

No. 169, S.]

[Published May 1, 1897.

CHAPTER 358.

AN ACT to prevent corrupt practices in elections and for elections, to prescribe the duties of candidates and political committees, and provide penalties and remedies for violations of this bill.

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

Bribery at elections, what is considered such.

Any valuable consideration; intimidation.

Procuring office, or employment.

Promise of office or employment.

SECTION 1. The following persons shall be deemed guilty of bribery at elections, and shall be punished as hereinafter provided.

1. Every person who shall, directly or indirectly, by himself, or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer, promise, or promise to procure or endeavor to procure, any money or valuable consideration, to or for any voter, to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote, or refrain from voting, or do any such act as aforesaid, corruptly, on account of such voter having voted or refrained from voting at any election.

2. Every person who shall, directly or indirectly, by himself, or by any other person on his behalf, give or procure, or agree to give or procure, or offer, promise to procure, or endeavor to procure, any office, place of employment, public or private, to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce such voter to vote, or refrain from voting, or shall do any such act as aforesaid, corruptly, on account of any voter having voted or refrained from voting at any election.

3. Every person who shall, directly or indirectly, by himself, or by any other person on

his behalf, make any such gift, loan, offer, promise, procurement or agreement as aforesaid, to or for any person, in order to induce such person to procure, or endeavor to procure, the election of any person to a public office, or the vote of any voter at any election.

4. Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procure or engage, promise or endeavor to procure the election of any person to a public office, or the vote of any voter at any election.

Promise of the election of any person.

5. Every person who shall advance or pay, or cause to be paid, any money to or for the use for any other person, with the intent that such money or any part thereof, shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money wholly or in part expended in bribery at any election; and any person so offending shall be guilty of a felony, and shall be punished by imprisonment in the state prison for a term of not less than six months and not more than two years. Provided, always, that the foregoing enactment shall not extend to, or to be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses, as provided in this act, and bona fide incurred at or concerning any election.

Advance money to be expended in briber.

SECTION 2. The following persons shall also be deemed guilty of bribery at elections, and shall be punished as provided in this act.

Persons deemed guilty of bribery.

1. Every voter who shall, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receive, agree or contract for any money, gift, loan or valuable consideration, office, place of employment, public or private, for himself or for any other person, for voting, or agreeing to vote, or for refraining or agreeing to refrain from voting at any election.

Those who receive bribes.

2. Every person who shall, after any election, directly or indirectly, by himself or by any other

Those who receive bribes for another person.

person in his behalf, receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election; and any voter or other person so offending shall be guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not less than one month and not more than one year.

Those who use or threaten force.

SECTION 3. Every person who shall, directly or indirectly, by himself, or by any other person on his behalf, make use of or threaten to make use of any force, violence or restraint, in order to induce or compel such person to vote or refrain from voting at any election, or who shall, by abduction, duress or any fraudulent device or contrivance, impeded or prevent the free exercise of the franchise at any election, or shall thereby compel, induce or prevail upon any elector either to give, or refrain from giving his vote at any election for or against any particular candidate or measure, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month and not more than one year.

A person who personates another and secures a ballot paper.

SECTION 4. A person shall, for all purposes of this act, be deemed guilty of the offense of personation, who, at any election, held pursuant to the laws of the state, applies for a ballot paper in the name of some other person, whether that name be of a person living or dead, or of a fictitious person, or who, having voted once at any election, applies at the same election for a ballot paper in his own name or any other name; and any person who commits the offense of personation, or who aids, abets, counsels or procures the commission of that offense, shall be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in the state prison for a term of not less than two years nor more than five years.

SECTION 5. No person shall, directly or indirectly, give, subscribe, promise or pay, or agree to pay any sum of money or thing of value to procure or aid in procuring the nomination or election of any person to the senate or assembly of the state of Wisconsin, unless the person so making such subscription, promise, payment or agreement is a citizen or bona fide resident of the district in which such other person is, or seeks to be chosen, voted for, or elected; provided, however, that this provision shall not apply to the payment by any person participating in a campaign, of his own personal expenses therein, nor to the promise or payment, otherwise lawful, of any sum to any political committee in the state, or in any district or region thereof, of which the promisor or payor is a citizen or resident, for general lawful purposes and without any agreement or understanding, expressed or implied, that it be used or applied to the procuring of the nomination or election of any person or persons in particular to the senate or assembly of said state. Any person offending against the provisions of this section shall be guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not less than one month nor more than one year.

Payment of money to secure election of senator or assemblyman by non-residents prohibited and punishable.

SECTION 6. Every person who shall be a candidate before any convention, or at any election, for any state, county, city, township, district or municipal office, or for senator or for member of the assembly in the legislature of Wisconsin, or for senator or representative in congress of the United States, shall, within thirty days after the election held to fill such office, make out and file with the officer empowered by law to issue the certificate of election to such office or place, and a duplicate thereof with the register of deeds for the county in which such candidate resides, a statement in writing, which statement and duplicate shall be subscribed and sworn to by such candidate be-

Election expenses of candidates to be sworn to and filed.

fore an officer authorized to administer oaths, setting forth in detail all sums of money contributed, disbursed, expended or promised by him, and, to the best of his knowledge and belief, by any other persons or person in his behalf, wholly or in part, in endeavoring to secure, or in any way in connection with his nomination or election to such office or place, or in connection with the election of any other persons at said election, and showing the dates when, and the persons to whom, and the purposes for which all said sums were paid, expended or promised. Such statement shall also set forth that the same is as full and explicit as affiant is able to make it.

Penalty for failure to comply with the law.

SECTION 7. Any person failing to comply with the provisions of the foregoing section of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars.

Constitution of a political committee.

SECTION 8. Every two or more persons who shall be elected, appointed or chosen by a political convention or caucus for the purpose, wholly or in part, of raising, collecting or disbursing money, or of controlling or directing the raising, collection or disbursements of money for election purposes, and shall undertake such duty, shall be deemed a political committee within the meaning of this act.

Political committee must maintain a treasurer.

SECTION 9. Every political committee shall appoint and constantly maintain a treasurer, to receive, keep and disburse all sums of money which may be collected or received or disbursed by such committee, or by any of its members, for any of the purposes mentioned in section eight, of this act, for which such committee exists or acts; and, unless such treasurer is first appointed and thereafter maintained, it shall be unlawful and a violation of this act for a political committee or any of its members to collect, receive or disburse money for any such purpose. All money collected or received or disbursed, by any

political committee, or by any member or members thereof, for any of the purposes mentioned in section 8, of this act, and for which such committee exists or acts, shall be paid over and made to pass through the hands of the treasurer of such committee, and shall be disbursed by him; and it shall be unlawful and a violation of this act for any political committee, to disburse or expend money for any of the objects or purposes mentioned in section 8, of this act, and for which such committee exists or acts, until the money so disbursed or expended shall have passed through the hands of the treasurer of such political committee.

SECTION 10. Every treasurer of a political committee and every person who shall at any time act as such treasurer, shall, whenever he receives or disburses money as such treasurer, or for or on account of any of the objects or purposes mentioned in section 8, of this act, immediately enter and thereafter keep, in a proper book or books, to be provided and preserved by him, a full, true and detailed statement and account of each and every sum of money so received by him, setting forth in such statement the sum so received or disbursed, as the case may be, and the date when, and the person from whom received, or to whom paid, as the case may be, and the object and purpose for which the sum was received or disbursed.

Duty of the treasurer to enter up all accounts.

SECTION 11. Every treasurer of a political committee, as defined in this act, and every person who shall act as such treasurer, shall, within thirty days after each and every election, whether state, county, city, municipal, township or district election, in or concerning, or in connection with which he shall have received or disbursed any money, for any of the objects or purposes mentioned in section 8, of this act, prepare and file in the office of the register of deeds of the county in which such treasurer or person lives, a full, true and detailed account and statement, subscribed and sworn to by him, before an

Treasurer to file a sworn statement of account.

officer authorized to administer oaths, setting forth each and every sum of money received or disbursed by him for any of the objects or purposes mentioned in this act, within the period of ninety days before such election, and ending on the day on which such statement is filed, the date of each receipt and of each disbursement, the name of the person to whom paid, and the object or purpose for which the same was disbursed. Such statement shall also set forth the unpaid debts and obligations, if any, of such committee, with the nature and amount of each, and to whom owing, in detail; and if there are no unpaid debts or obligations of such committee such statement shall state such fact.

Statements and accounts to be kept one year.

SECTION 12. Every officer required by law to issue certificates of election or commissions as the results of elections, or register of deeds, shall receive and file in his office and keep there as part of the records thereof for one year after they are filed, all statements and accounts required by this act to be filed with him. Such statements and accounts shall, at all reasonable times, be open to public inspection. After one year succeeding the filing of such statements they shall be destroyed by such officer or his successor.

Penalty for neglect of duty.

SECTION 13. Every treasurer of a political committee, as defined in this act, or other person hereby required to make like returns, who shall willfully fail, neglect or refuse to make out, verify and file with the proper register of deeds, the statement required by section eleven, of this act, shall be guilty of a misdemeanor, and upon a conviction, shall be fined not less than fifty nor more than five hundred dollars.

Further penalties defined.

SECTION 14. Every treasurer of a political committee, and every person who shall receive any money, to be applied to any of the purposes mentioned in section 8, of this act, who shall either:

Failure to keep books.

1. Neglect or fail to keep a correct book or books of account, setting forth all the details re-

quired to be set forth in the account and statement contemplated in sections 10 and 11, of this act, (except that the book or books need not be subscribed or sworn to,) with intent to conceal the receipts or disbursement, of any sum received or disbursed by him or any other person, or the purpose or object for which the same was received or disbursed by him or any other persons, or the purpose or object for which the same was received or disbursed, or to conceal the fact that there is any unpaid debt or obligation of such treasurer or committee, or the nature or amount thereof, or to whom owing, in detail; or,

2. Mutilate, deface or destroy any such book or books of account, with intent to conceal any fact disclosed by such book or books; or, Mutilate or destroy books.

3. Fail to file the statement and account contemplated by said section 11, if due, within five days after he shall receive notice in writing, signed by five resident freeholders of the county in which such treasurer or political committee or person resides, requesting him to file such statement and account, shall be guilty of a misdemeanor, and on conviction shall be imprisoned in the county jail for not less than two or more than six months. Fail to make statements of account.

SECTION 15. All acts and parts of acts inconsistent with this act, are hereby repealed. Repealing section.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved April 27, 1987.