

# State of Wisconsin



2023 Assembly Bill 335

Date of enactment: **December 6, 2023**

Date of publication\*: **December 7, 2023**

## 2023 WISCONSIN ACT 52

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

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

**SECTION 1.** 11.1401 (2m) of the statutes is created to read:

11.1401 (2m) If a candidate for public office is adjudged guilty in a criminal action of any violation of this chapter under sub. (1) (a) or (b), or of any violation of ch. 12 under s. 12.60 (1) (a) committed during his or her candidacy, the court's judgment shall include an order that the candidate's candidate committee be terminated in accordance with s. 11.0105 and that, notwithstanding s. 11.0105 (3), the committee pay its outstanding debts and then return the residual funds remaining in its depository account to the donors in an amount not exceeding the original contribution or donate the residual funds to the common school fund. The court shall appoint a new treasurer for the candidate committee to carry out the court's dissolution order. The court shall also include in its judgment an order specifying that the contributions made from the candidate's personal funds may not be returned to the candidate and that neither the candidate nor the new treasurer's predecessor may access the funds in the committee's depository account. The court shall also give notice of all actions taken pursuant to this subsection to the commission.

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

12.60 (1m) If a candidate for public office is adjudged guilty in a criminal action of any violation of this chapter under sub. (1) (a) committed during his or her candidacy, or of any violation of ch. 11 under s. 11.1401 (1) (a) or (b), the court's judgment shall include an order that the candidate's candidate committee be terminated in accordance with s. 11.0105 and that, notwithstanding s. 11.0105 (3), the committee pay its outstanding debts and then return the residual funds remaining in its depository account to the donors in an amount not exceeding the original contribution or donate the residual funds to the common school fund. The court shall appoint a new treasurer for the candidate committee to carry out the court's dissolution order. The court shall also include in its judgment an order specifying that the contributions made from the candidate's personal funds may not be returned to the candidate and that neither the candidate nor the new treasurer's predecessor may access the funds in the committee's depository account. The court shall also give notice of all actions taken pursuant to this subsection to the ethics commission.

**SECTION 3. Initial applicability.**

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

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\* 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."