutes is created to read:

4 11.26 (**2m**) (a) In this subsection:

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

7 2. “Contributor” means a party; an affiliate of a party; a spouse, minor child, or minor
 8 stepchild of a party; an attorney representing the party; or the attorney’s law firm, partners,
 9 or associates.

10 3. “Judge” means a supreme court justice, a court of appeals judge, a circuit court judge,
 11 or a municipal court judge.

12 4. “Pending civil or criminal action or proceeding” means an ongoing civil or criminal
 13 action or proceeding that has been commenced under chs. 800, 801, or 968, stats.

14 (b) If a contribution is made to a judge during a pending civil or criminal action or
 15 proceeding over which the judge is presiding, the contributor shall notify the judge and every
 16 party in the pending civil or criminal action or proceeding of all of the following:

17 1. That the contribution has been made.

18 2. The amount of the contribution.

NOTE: This SECTION provides that a person making a contribution to a judge's election campaign during a pending civil or criminal action or proceeding must notify the judge and every party of: (1) the fact that the contribution has been made; and (2) the amount of the contribution.

COMMENT: There are at least 2 issues in this SECTION that committee members may wish to examine closely:

1. How broad should the definition of the term "contributor" be?
2. How broad should the definition of the term "affiliate" be, if the term is included in the definition of the term "contributor"?

NOTE: See NOTE to SECTION 4.

1 **SECTION 2.** 11.60 (3) of the statutes is amended to read:

2 11.60 (3) Notwithstanding sub. (1), any person, including any committee or group, who
3 makes any contribution in violation of this chapter may be required to forfeit treble the amount
4 of the contribution or portion thereof which is illegally contributed. This subsection does not
5 apply to a violation of s. 11.26 (2m).

NOTE: See NOTE to SECTION 4.

6 **SECTION 3.** 11.61 (1) (b) of the statutes is amended to read:

7 11.61 (1) (b) Whoever intentionally violates s. 11.25, 11.26, 11.27 (1), 11.30 (1) or 11.38
8 is guilty of a Class I felony if the intentional violation does not involve a specific figure or if
9 the intentional violation concerns a figure which exceeds \$100 in amount or value. This
10 paragraph does not apply to a violation of s. 11.26 (2m).

NOTE: See NOTE to Section 4.

11 **SECTION 4.** 11.61 (1) (c) of the statutes is amended to read:

12 11.61 (1) (c) Whoever intentionally violates any provision of this chapter other than
13 those provided in par. (a) and whoever intentionally violates any provision under par. (b)
14 where the intentional violation concerns a specific figure which does not exceed \$100 in

1 amount or value may be fined not more than \$1,000 or imprisoned not more than 6 months
2 or both. This paragraph does not apply to a violation of s. 11.26 (2m).

NOTE: SECTIONS 2 to 4 limit the consequences of a violation of s. 11.26 (2m), stats., to a forfeiture of not more than \$500 for each violation as provided under s. 11.60 (1), stats. This draft provides that there are no criminal penalties applicable to a violation of s. 11.26 (2m), stats.

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(END)