

# State of Wisconsin



2021 Senate Bill 213

Date of enactment:  
Date of publication\*:

## 2021 WISCONSIN ACT

AN ACT *to amend* 5.06 (2), 971.19 (12) and 971.223 (1); and *to create* 12.14 of the statutes; **relating to:** actions for violations of elections laws.

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

**SECTION 1.** 5.06 (2) of the statutes is amended to read:

5.06 (2) ~~No~~ Any person who is authorized to file a complaint under sub. (1), ~~other than the attorney general or a district attorney,~~ may commence an action or proceeding to test the validity of any decision, action or failure to act on the part of any election official with respect to any matter specified in sub. (1) without first filing a complaint under sub. (1), ~~nor prior to disposition of the complaint by the commission. A complaint is deemed disposed of if the commission fails to transmit an acknowledgment of receipt of the complaint within 5 business days from the date of its receipt or if the commission concludes its investigation without a formal decision.~~

**SECTION 2.** 12.14 of the statutes is created to read:

**12.14 Venue.** Notwithstanding s. 12.60 (4), in an action for a violation of ch. 5, 6, 7, 8, 9, or 12, venue is proper in the county where the conduct alleged to be a violation occurred or, if no action or proceeding is commenced in that county within 60 days after the conduct occurred, in any county contiguous to that county.

**SECTION 3.** 971.19 (12) of the statutes is amended to read:

971.19 (12) Except as provided in s. 971.223, in an action for a violation of ~~chs. 5 to 12 ch. 10 or 11,~~ subch. III of ch. 13, or subch. III of ch. 19, or for a violation of any other law arising from or in relation to the official functions of the subject of the investigation or any matter that involves elections election notices, campaign finance, ethics, or lobbying regulation under ~~chs. 5 to 12 ch. 10 or 11,~~ subch. III of ch. 13, or subch. III of ch. 19, a defendant who is a resident of this state shall be tried in circuit court for the county where the defendant resides. For purposes of this subsection, a person other than a natural person resides within a county if the person's principal place of operation is located within that county.

**SECTION 4.** 971.223 (1) of the statutes is amended to read:

971.223 (1) In an action for a violation of ~~chs. 5 to 12 ch. 10 or 11,~~ subch. III of ch. 13, or subch. III of ch. 19, or for a violation of any other law arising from or in relation to the official functions of the subject of the investigation or any matter that involves elections election notices, campaign finance, ethics, or lobbying regulation under ~~chs. 5 to 12 ch. 10 or 11,~~ subch. III of ch. 13, or subch. III of ch. 19, a defendant who is a resident of this state may move to change the place of trial to the county where the offense was committed. The motion shall be in writing.

---

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."