



2023 ASSEMBLY BILL 335

June 22, 2023 - Introduced by Representatives ORTIZ-VELEZ, SORTWELL, CONLEY, CABRERA, MYERS, JOERS, OHNSTAD, KRUG, GUSTAFSON, MURPHY and SINICKI, cosponsored by Senators KNODL, SPREITZER and TAYLOR. Referred to Committee on Campaigns and Elections.

1 **AN ACT** *to create* 11.1401 (2m) and 12.60 (1m) of the statutes; **relating to:**
2 judgments concerning a candidate's felony violation of certain campaign
3 finance or election fraud laws.

Analysis by the Legislative Reference Bureau

Under current law, a candidate for public office who commits certain campaign finance or election fraud violations is guilty of a Class I felony, the penalty for which is a fine not to exceed \$10,000 or imprisonment not to exceed three years and six months, or both. Under this bill, if a candidate is adjudged guilty of such a felony in a criminal proceeding, the court's judgment in the matter must include an order that the candidate's candidate committee be dissolved in accordance with current law and that the candidate return unencumbered campaign funds to the donors in amounts not exceeding the original contributions or donate those funds to the common school fund. Additionally, the bill requires the court to appoint a new treasurer for the candidate committee to carry out the court's dissolution order.

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

4 **SECTION 1.** 11.1401 (2m) of the statutes is created to read:
5 11.1401 (**2m**) If a candidate for public office is adjudged guilty in a criminal
6 action of any violation of this chapter under sub. (1) (a) or (b), or of any violation of

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1 ch. 12 under s. 12.60 (1) (a) committed during his or her candidacy, the court's
2 judgment shall include an order that the candidate's candidate committee be
3 terminated in accordance with s. 11.0105 and that, notwithstanding s. 11.0105 (3),
4 the committee return its residual funds to the donors in an amount not exceeding the
5 original contribution or donate its residual funds to the common school fund. The
6 court shall appoint a new treasurer for the candidate committee to carry out the
7 court's dissolution order.

8 **SECTION 2.** 12.60 (1m) of the statutes is created to read:

9 12.60 (1m) If a candidate for public office is adjudged guilty in a criminal action
10 of any violation of this chapter under sub. (1) (a) committed during his or her
11 candidacy, or of any violation of ch. 11 under s. 11.1401 (1) (a) or (b), the court's
12 judgment shall include an order that the candidate's candidate committee be
13 terminated in accordance with s. 11.0105 and that, notwithstanding s. 11.0105 (3),
14 the committee return its residual funds to the donors in an amount not exceeding the
15 original contribution or donate its residual funds to the common school fund. The
16 court shall appoint a new treasurer for the candidate committee to carry out the
17 court's dissolution order.

18 **SECTION 3. Initial applicability.**

19 (1) This act first applies to an action commenced on the effective date of this
20 subsection.

21 (END)