

2013 DRAFTING REQUEST

Bill

Received: **2/28/2013** Received By: **jkuesel**
Wanted: **As time permits** Same as LRB:
For: **Kathleen Bernier (608) 266-9172** By/Representing: **Chad Zuleger**
May Contact: **Rep. Vos may inspect file.** Drafter: **jkuesel**
Subject: **Elections - campaign finance** Addl. Drafters: **jkreye**
Elections - miscellaneous **tkuczens**

Extra Copies:

Submit via email: **YES**
Requester's email: **Rep.Bernier@legis.wisconsin.gov**
Carbon copy (CC) to: **Andrew.Hanus@legis.wisconsin.gov**
tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Elections and campaign finance - various changes

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 3/14/2013			_____			
/P1	jkreye 3/27/2013	kfollett 3/14/2013	jfrantze 3/15/2013	_____	sbasford 3/15/2013		
/P2	jkreye	wjackson	rschluet	_____	srose		

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/3		wjackson 5/28/2013	rschluet 5/28/2013	_____	srose 5/28/2013	srose 5/28/2013	State S&L

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At
intro

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Handwritten:
5/28/13 JM

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13 jkuesel
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13 WJ 5/28

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Do not
Jacket "1"
yet.
(prob. getting re-drafted)

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Subject: Elections - campaign finance
Elections - miscellaneous

Addl. Drafters: jkreye
tkuczens

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FE Sent For:

<END>

"RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...

 DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN

(Request Made By: TKK) (Date: 05/21/13)

Note:

BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR"

(exception: companion bills)

 Please transfer the drafting file for
2011 LRB _____ (For: Rep. / Sen. _____)
to the drafting file for
2013 LRB _____ (For: Rep. / Sen. _____)

-----OR-----

 Please copy the drafting file for
2013 LRB 1771 1P3 (include the version) (For: Rep. / Sen. Bernier)
and place it in the drafting file for
2013 LRB 1763 (For: Rep. / Sen. Bernier)

 Are These "Companion Bills" ?? ... Yes No

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history ("guts") from the original file: _____

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JMase
5/21

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*PA WJ 5/6
(bluesheet)*

PA WJ 5/10

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Vers. Drafted

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NOTE - on p/2

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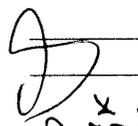
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		<i>/P2 Wlj 3/28 (blue sheet)</i>	<i>Jm 3/29</i>	<i>Jm 4/1</i>			
		<i>/P2 Wlj 4/9</i>					

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<END>

-1703/P1
blue sheet

COMPLETE

1892

1891

1894

1893

1890

1442

0623

0931

~~1888~~ 1188

1889

+ duote

COMPONENT DRAFT ACTION

- 1442/35.15 (6) (b) of the statutes is amended to read: ✓
- 0623/15.90 (1) of the statutes is amended to read: ✓
- 1893/P1 6.34 (2) of the statutes is amended to read: ✓
- 1893/P1 6.34 (3) (a) 8. of the statutes is amended to read: ✓
- 0931/17.30 (2) (a) and (b) of the statutes are amended to read: ✓
- 1188/19.10 (2) (b) of the statutes is amended to read: ✓
- 1188/19.10 (2) (d) of the statutes is amended to read: ✓
- 1891/111.01 (11g) and (11r) of the statutes are created to read: ✓
- 1892/111.01 (16) (intro.) of the statutes is amended to read: ✓
- 1892/111.01 (16) (a) (intro.) of the statutes is amended to read: ✓
- 1892/111.01 (16) (a) 1. of the statutes is repealed and recreated to read: ✓
- 1892/111.01 (16) (b) of the statutes is amended to read: ✓
- 1892/111.01 (16) (b) 1. of the statutes is created to read: ✓
- 1894/P1 11.05 (1) of the statutes is amended to read: ✓
- 1894/P1 11.05 (2) of the statutes is amended to read: ✓
- 1894/P1 11.05 (2r) of the statutes is amended to read: ✓
- 1891/111.05 (3) (c) of the statutes is amended to read: ✓
- 1891/111.05 (8) of the statutes is renumbered 11.05 (8) (intro.) and amended to read: ✓
- 1891/111.05 (11g) of the statutes is created to read: ✓
- 1894/P1 11.05 (12) (b) of the statutes is amended to read: ✓
- 1891/111.06 (1) (intro.) of the statutes is amended to read: ✓
- 1891/111.06 (1) (j) of the statutes is amended to read: ✓
- 1891/111.06 (1g) of the statutes is created to read: ✓
- 1891/111.12 (1) (d) of the statutes is amended to read: ✓

- 1889/P1 11.12 (3) of the statutes is amended to read: ✓
- 1891/111.12 (4) of the statutes is amended to read: ✓
- 1891/111.16 (1) (d) of the statutes is amended to read: ✓
- 1894/P1 11.19 (2) of the statutes is amended to read: ✓
- 1894/P1 11.23 (1) of the statutes is amended to read: ✓
- 1889/P1 11.23 (3) of the statutes is amended to read: ✓
- 1891/111.25 (4) of the statutes is created to read: ✓
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- 1894/P1 11.26 (1) (cg) of the statutes is amended to read: ✓
- 1894/P1 11.26 (1) (cn) of the statutes is amended to read: ✓
- 1894/P1 11.26 (1) (cw) of the statutes is amended to read: ✓
- 1894/P1 11.26 (1) (d) 1. and 2. of the statutes are amended to read: ✓
- 1894/P1 11.26 (2) (b) of the statutes is amended to read: ✓
- 1894/P1 11.26 (2) (c) of the statutes is amended to read: ✓
- 1894/P1 11.26 (2) (cc) of the statutes is amended to read: ✓
- 1894/P1 11.26 (2) (cg) of the statutes is amended to read: ✓
- 1894/P1 11.26 (2) (cn) of the statutes is amended to read: ✓
- 1894/P1 11.26 (2) (cw) of the statutes is amended to read: ✓
- 1894/P1 11.26 (2) (e) 1. and 2. of the statutes are amended to read: ✓
- 1894/P1 11.26 (4) of the statutes is repealed. ✓
- 1894/P1 11.26 (5) of the statutes is amended to read: ✓
- 1894/P1 11.26 (6) of the statutes is amended to read: ✓

-1894/P1 11.26 (8) (a) of the statutes is amended to read: ✓

-1894/P1 11.26 (8) (b) of the statutes is amended to read: ✓

-1894/P1 11.26 (8) (c) of the statutes is amended to read: ✓

-1894/P1 11.26 (9) of the statutes is repealed. ✓

-1894/P1 11.26 (17) (a) of the statutes is amended to read: ✓

-1894/P1 11.26 (18) of the statutes is created to read: ✓

✕-1890/P1 11.29 (1) of the statutes is amended to read: ✓

✕-1891/111.29 (1) of the statutes is amended to read:

-1891/111.38 (title) and (1) (a) 1. of the statutes are amended to read:

✕-1891/111.38 (1) (a) 3. of the statutes is repealed.

✕-1894/P1 ~~11.38 (1) (a) 3. of the statutes is repealed.~~

-1891/111.38 (1) (a) 4. of the statutes is created to read:

-1891/111.38 (1) (b) of the statutes is amended to read:

-1891/111.38 (2) (c) of the statutes is repealed.

-0623/1Section 2. Initial applicability.

-1442/3Section 2. Initial applicability.

-1892/1Section 6. Initial applicability.



State of Wisconsin
2013 - 2014 LEGISLATURE

→ STYS #P1



LRB-1763/P1

JJK/JK/TKK :
all

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 **AN ACT to repeal** 11.26 (4), 11.26 (9), 11.38 (1) (a) 3., 11.38 (1) (a) 3. and 11.38 (2)
2 (c); **to renumber and amend** 11.05 (8); **to amend** 5.15 (6) (b), 5.90 (1), 6.34 (2),
3 6.34 (3) (a) 8., 7.30 (2) (a) and (b), 9.10 (2) (b), 9.10 (2) (d), 11.01 (16) (intro.), 11.01
4 (16) (a) (intro.), 11.01 (16) (b), 11.05 (1), 11.05 (2), 11.05 (2r), 11.05 (3) (c), 11.05
5 (12) (b), 11.06 (1) (intro.), 11.06 (1) (j), 11.12 (1) (d), 11.12 (3), 11.12 (4), 11.16 (1)
6 (d), 11.19 (2), 11.23 (1), 11.23 (3), 11.26 (1) (a), 11.26 (1) (b), 11.26 (1) (c), 11.26
7 (1) (cc), 11.26 (1) (cg), 11.26 (1) (cn), 11.26 (1) (cw), 11.26 (1) (d) 1. and 2., 11.26
8 (2) (b), 11.26 (2) (c), 11.26 (2) (cc), 11.26 (2) (cg), 11.26 (2) (cn), 11.26 (2) (cw), 11.26
9 (2) (e) 1. and 2., 11.26 (5), 11.26 (6), 11.26 (8) (a), 11.26 (8) (b), 11.26 (8) (c), 11.26
10 (17) (a), 11.29 (1), 11.29 (1), 11.38 (title) and (1) (a) 1. and 11.38 (1) (b); **to repeal**
11 **and recreate** 11.01 (16) (a) 1.; and **to create** 11.01 (11g) and (11r), 11.01 (16)
12 (b) 1., 11.05 (11g), 11.06 (1g), 11.25 (4), 11.26 (18) and 11.38 (1) (a) 4. of the
13 statutes; **relating to:** ~~the definition of political purpose; corporate political~~
14 ~~activity;~~ various changes in the campaign finance laws; identifying
15 documentation to establish proof of residency for voter registration; ~~exemption~~

1 ~~for certain election related communications to members,~~ the method of
 2 reporting election returns by municipalities; the method of recounting votes
 3 cast with automatic tabulating equipment; residency of election officials; ^{and} recall
 4 petition requirements; ~~campaign finance record-keeping threshold;~~

Analysis by the Legislative Reference Bureau

*** ANALYSIS FROM -1892/1 ***

Disclosure of political activity

Currently, with certain exceptions, individuals who accept contributions, organizations that make or accept contributions, and individuals who or organizations that incur obligations or make disbursements for the purpose of influencing an election for state or local office are required to register with the appropriate filing officer or agency and to file financial reports with that officer or agency, regardless of whether they act in conjunction with or independently of any candidate who is supported or opposed.

This bill provides that registration and reporting requirements apply to any communication that contains certain explicit terms with reference to a clearly identified candidate that expressly advocates the election or defeat of that candidate and unambiguously relates to that candidate. The bill also provides that these requirements do not apply to a communication made by an individual other than a candidate, or by an organization that receives donations or other income not directed at political activity, if the communication does not expressly advocate the election or defeat of a clearly identified candidate or the adoption or rejection of a question at a referendum. The change in the scope of reportable activity under the bill also affects contribution limitations and prohibitions by causing the term "contribution" to exclude the cost of any communication that is not reportable under the bill.

*** ANALYSIS FROM -1891/1 ***

Corporate political activity

Under current law, corporations and cooperatives are prohibited from making contributions or disbursements (expenditures) in campaigns for state or local office. Violators are subject to a forfeiture (civil penalty) of not more than \$500 for each violation. Intentional violators are guilty of a Class I felony, which is punishable by a fine of not more than \$10,000 or imprisonment for not more than three and one-half years, or both, except that if a violation involves \$100 or less, the violation is punishable as a misdemeanor with a fine of not more than \$1,000 or imprisonment for not more than six months, or both. A recent decision of the U.S. Supreme Court casts doubt upon whether this law is enforceable as it applies to disbursements. See *Citizens United v. F.E.C.*, 130 S. Ct. 876 (2010).

This bill deletes the current prohibition on disbursements by corporations and cooperatives. The bill permits a corporation, cooperative, or other entity that is not primarily organized for political purposes to sponsor a separate individual or

This bill makes various changes in the campaign finance, election, and lobbying regulation laws. Significant provisions include:

committee that is not organized exclusively for political purposes but makes independent disbursements. Under the bill, a corporation, cooperative, or other entity that engages in such activity is not subject to periodic reporting requirements on account of such activity, including disclosure of sources of income, unless the corporation, cooperative, or other entity receives contributions or other income for the express purpose of making independent disbursements. However, the corporation, cooperative, or other entity must register with the appropriate filing officer, appoint a treasurer, file periodic reports of administrative expenses on behalf of the sponsored entity and contributions made to the entity, and include an attribution on its political communications. The bill also permits corporations and cooperatives to make contributions to committees that make disbursements independently of any candidate or authorized committee or agent of a candidate. Under the bill, no such committee may make a contribution to a candidate. The bill provides that corporations and cooperatives that make such contributions are not subject to periodic reporting requirements for that activity, including disclosure of sources of income, but any committee that receives such a contribution is subject to registration and periodic reporting requirements, as currently provided for such committees.

*** ANALYSIS FROM -1894/P1 ***

This bill makes various changes in the campaign finance laws. Significant changes include:

Campaign finance registration, record-keeping, and reporting thresholds

With some exceptions, current law requires an individual, candidate, group, or committee that makes or accepts a contribution, incurs an obligation, or makes a disbursement for political purposes and in an amount that exceeds \$25 to register with the Government Accountability Board. This bill increases that threshold from \$25 to \$1,000.

Under current law, a registrant is not subject to the filing requirements related to campaign financing if the registrant does not anticipate accepting contributions, making disbursements, or incurring obligations in an aggregate amount exceeding \$1,000 in a year or does not anticipate accepting any contribution from a single source, other than a candidate's contribution to his or her own campaign, exceeding \$100 in a year or, for purposes of promoting or opposing a referendum, \$750 in a year.

Under this bill, a registrant is not subject to the filing requirements if the registrant does not anticipate accepting contributions, making disbursements, or incurring obligations in an aggregate amount exceeding \$2,000 in a year or does not anticipate accepting any contribution from a single source, other than a candidate's contribution to his or her own campaign, exceeding \$200 in a year or, for purposes of promoting or opposing a referendum, \$1,500 in a year.

Expenditures made to solicit contributions to a segregated fund

Current law permits any corporation, including a foreign corporation and a limited liability company, cooperative, or association, to establish, administer, and solicit contributions to a separate segregated fund set up by the corporation, cooperative, or association for the purpose of supporting or opposing a candidate for state or local office. Although current law prohibits the corporation, association, or

cooperative from making a contribution to the segregated fund, the corporation, cooperative, or association may expend up to \$500 annually for the purpose of soliciting contributions. This bill eliminates the \$500 cap on expenditures made to solicit contributions to the segregated fund.

Contribution limits

This bill increases the limits for contributions by an individual or committee to a candidate's campaign as follows:

1. For candidates for governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent, or justice, from \$10,000 to \$20,000.

2. For candidates for state senator, from \$1,000 to \$2,000.

3. For candidates for state assembly representative, from \$500 to \$1,000.

4. For candidates for court of appeals judge in districts within a county having a population exceeding 500,000, from \$3,000 to \$6,000.

5. For candidates for court of appeals judge in other districts, from \$2,500 to \$5,000.

6. For candidates for circuit judge in circuits having a population exceeding 300,000, from \$3,000 to \$6,000.

7. For candidates for circuit judge in other circuits, from \$1,000 to \$2,000.

8. For candidates for district attorney in prosecutorial units having a population exceeding 300,000, from \$3,000 to \$6,000.

9. For candidates for district attorney in other prosecutorial units, from \$1,000 to \$2,000.

Under current law, the limit for a individual's contribution to a candidate for local office is the greater of \$250 or an amount equal to one cent multiplied by the number of the jurisdiction's inhabitants, not to exceed \$3,000. Under the bill, the limit for a individual's contribution to a candidate for local office is the greater of \$500 or an amount equal to two cents multiplied by the number of the jurisdiction's inhabitants, not to exceed \$6,000.

Under current law, the limit for a contribution by a committee, other than a political party committee or a legislative campaign committee, is the greater of \$200 or an amount equal to three-fourths of one cent multiplied by the number of the jurisdiction's inhabitants, not to exceed \$2,500. Under the bill, the limit for a committee's contribution is the greater of \$400 or an amount equal to one and one-half cents multiplied by the number of the jurisdiction's inhabitants, not to exceed \$5,000.

Under current law, the total amount that an individual may contribute annually to all candidates for state and local offices, and to persons who are required to register for campaign financing purposes, is \$10,000. The bill eliminates this limitation.

Under current law, a political party may not receive more than \$150,000 in value of its contributions in any biennium from committees, other than political party or legislative campaign committees. The bill increases that amount to \$300,000.

Under current law, a political party may not receive more than \$6,000 in value of its contributions annually from any specific committee, excluding a political party or legislative campaign committee. The bill increases that amount to \$12,000.

The bill also increases the total value of contributions that a committee, other than a political party or legislative campaign committee, may make to a political party from \$6,000 each year to \$12,000 each year.

Finally, the bill provides that, beginning on July 1, 2015, and every two years thereafter, the Government Accountability Board will modify the contribution limits under the campaign finance laws to adjust for the change in the consumer price index for the preceding two-year period ending on December 31.

With limited exceptions, current law requires each person who is an eligible elector and who wishes to vote in this state to first register. In certain circumstances, an eligible elector must submit proof of residence with his or her registration form or prior to being permitted to vote. For example, a person who registers in the clerk's office of his or her municipality within 20 days of an election must provide proof of residence in order to obtain registration. Current law provides a list of qualifying identifying documents and specifies the information that must appear on those documents. Identifying documents must contain the registrant's name and current address and qualifying identifying documents include a real estate tax bill, a bank statement, and a current and valid Wisconsin driver license or identification card.

This bill prohibits an elector from providing an identifying document that is stored or displayed electronically to establish proof of residence; the identifying document must be provided in hard-copy form. The bill adds to the list of qualifying identifying documents a bill for cellular or wireless telephone service for the period commencing no earlier than 90 days before election day.

Current law permits any corporation, cooperative, unincorporated cooperative association, or voluntary association to make a disbursement for the purpose of communicating only with its members to endorse a candidate, explain its views or interests, or take a position on a referendum without being subject to reporting requirements for this activity. This bill clarifies that any such communication, while remaining exempt from the reporting requirement, may include information on how a member may contribute to an endorsed candidate.

Currently, the voters of each ward vote at the same polling place, which is generally separate from other polling places in a municipality. Election returns are reported by ward unless otherwise authorized by law. Currently, no later than 60 days before each September primary and general election, and no later than 30 days before each other election, the governing body of a municipality may combine two or more wards for voting purposes to permit the use of a common polling place. In municipalities with a population of 35,000 or more, a municipality must continue to report all election returns by ward even where wards are combined for voting purposes at a single location. Other municipalities may report returns for combined wards together unless a separate ballot is required in a partisan election, in which

From P.7

In S SA

subsub

Proof of residency *** ANALYSIS FROM 1893/P1 *** registration

MOVE up

communications with members of certain entities *** ANALYSIS FROM 1890/P1 ***

subsub

Reporting of election returns by municipalities *** ANALYSIS FROM 1442/P3 ***

case separate returns must be reported for the offices listed on each separate ballot so that the results of the various elections may be determined.

Under this bill, any municipality having a population of 35,000 or more may provide that election returns for any ward having a population of less than 20 will be combined with returns for any adjacent ward, unless separate returns are required to determine the results of an election. A municipality, however, may not combine wards if the total population of the combined wards would exceed the applicable population range for wards in that municipality. The bill allows the municipal clerk to estimate ward populations for the purpose of combining returns if the population cannot be determined from census results.

Currently, with a limited exception, a board of canvassers must use automatic tabulating equipment to conduct a recount of ballots that are in machine-readable form. However, a candidate, or an elector if the recount is for a referendum question, may petition the circuit court for an order requiring ballots in machine-readable form to be recounted by hand or by another method approved by the court. To obtain such an order, the candidate or elector must show by clear and convincing evidence that due to an irregularity, defect, or mistake committed during the voting or canvassing process the results of a recount using automatic tabulating equipment will produce incorrect results and there is a substantial probability that recounting the ballots by hand or by another method will produce a more correct result and change the outcome of the election.

This bill permits the board of canvassers conducting a recount to determine to conduct the recount of a specific election by hand unless a court orders the recount to be conducted by another method.

Current law generally requires election officials to be qualified electors of the municipality in which the officials serve. In addition, current law generally requires election officials who serve at a polling place to be qualified electors of the ward for which the polling place is established, whenever a municipality is divided into wards. However, special registration deputies who register electors at a polling place on election day, election officials who are appointed to work at a polling place that serves more than one ward, election officials who are reassigned by a municipal clerk or board of election commissioners to correct staffing deficiencies, or election officials who are appointed to fill a temporary or permanent vacancy need not be electors of any particular ward, but must be qualified electors of the municipality in which they serve. Officials who are appointed to work at a polling place that serves more than one ward must be electors of one of the wards served by the polling place. A high school pupil who is 16 or 17 years of age may serve as an inspector (poll worker) at the polling place serving his or her residence. In addition, if the municipal clerk or the executive director of a board of election commissioners or a deputy to the clerk or executive director serves as a special registration deputy or is appointed to work at a polling place to fill a vacancy in an inspector position, the clerk, executive director, or deputy need not be a resident of the municipality in which he or she serves.

Subsub

Recounting votes cast with automatic ~~tabulating~~ ^{tabulating equipment} ~~equipment~~ ***ANALYSIS FROM -0623/1 ***

Subsub

Residency of ~~election~~ ^{officials} ***ANALYSIS FROM -0931/I ***

This bill provides, with certain exceptions, that an individual who serves as an election official at a polling place on election day need be an elector only of a county in which the municipality where the official serves is located. An individual who serves as the chief inspector at a polling place must be a qualified elector of the municipality where he or she serves unless no qualified candidate is available or the chief inspector is appointed to fill a temporary vacancy. A high school pupil who serves as an inspector must continue to meet the current residency requirement.

subsub

Recall petition require ~~ANALYSIS FROM 1188/1 ***~~

Under current law, a petition for the recall of a city, village, town, town sanitary district, or school district officer, in addition to other requirements, must indicate a reason for the recall that is related to the officer's official responsibilities. Under this bill, any person who wishes to circulate a petition for the recall of a city, village, town, town sanitary district, or school district officer must include with the person's registration under the campaign finance laws a statement indicating that the officer for whom the recall is sought has been charged with committing a crime or violating a code of ethics law applicable to local officials. The person must also include a copy of the criminal or civil complaint alleging the crime or violation.

JWSSA

subsub

Campaign finance record keeping ~~ANALYSIS FROM 1889/P1 ***~~

With some exceptions, current law requires an individual, candidate, group, or committee that makes or accepts a contribution, incurs an obligation, or makes a disbursement for political purposes and in an amount that exceeds \$25 to register with the Government Accountability Board. Under current law, each registrant must maintain records of any contribution, disbursement, and incurred obligation that exceeds \$10. This bill increases the \$10 record-keeping threshold to \$20.

move

Move to P. 5

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

- 1 **SECTION 1.** 5.15 (6) (b) of the statutes is amended to read:
- 2 5.15 (6) (b) No later than 30 days before each election, the governing body of
- 3 any municipality may by resolution combine 2 or more wards for voting purposes to
- 4 facilitate using a common polling place. Whenever wards are so combined, the
- 5 original ward numbers shall continue to be utilized for all official purposes. Except
- 6 as otherwise authorized under this paragraph, every municipality having a
- 7 population of 35,000 or more shall maintain separate returns for each ward so
- 8 combined. In municipalities having a population of 35,000 or more, the governing
- 9 body may provide in a resolution that returns for any ward having a population of

1 less than 20 be combined with returns for any adjacent ward, if the total population
2 of the combined wards does not exceed the applicable population range under sub.
3 (2) (b) for wards in that municipality. In municipalities having a population of less
4 than 35,000, the governing body may provide in the resolution that returns shall be
5 maintained only for each group of combined wards at any election. Whenever a
6 governing body provides ~~for common ballot boxes and ballots or voting machines,~~
7 that returns shall be maintained only for combined wards under this paragraph, the
8 municipality shall report separate returns shall be maintained results for each
9 separate ballot required under ss. ~~5.62 and 5.58~~ to 5.64 ~~at the partisan primary and~~
10 ~~general election.~~ The municipal clerk shall transmit a copy of the resolution to the
11 county clerk of each county in which the municipality is contained. In municipalities
12 having a population of less than 35,000, the resolution shall remain in effect for each
13 election until modified or rescinded, or until a new division is made under this
14 section. Whenever needed for purposes of this paragraph, the municipal clerk shall
15 determine the population of each ward in his or her municipality. If the population
16 of a ward cannot be determined from census results, the clerk shall determine the
17 population of the smallest unit encompassing the entire ward that can be determined
18 from census results. The clerk shall then divide the land area of the ward by the land
19 area of that unit. The clerk shall then multiply that result by the population of the
20 unit to determine the population of the ward for purposes of this paragraph.

21 **SECTION 2.** 5.90 (1) of the statutes is amended to read:

22 5.90 (1) Except as otherwise provided in this subchapter, recounts of votes cast
23 on an electronic voting system shall be conducted in the manner prescribed in s. 9.01.
24 Except as provided in this subsection, sub. (2), and s. 9.01 (1) (b) 8s., if the ballots are
25 distributed to the electors, the board of canvassers shall recount the ballots with

1 automatic tabulating equipment. The board of canvassers shall test the automatic
2 tabulating equipment to be used prior to the recount as provided in s. 5.84, and then
3 the official ballots or the record of the votes cast shall be recounted on the automatic
4 tabulating equipment. In addition, the board of canvassers shall check the ballots
5 for the presence or absence of the initials and other distinguishing marks, shall
6 examine the ballots marked “Rejected”, “Defective” and “Objected to” to determine
7 the propriety of such labels, and shall compare the “Duplicate Overvoted Ballots”
8 and “Duplicate Damaged Ballots” with their respective originals to determine the
9 correctness of the duplicates. Unless a court orders a recount to be conducted by
10 another method under sub. (2), the board of canvassers may determine to conduct the
11 recount of a specific election by hand. If electronic voting machines are used, the
12 board of canvassers shall perform the recount using the permanent paper record of
13 the votes cast by each elector, as generated by the machines.

14 **SECTION 3.** 6.34 (2) of the statutes is amended to read:

15 6.34 (2) Upon completion of a registration form prescribed under s. 6.33, each
16 eligible elector who is required to register under s. 6.27, who is not a military elector
17 or an overseas elector, and who registers after the close of registration under s. 6.29
18 or 6.86 (3) (a) 2., shall provide ~~an one of the identifying document that establishes~~
19 documents specified under sub. (3) to establish proof of residence ~~under sub. (3).~~
20 Each eligible elector who is required to register under s. 6.27, who is not a military
21 elector or an overseas elector, who registers by mail, and who has not voted in an
22 election in this state shall, if voting in person, provide ~~an one of the identifying~~
23 document that establishes documents specified under sub. (3) to establish proof of
24 residence ~~under sub. (3)~~ or, if voting by absentee ballot, provide a copy of an
25 identifying document specified under sub. (3) that establishes proof of residence

SECTION 3

1 ~~under sub. (3).~~ If the elector registered by mail, the identifying document may not
2 be a residential lease. Any identifying document provided to establish proof of
3 residence under this section may not be stored or displayed electronically, but must
4 be provided in hard-copy form.

5 SECTION 4. 6.34 (3) (a) 8. of the statutes is amended to read:

6 6.34 (3) (a) 8. A utility bill, including a bill for cellular or wireless telephone
7 service, for the period commencing not earlier than 90 days before the day
8 registration is made.

9 SECTION 5. 7.30 (2) (a) and (b) of the statutes are amended to read:

10 7.30 (2) (a) Only election officials appointed under this section or s. 6.875 may
11 conduct an election. Except as otherwise provided in this paragraph and in ss. 7.15
12 (1) (k) and 7.52 (1) (b), each election official shall be a qualified elector of ~~the ward~~
13 ~~or wards, or the election district, for a county in which the polling place is established.~~
14 ~~A special registration deputy who is appointed under s. 6.55 (6) or an election official~~
15 ~~who is appointed under this section to fill a vacancy under par. (b) need not be a~~
16 ~~resident of the ward or wards, or the election district, but shall be a resident of the~~
17 ~~municipality, except that if~~ where the official serves is located, and each chief
18 inspector shall be a qualified elector of the municipality in which the chief inspector
19 serves. If no qualified candidate for chief inspector is available or if the chief
20 inspector is appointed to fill a vacancy under par. (b), the person so appointed need
21 not be a qualified elector of the municipality. If a municipal clerk or deputy clerk
22 serves as a registration deputy or is appointed to fill a vacancy under par. (b), the
23 clerk or deputy clerk need not be a resident of the municipality county, but shall be
24 a resident of the state. No more than 2 individuals holding the office of clerk or
25 deputy clerk may serve without regard to ~~municipal~~ county residency in any

1 municipality at any election. Special registration deputies who are appointed under
2 s. 6.55 (6) may be appointed to serve more than one polling place. All officials
3 appointed under this section shall be able to read and write the English language,
4 be capable, and be of good understanding, and may not be a candidate for any office
5 to be voted for at an election at which they serve. In 1st class cities, they may hold
6 no public office other than notary public. Except as authorized under subs. (1) (b) and
7 (4) (c), all inspectors shall be affiliated with one of the 2 recognized political parties
8 which received the largest number of votes for president, or governor in
9 nonpresidential general election years, in the ward or combination of wards served
10 by the polling place at the last election. Excluding the inspector who may be
11 appointed under sub. (1) (b), the party which received the largest number of votes is
12 entitled to one more inspector than the party receiving the next largest number of
13 votes at each polling place. ~~Election officials appointed under this section may serve~~
14 ~~the electors of more than one ward where wards are combined under s. 5.15 (6) (b).~~
15 ~~If a municipality is not divided into wards, the ward requirements in this paragraph~~
16 ~~apply to the municipality at large.~~

17 (b) When a vacancy occurs in an office under this section, the vacancy shall be
18 filled by appointment of the municipal clerk. Unless the vacancy occurs in the
19 position of an inspector appointed under sub. (1) (b), the vacancy shall be filled from
20 the remaining names on the lists submitted under sub. (4) or from additional names
21 submitted by the chairperson of the county party committee of the appropriate party
22 under sub. (4) whenever names are submitted under sub. (4) (d). If the vacancy is
23 due to candidacy, sickness or any other temporary cause, the appointment shall be
24 a temporary appointment and effective only for the election at which the temporary
25 vacancy occurs. The same qualifications that applied to original appointees shall be

1 required of persons who fill vacancies except that ~~a vacancy may be filled in cases of~~
2 ~~emergency or because of time limitations by a person who resides in another~~
3 ~~aldermanic district or ward within the municipality, and if a municipal clerk or~~
4 ~~deputy clerk fills the vacancy, the clerk or deputy, but not more than a total of 2~~
5 ~~individuals in any municipality, may serve without regard to the clerk's or deputy's~~
6 ~~municipality~~ county of residence, if the clerk or deputy meets the other
7 qualifications.

8 **SECTION 6.** 9.10 (2) (b) of the statutes is amended to read:

9 9.10 (2) (b) A recall petition for a city, village, town, town sanitary district, or
10 school district ~~office~~ officer shall contain a statement ~~of a reason for the recall which~~
11 ~~is related to the official responsibilities of~~ indicating that the official for whom
12 removal is sought has been charged with committing a crime, as defined under s.
13 939.12, violating s. 19.59 (1), or violating a local ordinance establishing a local code
14 of ethics, as provided under s. 19.59 (1m).

15 **SECTION 7.** 9.10 (2) (d) of the statutes is amended to read:

16 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless
17 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the
18 filing officer with whom the petition is filed. The petitioner shall append to the
19 registration a statement indicating his or her intent to circulate a recall petition, the
20 name of the officer for whom recall is sought and, in the case of a petition for the recall
21 of a city, village, town, town sanitary district, or school district officer, a statement
22 ~~of a reason for the recall which is related to the official responsibilities of~~ indicating
23 that the official for whom removal is sought has been charged with committing a
24 crime, as defined under s. 939.12, violating s. 19.59 (1), or violating a local ordinance
25 establishing a local code of ethics, as provided under s. 19.59 (1m), and a copy of the

1 criminal or civil complaint alleging the crime or violation. No petitioner may
2 circulate a petition for the recall of an officer prior to completing registration. The
3 last date that a petition for the recall of an officer may be offered for filing is 5 p.m.
4 on the 60th day commencing after registration. After the recall petition has been
5 offered for filing, no name may be added or removed. No signature may be counted
6 unless the date of the signature is within the period provided in this paragraph.

7 **SECTION 8.** 11.01 (11g) and (11r) of the statutes are created to read:

8 11.01 (11g) “Independent disbursement” means a disbursement to make a
9 communication that expressly advocates the election or defeat of a clearly identified
10 candidate, that is made without cooperation or consultation with a candidate, or any
11 authorized committee or agent of a candidate, and that is not made in concert with,
12 or at the request or suggestion of, any candidate, or any authorized committee or
13 agent of a candidate.

14 (11r) “Independent disbursement committee” means a committee that makes
15 no disbursements other than independent disbursements and disbursements made
16 for the administrative support of the committee.

17 **SECTION 9.** 11.01 (16) (intro.) of the statutes is amended to read:

18 11.01 (16) (intro.) An act is for “political purposes” when it is done for the
19 purpose of influencing the election or nomination for election of any individual to
20 state or local office, for the purpose of influencing the recall from or retention in office
21 of an individual holding a state or local office, for the purpose of payment of expenses
22 incurred as a result of a recount at an election, or for the purpose of influencing a
23 particular vote at a referendum, except as provided in par. (b). In the case of a
24 candidate, or a committee or group which is organized primarily for the purpose of
25 influencing the election or nomination for election of any individual to state or local

1 office, for the purpose of influencing the recall from or retention in office of an
2 individual holding a state or local office, or for the purpose of influencing a particular
3 vote at a referendum, all administrative and overhead expenses for the maintenance
4 of an office or staff which are used principally for any such purpose are deemed to
5 be for a political purpose.

6 SECTION 10. 11.01 (16) (a) (intro.) of the statutes is amended to read:

7 11.01 (16) (a) (intro.) Acts which are for "political purposes" include ~~but are not~~
8 limited to:

9 SECTION 11. 11.01 (16) (a) 1. of the statutes is repealed and recreated to read:

10 11.01 (16) (a) 1. The making of a communication that contains one or more
11 terms such as the following or their functional equivalents with reference to a clearly
12 identified candidate that expressly advocates the election or defeat of that candidate
13 and that unambiguously relates to the campaign of that candidate:

- 14 a. "Vote for."
- 15 b. "Elect."
- 16 c. "Support."
- 17 d. "Cast your ballot for."
- 18 e. "Smith for Assembly."
- 19 f. "Vote against."
- 20 g. "Defeat."
- 21 h. "Reject."

change component

22 SECTION 12. 11.01 (16) (b) of the statutes is amended to read:

23 11.01 (16) (b) ^(intro.) A "political purpose" does not include expenditures:

renumbered 11.01 (16) (b) (intro.) and

1 2. An expenditure made for the purpose of supporting or defending a person
2 who is being investigated for, charged with or convicted of a criminal violation of state
3 or federal law, or an agent or dependent of such a person.

4 **SECTION 13.** 11.01 (16) (b) 1. of the statutes is created to read:

5 11.01 (16) (b) 1. A communication made by an individual other than a
6 candidate, or by an organization that receives one or more contributions or other
7 income for purposes not specified in this subsection, that does not expressly advocate
8 the election or defeat of a clearly identified candidate or the adoption or rejection of
9 a question at a referendum.

10 **SECTION 14.** 11.05 (1) of the statutes is amended to read:

11 11.05 (1) COMMITTEES AND GROUPS. Except as provided in s. 9.10 (2) (d), every
12 committee other than a personal campaign committee which makes or accepts
13 contributions, incurs obligations, or makes disbursements in a calendar year in an
14 aggregate amount in excess of ~~\$25~~ \$1,000, and every political group subject to
15 registration under s. 11.23 shall file a statement with the appropriate filing officer
16 giving the information required by sub. (3). In the case of any committee other than
17 a personal campaign committee, the statement shall be filed by the treasurer. A
18 personal campaign committee shall register under sub. (2g) or (2r).

19 **SECTION 15.** 11.05 (2) of the statutes is amended to read:

20 11.05 (2) INDIVIDUALS. Except as provided in s. 9.10 (2) (d), every individual,
21 other than a candidate or agent of a candidate, who accepts contributions, incurs
22 obligations, or makes disbursements in a calendar year in an aggregate amount in
23 excess of ~~\$25~~ \$1,000 to support or oppose the election or nomination of a candidate
24 at an election and every individual subject to registration under s. 11.23 shall file a
25 statement with the appropriate filing officer giving the information required by sub.

1 (3). An individual who guarantees a loan on which an individual, committee or group
2 subject to a registration requirement defaults is not subject to registration under this
3 subsection solely as a result of such default.

4 **SECTION 16.** 11.05 (2r) of the statutes is amended to read:

5 11.05 (2r) GENERAL REPORTING EXEMPTIONS. Any committee, group, or
6 individual, other than a committee or individual required to file an oath under s.
7 11.06 (7), who or which does not anticipate accepting contributions, making
8 disbursements or incurring obligations in an aggregate amount in excess of \$1,000
9 \$2,000 in a calendar year and does not anticipate accepting any contribution or
10 contributions from a single source, other than contributions made by a candidate to
11 his or her own campaign, exceeding ~~\$100~~ \$200 in that year, or exceeding ~~\$750~~ \$1,500
12 in that year for a group or individual subject to registration under s. 11.23, may
13 indicate on its registration statement that the committee, group, or individual will
14 not accept contributions, incur obligations or make disbursements in the aggregate
15 in excess of ~~\$1,000~~ \$2,000 in any calendar year and will not accept any contribution
16 or contributions from a single source, other than contributions made by a candidate
17 to his or her own campaign, exceeding ~~\$100~~ \$200 in that year, or exceeding ~~\$750~~
18 \$1,500 in that year for a group or individual subject to registration under s. 11.23.
19 Any registrant making such an indication is not subject to any filing requirement if
20 the statement is true. The registrant need not file a termination report. A registrant
21 not making such an indication on a registration statement is subject to a filing
22 requirement. The indication may be revoked and the registrant is then subject to a
23 filing requirement as of the date of revocation, or the date that aggregate
24 contributions, disbursements or obligations for the calendar year exceed ~~\$1,000~~
25 \$2,000, or the date on which the registrant accepts any contribution or contributions

1 exceeding ~~\$100~~ \$200 from a single source, or exceeding ~~\$750~~ \$1,500 from a single
2 source for a group or individual subject to registration under s. 11.23, other than
3 contributions made by a candidate to his or her own campaign, during that year,
4 whichever is earlier. If the revocation is not timely, the registrant violates s. 11.27
5 (1).

6 **SECTION 17.** 11.05 (3) (c) of the statutes is amended to read:

7 11.05 (3) (c) In the case of a committee, a statement as to whether the
8 committee is a personal campaign committee, a political party committee, a
9 legislative campaign committee, a support committee or a special interest
10 committee, and a statement as to whether the committee is a sponsored entity under
11 s. 11.38 (1) (a) 4. or an independent disbursement committee.

12 **SECTION 18.** 11.05 (8) of the statutes is renumbered 11.05 (8) (intro.) and
13 amended to read:

14 11.05 (8) CERTAIN INTRA-REGISTRANT TRANSFERS EXEMPT. (intro.) If an
15 organization ~~which~~ that is not organized exclusively for political purposes makes a
16 contribution from its own property or funds to a committee or group, affiliated with
17 the organization, ~~which is~~ and organized exclusively for political purposes, and ~~the~~
18 all of the following apply, then no registration requirement applies to the
19 contributing organization:

20 (a) The contributing organization receives no contribution from a single source
21 in excess of \$20 \$100 in the aggregate during any calendar year, ~~and it.~~

22 (b) The contributing organization makes no contributions or disbursements
23 and incurs no obligations other than to make the transactions specified in this
24 subsection, ~~then no registration requirement applies to the contributing~~
25 ~~organization.~~

1 **SECTION 19.** 11.05 (11g) of the statutes is created to read:

2 **11.05 (11g) CORPORATIONS, ASSOCIATIONS, AND OTHER ENTITIES.** If a corporation,
3 association, or other entity makes no contributions or disbursements other than to
4 or on behalf of one or more independent disbursement committees and receives no
5 contributions or other income for the express purpose of making independent
6 disbursements, the corporation, association, or other entity is not subject to a
7 registration requirement under this section.

8 **SECTION 20.** 11.05 (12) (b) of the statutes is amended to read:

9 **11.05 (12) (b)** Except as authorized under sub. (13), a committee, group or
10 individual that becomes subject to a registration requirement under sub. (1) or (2),
11 other than a candidate or agent of a candidate, shall comply with sub. (1) or (2) no
12 later than the 5th business day commencing after receipt of the first contribution by
13 the committee, group or individual exceeding the amount specified under sub. (1) or
14 (2) or s. 11.23 (1), and before making any disbursement exceeding that amount. No
15 committee or individual supporting or opposing the election or nomination of a
16 candidate at an election, other than a candidate or agent of a candidate, may accept
17 any contribution or contributions exceeding ~~\$25~~ \$1,000, and no group or individual
18 subject to registration under s. 11.23 may accept any contribution or contributions
19 exceeding ~~\$750~~ \$1,500, in the aggregate during a calendar year at any time when the
20 committee, group or individual is not registered under this section except within the
21 initial 5-day period authorized by this paragraph.

22 **SECTION 21.** 11.06 (1) (intro.) of the statutes is amended to read:

23 **11.06 (1) CONTENTS OF REPORT.** (intro.) Except as provided in subs. (1g), (2), (3)
24 and (3m) and ss. 11.05 (2r) and 11.19 (2), each registrant under s. 11.05 shall make
25 full reports, upon a form prescribed by the board and signed by the appropriate

1 individual under sub. (5), of all contributions received, contributions or
2 disbursements made, and obligations incurred. Each report shall contain the
3 following information, covering the period since the last date covered on the previous
4 report, unless otherwise provided:

5 **SECTION 22.** 11.06 (1) (j) of the statutes is amended to read:

6 11.06 (1) (j) In the case of a committee or individual filing an oath under sub.
7 (7), a separate schedule showing for each independent disbursement ~~which is made~~
8 ~~independently of a candidate~~, other than a contribution made to that candidate, the
9 name of the candidate or candidates on whose behalf or in opposition to whom the
10 disbursement is made, indicating whether the purpose is support or opposition.

11 **SECTION 23.** 11.06 (1g) of the statutes is created to read:

12 11.06 (1g) SPONSORING ORGANIZATIONS. A corporation, association, or other
13 entity sponsoring an individual or organization under s. 11.38 (1) (a) 4. need only
14 include in its reports under sub. (1) those contributions received by the corporation,
15 association, or other entity for the express purpose of making independent
16 disbursements, those disbursements made from those contributions or other income,
17 and those loans or other obligations that are incurred for the express purpose of
18 making independent disbursements.

19 **SECTION 24.** 11.12 (1) (d) of the statutes is amended to read:

20 11.12 (1) (d) Paragraph (a) does not apply to disbursements and obligations
21 which are exempted from reporting under s. 11.06 (1g) or (2).

22 **SECTION 25.** 11.12 (3) of the statutes is amended to read:

23 11.12 (3) All contributions, disbursements and incurred obligations exceeding
24 \$10 ~~\$20~~ shall be recorded by the campaign or committee treasurer or the individual
25 under s. 11.06 (7). He or she shall maintain such records in an organized and legible

1 manner, for not less than 3 years after the date of an election in which the registrant
2 participates. If a report is submitted under s. 11.19 (1), the records may be
3 transferred to a continuing committee or to the appropriate filing officer for
4 retention. Records shall include the information required under s. 11.06 (1).

5 **SECTION 26.** 11.12 (4) of the statutes is amended to read:

6 11.12 (4) Each registrant shall report contributions, disbursements and
7 incurred obligations in accordance with s. 11.20. Except as permitted under s. 11.06
8 (1g), (2), (3) and (3m), each report shall contain the information which is required
9 under s. 11.06 (1).

10 **SECTION 27.** 11.16 (1) (d) of the statutes is amended to read:

11 11.16 (1) (d) This subsection does not apply to disbursements and obligations
12 which are exempted from reporting under s. 11.06 (1g) or (2).

13 **SECTION 28.** 11.19 (2) of the statutes is amended to read:

14 11.19 (2) Notwithstanding sub. (1), any registrant who or which determines
15 that obligations will no longer be incurred, contributions will no longer be made or
16 received or disbursements made during a calendar year in an aggregate amount of
17 more than ~~\$1,000~~ \$2,000 may file a suspension report with the appropriate filing
18 officer. The report shall be filed and certified as were previous reports and shall
19 contain the information required under s. 11.06 (1). Upon receipt of a properly
20 executed report, the registrant shall be granted a suspension of the filing
21 requirement under s. 11.20 (9) by the appropriate filing officer. Such suspension is
22 effective only for the calendar year in which it is granted, unless the registrant alters
23 its status before the end of such year or files a termination report under sub. (1).

24 **SECTION 29.** 11.23 (1) of the statutes is amended to read:

1 11.23 (1) Any group or individual may promote or oppose a particular vote at
2 any referendum in this state. Except as authorized in s. 11.05 (12) (b) and (13), before
3 a group makes or accepts contributions, makes disbursements, or incurs obligations
4 in excess of ~~\$750~~ \$1,500 in the aggregate in a calendar year for such purposes, and
5 before an individual accepts contributions, makes disbursements, or incurs
6 obligations in excess of ~~\$750~~ \$1,500 in the aggregate in a calendar year for such
7 purposes, the group or individual shall file a registration statement under s. 11.05
8 (1), (2) or (2r). In the case of a group the name and mailing address of each of its
9 officers shall be given in the statement. Every group and every individual under this
10 section shall designate a campaign depository account under s. 11.14. Every group
11 shall appoint a treasurer, who may delegate authority but is jointly responsible for
12 the actions of his or her authorized designee for purposes of civil liability under this
13 chapter. The appropriate filing officer shall be notified by a group of any change in
14 its treasurer within 10 days of the change under s. 11.05 (5). The treasurer of a group
15 shall certify the correctness of each statement or report submitted by it under this
16 chapter.

17 **SECTION 30.** 11.23 (3) of the statutes is amended to read:

18 11.23 (3) All contributions, disbursements and incurred obligations exceeding
19 ~~\$10~~ \$20 shall be recorded by the group treasurer or the individual. He or she shall
20 maintain such records in an organized and legible manner, for not less than 3 years
21 after the date of a referendum in which the group or individual participates. If a
22 report is submitted under s. 11.19 (1), the records may be transferred to a continuing
23 group or to the appropriate filing officer for retention. Records shall include the
24 information required under s. 11.06 (1).

25 **SECTION 31.** 11.25 (4) of the statutes is created to read:

1 11.25 (4) No independent disbursement committee that accepts any
2 contribution from an entity specified in s. 11.38 (1) (a) 1. may make any contribution
3 that the entity is prohibited from making under s. 11.38 (1) (a) 1.

4 **SECTION 32.** 11.26 (1) (a) of the statutes is amended to read:

5 11.26 (1) (a) Candidates for governor, lieutenant governor, secretary of state,
6 state treasurer, attorney general, state superintendent, or justice, ~~\$10,000~~ \$20,000.

7 **SECTION 33.** 11.26 (1) (b) of the statutes is amended to read:

8 11.26 (1) (b) Candidates for state senator, ~~\$1,000~~ \$2,000.

9 **SECTION 34.** 11.26 (1) (c) of the statutes is amended to read:

10 11.26 (1) (c) Candidates for representative to the assembly, ~~\$500~~ \$1,000.

11 **SECTION 35.** 11.26 (1) (cc) of the statutes is amended to read:

12 11.26 (1) (cc) Candidates for court of appeals judge in districts ~~which~~ that
13 contain a county having a population of more than 500,000, ~~\$3,000~~ \$6,000.

14 **SECTION 36.** 11.26 (1) (cg) of the statutes is amended to read:

15 11.26 (1) (cg) Candidates for court of appeals judge in other districts, ~~\$2,500~~
16 \$5,000.

17 **SECTION 37.** 11.26 (1) (cn) of the statutes is amended to read:

18 11.26 (1) (cn) Candidates for circuit judge in circuits having a population of
19 more than 300,000, or candidates for district attorney in prosecutorial units having
20 a population of more than 300,000, ~~\$3,000~~ \$6,000.

21 **SECTION 38.** 11.26 (1) (cw) of the statutes is amended to read:

22 11.26 (1) (cw) Candidates for circuit judge in other circuits or candidates for
23 district attorney in other prosecutorial units, ~~\$1,000~~ \$2,000.

24 **SECTION 39.** 11.26 (1) (d) 1. and 2. of the statutes are amended to read:

25 11.26 (1) (d) 1. ~~Two~~ Five hundred ~~fifty~~ dollars.

1 2. ~~One cent~~ Two cents times the number of inhabitants of the jurisdiction or
2 district, according to the latest federal census or the census information on which the
3 district is based, as certified by the appropriate filing officer, but not more than
4 ~~\$3,000~~ \$6,000.

5 **SECTION 40.** 11.26 (2) (b) of the statutes is amended to read:

6 11.26 (2) (b) Candidates for state senator, ~~\$1,000~~ \$2,000.

7 **SECTION 41.** 11.26 (2) (c) of the statutes is amended to read:

8 11.26 (2) (c) Candidates for representative to the assembly, ~~\$500~~ \$1,000.

9 **SECTION 42.** 11.26 (2) (cc) of the statutes is amended to read:

10 11.26 (2) (cc) Candidates for court of appeals judge in districts ~~which~~ that
11 contain a county having a population of more than 500,000, ~~\$3,000~~ \$6,000.

12 **SECTION 43.** 11.26 (2) (cg) of the statutes is amended to read:

13 11.26 (2) (cg) Candidates for court of appeals judge in other districts, ~~\$2,500~~
14 \$5,000.

15 **SECTION 44.** 11.26 (2) (cn) of the statutes is amended to read:

16 11.26 (2) (cn) Candidates for circuit judge in circuits having a population of
17 more than 300,000, or candidates for district attorney in prosecutorial units having
18 a population of more than 300,000, ~~\$3,000~~ \$6,000.

19 **SECTION 45.** 11.26 (2) (cw) of the statutes is amended to read:

20 11.26 (2) (cw) Candidates for circuit judge in other circuits or candidates for
21 district attorney in other prosecutorial units, ~~\$1,000~~ \$2,000.

22 **SECTION 46.** 11.26 (2) (e) 1. and 2. of the statutes are amended to read:

23 11.26 (2) (e) 1. ~~Two~~ Four hundred dollars.

24 2. ~~Three-fourths of one cent~~ One and one-half cents times the number of
25 inhabitants of the jurisdiction or district, according to the latest federal census or the

1 census information on which the district is based, as certified by the appropriate
2 filing officer, but not more than ~~\$2,500~~ \$5,000.

3 **SECTION 47.** 11.26 (4) of the statutes is repealed.

4 **SECTION 48.** 11.26 (5) of the statutes is amended to read:

5 11.26 (5) The contribution limits provided in ~~subs. sub. (1) and (4)~~ do not apply
6 to a candidate who makes any contribution or contributions to his or her own
7 campaign for office from the candidate's personal funds or property or the personal
8 funds or property which are owned jointly or as marital property with the candidate's
9 spouse, with respect to any contribution or contributions made to that candidate's
10 campaign only. A candidate's personal contributions shall be deposited in his or her
11 campaign depository account and reported in the normal manner.

12 **SECTION 49.** 11.26 (6) of the statutes is amended to read:

13 11.26 (6) When a candidate adopts a preexisting support committee as his or
14 her personal campaign committee, the support committee is deemed to have been the
15 same committee as the candidate's personal campaign committee for purposes of the
16 application of subs. (1), and (2) ~~and (9)~~. The limitations prescribed in ~~subs. sub. (2)~~
17 ~~and (9)~~ do not apply to the transfer of contributions which is made at the time of such
18 adoption, but do apply to the contributions which have been made by any other
19 committee to the support committee at the time of adoption.

20 **SECTION 50.** 11.26 (8) (a) of the statutes is amended to read:

21 11.26 (8) (a) No political party as defined in s. 5.02 (13) may receive more than
22 a total of ~~\$150,000~~ \$300,000 in value of its contributions in any biennium from all
23 other committees, excluding contributions from legislative campaign committees
24 and transfers between party committees of the party. In this paragraph, a biennium

1 commences with January 1 of each odd-numbered year and ends with December 31
2 of each even-numbered year.

3 **SECTION 51.** 11.26 (8) (b) of the statutes is amended to read:

4 11.26 (8) (b) No such political party may receive more than a total of ~~\$6,000~~
5 \$12,000 in value of its contributions in any calendar year from any specific committee
6 or its subunits or affiliates, excluding legislative campaign and political party
7 committees.

8 **SECTION 52.** 11.26 (8) (c) of the statutes is amended to read:

9 11.26 (8) (c) No committee, other than a political party or legislative campaign
10 committee, may make any contribution or contributions, directly or indirectly, to a
11 political party under s. 5.02 (13) in a calendar year exceeding a total value of ~~\$6,000~~
12 \$12,000.

13 **SECTION 53.** 11.26 (9) of the statutes is repealed.

14 **SECTION 54.** 11.26 (17) (a) of the statutes is amended to read:

15 11.26 (17) (a) For purposes of application of the limitations imposed in subs.
16 (1), and (2), ~~and (9)~~, the “campaign” of a candidate begins and ends at the times
17 specified in this subsection.

18 **SECTION 55.** 11.26 (18) of the statutes is created to read:

19 11.26 (18) Beginning on July 1, 2015, and every 2 years thereafter, the board
20 shall modify the dollar amounts under subs. (1) (a) to (d), (2) (b) to (e), and (8) to adjust
21 for the change in the consumer price index, all items, U.S. city average, published
22 by the U.S. department of labor for the preceding 2-year period ending on December
23 31.

24 **SECTION 56.** 11.29 (1) of the statutes is amended to read:

1 11.29 (1) ~~Nothing in this chapter restricts any A~~ corporation, cooperative,
 2 unincorporated cooperative association, or voluntary association, other than a
 3 political party or personal campaign committee ~~from making disbursements, may~~
 4 make a disbursement for the purpose of communicating only with its members,
 5 shareholders, or subscribers, to the exclusion of all other persons, with respect to
 6 ~~endorsements of candidates, positions~~ the endorsement of a candidate, taking a
 7 position on a referendum ~~or explanation of,~~ explaining its views or interests, or
 8 providing information about how to make a contribution to a candidate endorsed by
 9 the corporation, cooperative, or association without reporting such activity. No such
 10 corporation, cooperative, or association may solicit contributions from persons who
 11 are not members, shareholders, or subscribers to be used for such ~~purposes~~ activity.

12 **SECTION 57.** 11.29 (1) of the statutes is amended to read:

13 11.29 (1) ~~Nothing in this chapter restricts any A~~ corporation, cooperative,
 14 unincorporated cooperative association, or voluntary association, other than a
 15 political party or personal campaign committee ~~from making disbursements, may~~
 16 make a disbursement for the purpose of communicating only with its members,
 17 shareholders, or subscribers, to the exclusion of all other persons, with respect to
 18 ~~endorsements of candidates, positions~~ the endorsement of a candidate, taking a
 19 position on a referendum ~~or explanation of,~~ explaining its views or interests, or
 20 providing information about how to make a contribution to a candidate endorsed by
 21 the corporation, cooperative, or association without reporting such activity. No such
 22 corporation, cooperative, or association may solicit contributions from persons who
 23 ~~are not members, shareholders, or subscribers to be used for such purposes~~ activity.

24 **SECTION 58.** 11.38 (title) and (1) (a) 1. of the statutes are amended to read:

1 **11.38 (title) Contributions and disbursements by corporations and**
2 **cooperatives, certain associations, and other entities.** (1) (a) 1. No foreign or
3 domestic corporation, or association organized under ch. 185 or 193, may make any
4 contribution ~~or disbursement~~, directly or indirectly, ~~either independently or through~~
5 ~~any political party, committee, group, candidate or individual for any purpose other~~
6 ~~than to promote or defeat a referendum~~ except to an independent disbursement
7 committee or a sponsored individual or committee under subd. 4.

8 **SECTION 59.** 11.38 (1) (a) 3. of the statutes is repealed.

9 **SECTION 60.** 11.38 (1) (a) 3. of the statutes is repealed.

10 **SECTION 61.** 11.38 (1) (a) 4. of the statutes is created to read:

11 11.38 (1) (a) 4. Any foreign or domestic corporation, association organized
12 under ch. 185 or 193, or other entity that is not primarily organized for political
13 purposes may sponsor a separate individual or committee that is not organized
14 exclusively for political purposes and may make contributions and solicit
15 contributions from other individuals or organizations to the sponsored entity to be
16 utilized by the sponsored entity for the purpose of making independent
17 disbursements in support of or in opposition to one or more candidates for state or
18 local office. The individual or committee shall appoint a treasurer and register as
19 a political committee under s. 11.05. A parent corporation, association, or other
20 entity engaging solely in this activity is not subject to registration under s. 11.05, but
21 shall register and file special reports on forms prescribed by the board disclosing its
22 administrative and solicitation expenses on behalf of the sponsored entity and any
23 contributions made by the corporation or association to the sponsored entity. The
24 corporation or association shall file an oath making the affirmation required under
25 s. 11.06 (7), shall file the reports with the filing officer for the sponsored entity

1 specified in s. 11.02 in the manner in which reports of contributions and other
 2 reportable information are filed under ss. 11.12 (6) and 11.20 (4) and (8) and shall
 3 include an attribution on all communications in the same manner and to the same
 4 extent that attributions on political communications are required under s. 11.30 (2).

5 **SECTION 62.** 11.38 (1) (b) of the statutes is amended to read:

6 11.38 (1) (b) No political party, committee, group, candidate or individual may
 7 accept any contribution ~~or disbursement~~ made to or on behalf of such individual or
 8 entity which is prohibited by this section.

9 **SECTION 63.** 11.38 (2) (c) of the statutes is repealed.

10 **SECTION 64. Initial applicability.**

11 *The treatment of section 5.90(1) of the statutes*
 (1) ~~This act~~ first applies with respect to petitions for recounts at elections held
 12 after the effective date of this subsection.

13 *The treatment of section 5.15 (6) (b) of the statutes*
 (2) ~~This act~~ first applies with respect to reporting of election returns for
 14 elections held on the effective date of this subsection.

15 ~~**SECTION 65. Initial applicability.**~~

16 ~~(1)~~ (2) The treatment of section 11.01 (16) (intro.) and (b) 1. of the statutes first
 17 applies with respect to communications made on the effective date of this subsection.

18 (END)

*change
 component*

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

1763/Tdn
LRB-1891/Tdn

JTK:evy:ph
ecv:kgf

March 14, 2013

stays

Representative Bernier:

Corporate political activity

As I understand it, you have two objectives: 1) to allow corporations, cooperatives, and other entities that are not primarily organized for political purposes to sponsor or directly contribute to committees that make independent disbursements only, as labor organizations may do currently; 2) to provide reporting mechanisms for the corporations but only for their sponsorship and other independent disbursement-related activity. This draft achieves the first objective by amending s. 11.38 (1) (a) 1., stats., to eliminate the prohibition against disbursements by corporations and cooperatives and to exclude from the prohibition against contributions by corporations and cooperatives any contributions made to a sponsored entity or an independent disbursement committee. The draft achieves the second objective in proposed s. 11.38 (1) (a) 4., which establishes a limited mechanism for regulating and disclosing corporate and other independent disbursement activity. Because the independent disbursement committees are *a creature that exists under current law* and need not be created again, this draft does not create a new reporting structure for independent disbursement committees but provides that if a corporation or other entity that is not organized primarily for political purposes makes no contributions to an independent disbursement committee, that committee may not make any contribution that the corporation or other entity is prohibited from making directly [proposed s. 11.25 (4)]. Under the draft, corporations, cooperatives, and other entities that sponsor independent individuals and committees are not subject to regular registration and reporting requirements unless they receive contributions for the express purpose of making independent disbursements [proposed s. 11.05 (11g)].

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1892/1dn

JTK:sev:ph

March 14, 2013

~~Representative Bernier:~~

② Definition of "political purpose".

2. I had some considerable difficulty trying to engraft the revised language defining "political purpose" into the statutes. Part of the difficulty arises from structure. Under current law, the term "political purposes" is defined in s. 11.01 (16), stats. This term then is incorporated into the definitions of "contribution" and "disbursement" under s. 11.01 (6) and (7), stats. Those terms are then incorporated into the definitions of "committee" and "group" under s. 11.01 (4) and (10), stats. Therefore, we cannot use the terms "political purpose," "contribution," "disbursement," "committee," or "group" to define the term "political purposes" because to do so would define that term by using its own definition, which is circular. Currently, the above terms are used 307 times in ch. 11, stats. In each instance, the surrounding text interrelates with these terms to make the particular provision applicable or inapplicable to various persons or situations. In each instance, the scope of regulation, if any, is thereby established. Therefore, it does not make sense to describe in isolation what is "regulated." One needs to read each provision incorporating the defined term to determine how or to what extent that provision applies. Nevertheless, this draft attempts to capture the essence of the revised language you submitted without using a term to define itself and without discussing, in isolation, what is "regulated." I recommend you consider the merits of using the simpler language we had in the /1 version. As I understand it, that language comes pretty close to achieving your purpose substantively. We might be able to use or at least work off that language. If you want to discuss this matter further or hold a meeting to discuss it, please let me know.

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