



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2193/1
SWB&JK:wlj&amn

2021 SENATE BILL 213

March 16, 2021 - Introduced by Senators STROEBEL, DARLING and FELZKOWSKI, cosponsored by Representatives BROOKS, VANDERMEER, LOUDENBECK, MURPHY, KNODL and SKOWRONSKI. Referred to Committee on Elections, Election Process Reform and Ethics.

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

Analysis by the Legislative Reference Bureau

This bill provides that in an action relating to a violation of state election laws, venue is proper in any county within the area covered by any office on the ballot for the election that is affected by the conduct alleged to be in violation of the state election laws. Under current law, for violations of state election laws, a defendant who is a resident of this state is generally tried in the circuit court for the county where the defendant resides, except that a defendant who is a resident of the state may move the court to change the place of trial to the county where the offense was committed.

Under current law, a voter who believes that an election official has acted contrary to law with regard to the administration of elections may file a written sworn complaint with the Elections Commission requesting that the official be required to conform his or her conduct to the law. No individual who is authorized to file a complaint, other than a district attorney or the attorney general, 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 without first filing a complaint. Under this bill, any person may commence an action or proceeding to test the validity of any

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decision, action, or failure to act on the part of any election official without first filing a complaint.

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. In an action for a violation of chs. 5 to 12, venue is proper in any county within the area covered by any office on the ballot for the election that is affected by the conduct alleged to be in violation of chs. 5 to 12.

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~~, 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, ethics, or lobbying regulation under ~~chs. 5 to 12~~, 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

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1 purposes of this subsection, a person other than a natural person resides within a
2 county if the person's principal place of operation is located within that county.

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

4 971.223 (1) In an action for a violation of ~~chs. 5 to 12~~, subch. III of ch. 13, or
5 subch. III of ch. 19, or for a violation of any other law arising from or in relation to
6 the official functions of the subject of the investigation or any matter that involves
7 ~~elections~~, ethics, or lobbying regulation under ~~chs. 5 to 12~~, subch. III of ch. 13, or
8 subch. III of ch. 19, a defendant who is a resident of this state may move to change
9 the place of trial to the county where the offense was committed. The motion shall
10 be in writing.

11 (END)