

**CO-SPONSORSHIP MEMORANDUM**

**TO:** All Legislators

**FROM:** Representatives Sylvia Ortiz-Velez and Shae Sortwell  
Senators Mark Spreitzer and Jesse James

**DATE:** Friday, April 28<sup>th</sup>, 2023

**RE:** Co-Sponsorship of LRB-1326/1, relating to: judgments concerning a candidate's felony violation of certain campaign finance or election fraud laws

**DEADLINE:** Thursday, May 4<sup>th</sup>, at 5pm

Under Wisconsin State Statutes [11.1401\(3\)\(a\)](#), if a candidate for public office (other than a candidate for the legislature) is adjudicated guilty of certain violations, then the court shall enter judgment declaring a forfeiture of the candidate's right to office. Under current law, there is no requirement to close a campaign account after a court judgment is given. Adjudicated persons can continue to decide who will be the treasurer of the campaign account and are allowed to disburse funds from their account without restrictions.

Since an adjudicated person is no longer allowed to hold public office, there is no need for them to continue to have a campaign account. To avoid any future misuse of campaign funds, this bill would require the court to order the adjudicated person's campaign account be dissolved and to appoint a new treasurer who will only be allowed to return funds to donors or donate the funds to the common school fund in accordance with the court's dissolution order. This prevents an adjudicated person from using existing campaign funds for their benefit.

**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.

**To be added on as a co-sponsor of this legislation, please reply to this email or contact Rep. Ortiz-Velez's office at (608) 237-9374 or Senator Mark Spreitzer office at (608) 266-2253.**