

1 **AN ACT** *to repeal and recreate* 12.09 of the statutes; **relating to:** election threats.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on election law review.

Current law, in s. 12.09 of the statutes, prevents the making of various election threats. Violations of that section are punishable as a Class I felony (a fine not to exceed \$10,000 or imprisonment not to exceed 3 years and 6 months, or both).

Presently, s. 12.09 is drafted as one paragraph consisting of 3 distinct components, each of which prohibits different conduct. The provision reads as follows:

No person may personally or through an agent make use of or threaten to make use of force, violence or restraint in order to induce or compel any person to vote or refrain from voting at an election; or, by abduction, duress or any fraudulent device or contrivance, impede or prevent the free exercise of the franchise at an election; or by any act compel, induce or prevail upon an elector either to vote or refrain from voting at any election for or against a particular candidate or referendum.

This draft, in order to improve the readability of the provision, repeals the provision and recreates it with 3 distinct subsections. The draft makes no substantive changes to the law and violations would still be subject to the same penalties as provided under current law.

This draft contains an effective date of January 1, 2006.

2 **SECTION 1.** 12.09 of the statutes is repealed and recreated to read:

3 **12.09 Election Threats.** (1) No person may personally or through an agent make use
4 of or threaten to make use of force, violence, or restraint in order to induce or compel any
5 person to vote or refrain from voting at an election.

(2) No person may personally or through an agent, by abduction, duress or any fraudulent device or contrivance, impede or prevent the free exercise of the franchise at an election.

(3) No person may personally or through an agent, by any act compel, induce, or prevail upon an elector either to vote or refrain from voting at any election for or against a particular candidate or referendum.

SECTION 2. Nonstatutory provisions. This act takes effect on January 1, 2006.

(END)