



State of Wisconsin
1997 - 1998 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 1,
TO 1997 SENATE BILL 7**

June 12, 1997 – Offered by COMMITTEE ON JUDICIARY, CAMPAIGN FINANCE REFORM
AND CONSUMER AFFAIRS.

1 **AN ACT to repeal** 11.01 (12s), 11.05 (3) (o), 11.26 (8), 11.265, 11.31 (4), 13.625 (1)
2 (c) 1. and 2., 15.07 (1) (a) 2. and 19.42 (10) (a); **to renumber** 11.24 (2), 11.50 (5)
3 and 11.50 (7); **to renumber and amend** 11.12 (6), 11.26 (9) (c), 11.50 (9) and
4 13.625 (1) (c) (intro.); **to amend** 5.02 (13), 5.05 (1) (b), 7.08 (2) (c) and (cm), 7.70
5 (3) (e) 1., 8.35 (4) (a) 1. a. and b., 10.02 (3) (b) 2m., 11.05 (3) (c), 11.05 (9) (b), 11.06
6 (1) (a), 11.06 (1) (e), 11.06 (2), 11.06 (7m) (a), 11.06 (7m) (c), 11.06 (11) (c), 11.07
7 (5), 11.09 (3), 11.12 (2), 11.16 (2), 11.16 (5), 11.19 (title) and (1), 11.20 (3) (b),
8 11.20 (3) (d), 11.20 (3) (g), 11.20 (3) (L), 11.20 (8) (intro.), 11.20 (10) (a), 11.20 (12),
9 11.21 (15), 11.23 (2), 11.26 (1) (intro.), 11.26 (2) (intro.), 11.26 (4), 11.26 (9) (a)
10 and (b), 11.26 (12m), 11.31 (1) (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (3), 11.31
11 (6), 11.31 (7) (c), 11.38 (6), 11.50 (1) (a) 1. and 2., 11.50 (2) (b) 5., 11.50 (2) (c) and
12 (d), 11.50 (2) (i), 11.50 (3) (a) (intro.), 11.50 (3) (a) 1. and 2., 11.50 (4) (a), 11.50
13 (4) (c), (cm) and (d), 11.50 (6), 11.50 (8), 11.50 (11) (e), 11.50 (12), 11.60 (1), 11.60

1 (4), 11.61 (1) (a), 13.14 (3), 13.20 (1), 13.625 (1) (b) 3., 13.625 (2), 13.625 (6), 15.07
2 (3) (a), 15.61, 20.510 (1) (q), 20.923 (6) (h), 25.42, 70.11 (intro.), 71.10 (3) (a),
3 71.26 (1) (intro.), 71.26 (1) (a), 71.45 (1) and 230.08 (2) (f); **to repeal and**
4 **recreate** 11.31 (3m); and **to create** 5.05 (10), 7.08 (2) (cn), 11.05 (3) (m), 11.05
5 (3) (q) and (r), 11.05 (14), 11.095, 11.12 (6) (b), 11.19 (1m) and (6), 11.20 (2e),
6 11.20 (8) (am), 11.21 (16), 11.24 (3) and (4), 11.26 (8m), 11.26 (9) (c) 2., 11.30 (6),
7 11.31 (1) (de), 11.31 (1m), 11.31 (2r), 11.31 (2s), 11.31 (7) (am), 11.31 (9), 11.50
8 (1) (an) and (bm), 11.50 (2) (bm), 11.50 (2) (j), (k) and (m), 11.50 (2m), 11.50 (3)
9 (c), 11.50 (4) (dm), 11.50 (4) (e), 11.50 (5) (b), 11.50 (7) (b), 11.50 (9) (b), 11.50 (9)
10 (e) and (g), 11.60 (3m), 11.60 (3n) and (3p), 11.61 (1) (d), 11.61 (1) (e), 20.510 (1)
11 (d), 20.510 (1) (i), 71.05 (6) (a) 20., 71.07 (5) (a) 8., 71.26 (1g), 71.26 (2) (b) 1g.,
12 71.26 (3) (e) 4., 71.34 (1) (ad), 71.45 (1g), 71.45 (2) (a) 15. and 806.04 (11m) of
13 the statutes; **relating to:** designations for the Wisconsin election campaign
14 fund by individuals filing state income tax returns, income and franchise tax
15 deductions for certain business expenses related to lobbying, regulation of
16 certain telephoning activities pertaining to elections, temporary revocation of
17 certain tax exemptions for violating regulations pertaining to such
18 telephoning, public information related to the Wisconsin election campaign
19 fund, eligibility requirements for and the amounts of grants from the Wisconsin
20 election campaign fund, grants from the Wisconsin election campaign fund for
21 political party committees, disbursement levels applicable to candidates for
22 certain state offices, independent disbursements in support of or opposition to
23 candidates for certain state offices, contribution restrictions and limitations,
24 treatment of legislative campaign committees, disposition of residual or excess
25 campaign funds, application of the campaign finance registration requirement,

1 information provided on campaign finance registration statements, filing of
2 campaign finance reports, composition and meeting dates of the elections
3 board, elimination of legislative partisan caucus staffs, providing exemptions
4 from emergency rule procedures, granting rule-making authority, making
5 appropriations and providing penalties.

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

6 **SECTION 1.** 5.02 (13) of the statutes is amended to read:

7 5.02 (13) "Political party" or "party" means a state committee registered under
8 s. 11.05 and organized exclusively for political purposes under whose name
9 candidates appear on a ballot at any election, and all county, congressional,
10 legislative, local and other affiliated committees authorized to operate under the
11 same name. For purposes of ch. 11, the term does not include a legislative campaign
12 committee ~~or~~ a committee filing an oath under s. 11.06 (7).

13 **SECTION 2.** 5.05 (1) (b) of the statutes is amended to read:

14 5.05 (1) (b) In the discharge of its duties and upon notice to the party or parties
15 being investigated, subpoena and bring before it any person in the state and require
16 the production of any papers, books or other records relevant to an investigation. A
17 circuit court may by order permit the inspection and copying of the accounts and the
18 depositor's and loan records at any financial institution, as defined in s. 705.01 (3),
19 doing business in the state or the records of any telecommunications utility, as
20 defined in s. 196.01 (10), doing business in this state, to obtain evidence of any
21 violation of ch. 11 upon showing by the board of probable cause to believe there is a
22 violation and that such accounts ~~and~~ or records may have a substantial relation to
23 the violation. In the discharge of its duties, the board may cause the deposition of

1 witnesses to be taken in the manner prescribed for taking depositions in civil actions
2 in circuit court.

3 **SECTION 3.** 5.05 (10) of the statutes is created to read:

4 5.05 (10) PREELECTION MEETINGS. The board shall meet at noon on the Tuesday
5 and the Thursday preceding the September primary, and on the first and 2nd
6 Tuesdays and the first and 2nd Thursdays preceding the general election. Any
7 member of the board may participate in a meeting required under this subsection via
8 teleconference, but not via telephone.

9 **SECTION 4.** 7.08 (2) (c) and (cm) of the statutes are amended to read:

10 7.08 (2) (c) As soon as possible after the canvass of the spring and September
11 primary votes, but no later than the first Tuesday in March and the 4th Tuesday in
12 September, transmit to the state treasurer a certified list of all eligible candidates
13 for state office who have filed applications under s. 11.50 (2) and ~~whom~~ who the board
14 determines to be eligible to receive payments from the Wisconsin election campaign
15 fund. The board shall also transmit a similar list of candidates who the board
16 determines to be eligible to receive a supplementary grant under s. 11.50 (3) (c), (4)
17 (e) or (9) (b) within 5 days after the candidates qualify to receive the grants. Each
18 list shall contain each candidate's name, the mailing address indicated upon the
19 candidate's registration form, the office for which the individual is a candidate and,
20 the party or principle which he or she represents, if any, and, for a candidate whose
21 application is approved under s. 11.50 (2) (bm) 1., an indication that the candidate
22 is eligible for 50% of the amount that would have been available to the candidate if
23 his or her application had been approved under s. 11.50 (2) (b). As soon as possible
24 after receiving supplemental reports under s. 11.50 (2) (bm) 2., but no later than 28
25 days after the date specified in s. 11.50 (2) (b) 5., the board shall transmit to the state

1 treasurer a certified list of all candidates who are eligible for supplemental payments
2 under s. 11.50 (2) (bm) 2.

3 (cm) As soon as possible after the canvass of a special primary, or the date that
4 the primary would be held, if required, transmit to the state treasurer a certified list
5 of all eligible candidates for state office who have filed applications under s. 11.50 (2)
6 and ~~whom~~ who the board determines to be eligible to receive a grant from the
7 Wisconsin election campaign fund prior to the election. The board shall also transmit
8 a similar list of candidates, if any, who have filed applications under s. 11.50 (2) and
9 ~~whom~~ who the board determines to be eligible to receive a supplementary grant
10 under s. 11.50 (1) (a) 2. after the special election. The or a supplementary grant under
11 s. 11.50 (4) (e) or (9) (b) within 5 days after the candidates qualify to receive the
12 grants. Each list shall contain each candidate's name, the mailing address indicated
13 upon the candidate's registration form, the office for which the individual is a
14 candidate ~~and~~, the party or principle which he or she represents, if any, ~~and~~, for a
15 candidate whose application is approved under s. 11.50 (2) (bm) 1., an indication that
16 the candidate is eligible for 50% of the amount that would have been available to the
17 candidate if his or her application had been approved under s. 11.50 (2) (b). As soon
18 as possible after receiving supplemental reports under s. 11.50 (2) (bm) 2., but not
19 later than 28 days after the date specified in s. 11.50 (2) (b) 5., the board shall
20 transmit to the state treasurer a certified list of all candidates who are eligible for
21 supplemental payments under s. 11.50 (2) (bm) 2.

22 **SECTION 5.** 7.08 (2) (cn) of the statutes is created to read:

23 7.08 (2) (cn) No later than the 10th day after the September primary, the board
24 shall transmit to the state treasurer a list of political party committees which the
25 board has determined to be eligible to receive grants from the Wisconsin election

1 campaign fund. The board shall also transmit a similar list of political party
2 committees which the board determines to be eligible to receive supplementary
3 grants under s. 11.50 (9) (g) within 5 days after the committees qualify to receive the
4 grants. The list shall contain the name and chairperson of each committee, the
5 mailing address included on the committee's registration statement and the amount
6 of the grant for which the committee has qualified.

7 **SECTION 6.** 7.70 (3) (e) 1. of the statutes is amended to read:

8 7.70 (3) (e) 1. After each September primary, the name of each candidate not
9 defeated in the primary who receives at least ~~6%~~ 2% of the total vote cast for all
10 candidates on all ballots at the primary for each separate state office except district
11 attorney, and the percentage of the total vote received by that candidate. Such
12 percentage shall be calculated within each district in the case of legislative
13 candidates.

14 **SECTION 7.** 8.35 (4) (a) 1. a. and b. of the statutes are amended to read:

15 8.35 (4) (a) 1. a. ~~Donated to the former candidate's local or state political party~~
16 ~~if If the former candidate was a partisan candidate or, donated to the former~~
17 ~~candidate's local or state political party, donated to the a charitable organization of~~
18 ~~the former candidate's choice or the charitable organization chosen or transferred to~~
19 ~~the board for deposit in the Wisconsin election campaign fund, as instructed by the~~
20 ~~former candidate or, if the candidate made no choice, by the former candidate's next~~
21 ~~of kin if the former candidate is deceased, or if no choice is made returned to the~~
22 ~~donors on a proportional basis; or~~

23 b. If the former candidate was a nonpartisan candidate, donated to the a
24 charitable organization of the former candidate's choice or the charitable
25 organization chosen or transferred to the board for deposit in the Wisconsin election

1 campaign fund, as instructed by the former candidate or, if the candidate made no
2 choice, by the former candidate's next of kin if the former candidate is deceased; or

3 **SECTION 8.** 10.02 (3) (b) 2m. of the statutes is amended to read:

4 10.02 (3) (b) 2m. At the September primary, the elector shall select the party
5 ballot of his or her choice or the ballot containing the names of the independent
6 candidates for state office, and make a cross [X] in the square at the right of or
7 depress the lever or button next to the candidate's name for each office for whom the
8 elector intends to vote or insert or write in the name of the elector's choice for a party
9 candidate, if any. In order to qualify for participation in the Wisconsin election
10 campaign fund, a candidate for state office at the September primary, other than a
11 candidate for district attorney, must receive at least ~~6%~~ 2% of all votes cast on all
12 ballots for the office for which he or she is a candidate, in addition to other
13 requirements.

14 **SECTION 9.** 11.01 (12s) of the statutes is repealed.

15 **SECTION 10.** 11.05 (3) (c) of the statutes is amended to read:

16 11.05 (3) (c) In the case of a committee, a statement as to whether the
17 committee is a personal campaign committee, a political party committee, a
18 legislative ~~campaign committee~~, a support committee or a special interest
19 committee.

20 **SECTION 11.** 11.05 (3) (m) of the statutes is created to read:

21 11.05 (3) (m) In the case of a personal campaign committee, the name of the
22 candidate on whose behalf the committee was formed or intends to operate and the
23 office or offices that the candidate seeks.

24 **SECTION 12.** 11.05 (3) (o) of the statutes is repealed.

25 **SECTION 13.** 11.05 (3) (q) and (r) of the statutes are created to read:

1 11.05 (3) (q) If the committee, group or individual does not engage in or retain
2 any other person to engage in persuasive telephoning, as defined in s. 11.095 (1) (a),
3 a separate statement, signed by the same individual who signs the registration form,
4 to this effect.

5 (r) In the case of a candidate or personal campaign committee of a candidate,
6 the telephone number or numbers and the facsimile transmission number, if any, at
7 which the candidate may be contacted.

8 **SECTION 14.** 11.05 (9) (b) of the statutes is amended to read:

9 11.05 (9) (b) An individual who or a committee or group which receives a
10 contribution of money and transfers the contribution to another individual,
11 committee or group while acting as a conduit is not subject to registration under this
12 section unless the individual, committee or group transfers the contribution to a
13 candidate or a personal campaign, ~~legislative campaign~~, political party or support
14 committee.

15 **SECTION 15.** 11.05 (14) of the statutes is created to read:

16 11.05 (14) PRESUMPTION CONCERNING ADVERTISING AND CONTACTS DURING CERTAIN
17 PERIODS. Whenever any person publishes, disseminates or broadcasts, or causes to
18 be published, disseminated or broadcast, any communication, or retains any person
19 to engage in persuasive telephoning, as defined in s. 11.095 (1) (a), and in the course
20 of that communication or telephoning includes the name or likeness of a candidate
21 for state or local office during the period beginning on the last day permitted for filing
22 a declaration of candidacy for that office and ending on the date of the election for
23 that office, it is presumed unless established by clear and convincing evidence to the
24 contrary that the communication or telephoning is made for the purpose of

1 influencing the election or nomination for election of that candidate or for the
2 purpose of influencing the recall or retention in office of that candidate.

3 **SECTION 16.** 11.06 (1) (a) of the statutes is amended to read:

4 11.06 (1) (a) An itemized statement giving the date, full name and street
5 address of each contributor who has made a contribution in excess of \$20, or whose
6 contribution if \$20 or less aggregates more than \$20 for the calendar year, together
7 with the amount of the contribution and the cumulative total contributions made by
8 that contributor for the calendar year and, if the contributor made the contribution
9 through a conduit, the identity of the conduit.

10 **SECTION 17.** 11.06 (1) (e) of the statutes is amended to read:

11 11.06 (1) (e) An itemized statement of contributions over \$20 from a single
12 source donated to a charitable organization or to the common school fund, with the
13 full name and mailing address of the donee, and a statement of contributions over
14 \$20 transferred to the board for deposit in the Wisconsin election campaign fund.

15 **SECTION 18.** 11.06 (2) of the statutes is amended to read:

16 11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding
17 sub. (1), if a disbursement is made or obligation incurred by an individual other than
18 a candidate or by a committee or group which is not primarily organized for political
19 purposes, and the disbursement does not constitute a contribution to any candidate
20 or other individual, committee or group, the disbursement or obligation is required
21 to be reported only if the purpose is to expressly advocate the election or defeat of a
22 clearly identified candidate or the adoption or rejection of a referendum. The
23 exemption provided by this subsection shall in no case be construed to apply to a
24 political party, legislative campaign, personal campaign or support committee.

25 **SECTION 19.** 11.06 (7m) (a) of the statutes is amended to read:

1 11.06 (7m) (a) If a committee which was registered under s. 11.05 as a political
2 party committee ~~or legislative campaign committee~~ supporting candidates of a
3 political party files an oath under sub. (7) affirming that it does not act in cooperation
4 or consultation with any candidate who is nominated to appear on the party ballot
5 of the party at a general or special election, that the committee does not act in concert
6 with, or at the request or suggestion of, such a candidate, that the committee does
7 not act in cooperation or consultation with such a candidate or agent or authorized
8 committee of such a candidate who benefits from a disbursement made in opposition
9 to another candidate, and that the committee does not act in concert with, or at the
10 request or suggestion of, such a candidate or agent or authorized committee of such
11 a candidate who benefits from a disbursement made in opposition to another
12 candidate, the committee filing the oath may not make any contributions in support
13 of any candidate of the party at the general or special election or in opposition to any
14 such candidate's opponents exceeding the amounts specified in s. 11.26 (2), except as
15 authorized in par. (c).

16 **SECTION 20.** 11.06 (7m) (c) of the statutes is amended to read:

17 11.06 (7m) (c) A committee filing an oath under sub. (7) which desires to change
18 its status to a political party committee ~~or legislative campaign committee~~ may do
19 so as of December 31 of any even-numbered year. Section 11.26 does not apply to
20 contributions received by such a committee prior to the date of the change. Such a
21 committee may change its status at other times only by filing a termination
22 statement under s. 11.19 (1) and reregistering as a newly organized committee under
23 s. 11.05.

24 **SECTION 21.** 11.06 (11) (c) of the statutes is amended to read:

1 11.06 (11) (c) A contribution of money received from a conduit, accompanied by
2 the information required under par. (a), is considered to be a contribution from the
3 original contributor for purposes of s. 11.26 (1) and (4).

4 **SECTION 22.** 11.07 (5) of the statutes is amended to read:

5 11.07 (5) Any campaign treasurer or individual who knowingly receives a
6 contribution made by an unregistered nonresident in violation of this section may
7 not use or expend such contribution but shall immediately return it to the source or
8 at the option of the campaign treasurer or individual, donate the contribution to a
9 charitable organization or to the common school fund or transfer the contribution to
10 the board for deposit in the Wisconsin election campaign fund.

11 **SECTION 23.** 11.09 (3) of the statutes is amended to read:

12 11.09 (3) Each registrant whose filing officer is the board, who or which makes
13 disbursements in connection with elections for offices which serve or referenda
14 which affect only one county or portion thereof, except a candidate, personal
15 campaign committee, political party committee or other committee making
16 disbursements in support of or in opposition to a candidate for state senator,
17 representative to the assembly, court of appeals judge or circuit judge, shall file a
18 duplicate original of each financial report filed with the board with the county clerk
19 or board of election commissioners of the county in which the elections in which the
20 registrant participates are held. Such reports shall be filed no later than the
21 applicable dates specified under s. 11.20 (2), (2e) and (4) for the filing of each report
22 with the board.

23 **SECTION 24.** 11.095 of the statutes is created to read:

24 **11.095 Regulation of certain telephoning activities. (1)** In this section:

1 (a) “Persuasive telephoning” means contacting, by telephone, potential voters
2 for the purpose of presenting them with information or viewpoints which could
3 influence the attitudes of the voters toward candidates or referenda. “Persuasive
4 telephoning” does not include any contacts that are limited solely to an attempt to
5 identify potential voters, to urge potential voters to participate in an election or to
6 offer assistance to potential voters to enable them to participate in an election, or
7 questioning a random or representative sample of a universe of potential voters in
8 a voting jurisdiction or voting group in an attempt to infer, using standard statistical
9 techniques and standard levels of statistical confidence, the attitudes or positions of
10 the voters concerning candidates or issues or potential candidates or issues, or their
11 knowledge of candidates or issues or potential candidates or issues.

12 (b) “Telephone bank operator” means any person who places or directs the
13 placement of telephone calls to individuals and engages in or directs persuasive
14 telephoning.

15 (2) Each individual who, or committee or group which, engages in or retains
16 a telephone bank operator to engage in persuasive telephoning with respect to any
17 election shall file a written report, on a form prescribed by the board, disclosing the
18 name and address of the individual, committee or group; the name and address of any
19 operator who is retained; the amount paid to any such operator for the telephoning
20 services; the total amount expended by the individual, committee or group to conduct
21 persuasive telephoning; and, if the individual, committee or group engaged in or the
22 telephone bank operator engaged in such telephoning on behalf of the individual,
23 committee or group in more than one legislative district, the amount expended by the
24 individual, committee or group within each legislative district for persuasive

1 telephoning performed on behalf of each candidate or each personal campaign
2 committee of a candidate for legislative office in that district.

3 **(3)** Each individual who, or committee or group which, engages in or retains
4 a telephone bank operator to engage in persuasive telephoning shall report the
5 information specified in sub. (2) on the dates specified for filing reports under s. 11.20
6 (2), (2m) and (4), unless all information relating to an election has previously been
7 reported by the individual, committee or group. Each report shall cover the period
8 specified in s. 11.20 (8).

9 **(4)** Each individual who, or committee or group which, engages in or retains
10 a telephone bank operator to engage in persuasive telephoning shall report the
11 information specified in sub. (2) to the filing officer under s. 11.02 of each candidate
12 whose name appears on the ballot in opposition to a candidate on behalf of whom the
13 individual, committee or group is conducting persuasive telephoning.

14 **(5)** Each individual who, or committee or group which, engages in or retains
15 a telephone bank operator to engage in persuasive telephoning with respect to any
16 election shall provide to the board, upon request, a copy of any question or statement
17 that was used by the individual, committee or group, or by the operator, in
18 substantially identical form, of more than one individual during the telephoning.

19 **(6)** Any individual who, or committee or group which, engages in or retains a
20 telephone bank operator to engage in persuasive telephoning shall, prior to the time
21 that the telephoning is to be commenced, or, if the telephoning is to be conducted in
22 relation to an election that is scheduled to occur on a date within 3 days of the date
23 that the telephoning is to be commenced, no later than 24 hours prior to the time that
24 the telephoning is to be commenced, exclusive of Saturdays, Sundays and the days
25 specified in s. 230.35 (4) (a), deliver a written report to the filing officer under s. 11.02

1 of each candidate whose candidacy is opposed by such persuasive telephoning and
2 each candidate whose name appears on the ballot in opposition to a candidate on
3 behalf of whom the individual, committee or group intends to conduct persuasive
4 telephoning, of the intent of the individual, committee or group to conduct such
5 telephoning at a time specified in the report. The filing officer shall then, by
6 expeditious means, such as by telephone or facsimile transmission, provide such
7 notice to each candidate whose name appears on the ballot in opposition to a
8 candidate on behalf of whom the individual, committee or group intends to conduct
9 persuasive telephoning and to each candidate whose candidacy is supported by such
10 proposed persuasive telephoning, except a candidate on whose behalf the report is
11 filed. The filing officer shall also promptly mail a copy of that notice to each such
12 candidate at the address shown on the declaration of candidacy of the candidate.

13 **SECTION 25.** 11.12 (2) of the statutes is amended to read:

14 11.12 (2) Any anonymous contribution exceeding \$10 received by a campaign
15 or committee treasurer or by an individual under s. 11.06 (7) may not be used or
16 expended. The contribution shall be donated to the common school fund or to any
17 charitable organization or transferred to the board for deposit in the Wisconsin
18 election campaign fund, at the option of the treasurer.

19 **SECTION 26.** 11.12 (6) of the statutes is renumbered 11.12 (6) (a) and amended
20 to read:

21 11.12 (6) (a) If any Except as provided in par. (b), if an individual or committee
22 incurs or intends to incur an obligation or makes or intends to make a disbursement
23 of more than \$20 \$250 cumulatively is made to advocate the election or defeat of a
24 clearly identified candidate by an individual or committee later than 15 days prior
25 to a primary or election in which the candidate's name appears on the ballot without

1 cooperation or consultation with a candidate or agent or authorized committee of a
2 candidate who is supported or whose opponent is opposed, and not in concert with
3 or at the request or suggestion of such a candidate, agent or committee, the
4 individual or treasurer of the committee shall, ~~within 24 hours of making~~ no later
5 than 21 days prior to the activity intended to be funded by the incurred obligation
6 or disbursement, inform the appropriate filing officer of the information required
7 under s. 11.06 (1) in such manner as the board may prescribe. The report shall
8 include the same information concerning any proposed incurred obligation or
9 disbursements as is required to be provided for an obligation that has been incurred
10 or a disbursement that has been made. The information required under s. 11.06 (1)
11 shall also be included in the next regular report of the individual or committee under
12 s. 11.20. For purposes of this subsection, obligations and disbursements cumulate
13 beginning with the day after the last date covered on the preprimary or preelection
14 report and ending with the day before the primary or election. Upon receipt of a
15 report under this subsection paragraph, the filing officer shall, within 24 hours of
16 receipt, mail a copy of the report to all candidates for any office in support of or
17 opposition to one of whom a an incurred obligation or disbursement identified in the
18 report is to be made.

19 **SECTION 27.** 11.12 (6) (b) of the statutes is created to read:

20 11.12 **(6)** (b) If the independently incurred obligation or disbursement
21 described in par. (a) relates to a special primary or election not held concurrently with
22 the spring or September primary or the spring or general election, the individual who
23 or committee which incurs or intends to incur the obligation or makes or intends to
24 make the disbursement shall inform the appropriate filing officer no later than 14

1 days prior to the activity intended to be funded by the incurred obligation or
2 disbursement.

3 **SECTION 28.** 11.16 (2) of the statutes is amended to read:

4 11.16 (2) LIMITATION ON CASH CONTRIBUTIONS. Every contribution of money
5 exceeding \$50 shall be made by negotiable instrument or evidenced by an itemized
6 credit card receipt bearing on the face the name of the remitter. No treasurer may
7 accept a contribution made in violation of this subsection. The treasurer shall
8 promptly return the contribution, ~~or donate it~~ the contribution to the common school
9 fund or to a charitable organization or transfer the contribution to the board for
10 deposit in the Wisconsin election campaign fund in the event that the donor cannot
11 be identified.

12 **SECTION 29.** 11.16 (5) of the statutes is amended to read:

13 11.16 (5) ESCROW AGREEMENTS. Any personal campaign committee, or political
14 party committee ~~or legislative campaign committee~~ may, pursuant to a written
15 escrow agreement with more than one candidate, solicit contributions for and
16 conduct a joint fund raising effort or program on behalf of more than one named
17 candidate. The agreement shall specify the percentage of the proceeds to be
18 distributed to each candidate by the committee conducting the effort or program.
19 The committee shall include this information in all solicitations for the effort or
20 program. All contributions received and disbursements made by the committee in
21 connection with the effort or program shall be received and disbursed through a
22 separate depository account under s. 11.14 (1) that is identified in the agreement.
23 For purposes of s. 11.06 (1), the committee conducting the effort or program shall
24 prepare a schedule in the form prescribed by the board supplying all required
25 information under s. 11.06 (1) and items qualifying for exclusion under s. 11.31 (6)

1 for the effort or program, and shall transmit a copy of the schedule to each candidate
2 who receives any of the proceeds within the period prescribed in s. 11.06 (4) (c).

3 **SECTION 30.** 11.19 (title) and (1) of the statutes are amended to read:

4 **11.19 (title) ~~Dissolution~~ Carry-over of surplus funds; dissolution of**
5 **registrants; termination reports.** (1) Whenever any registrant disbands or
6 determines that obligations will no longer be incurred, and contributions will no
7 longer be received nor disbursements made during a calendar year, and the
8 registrant has no outstanding incurred obligations, the registrant shall file a
9 termination report with the appropriate filing officer. Such report shall indicate a
10 cash balance on hand of zero at the end of the reporting period and shall indicate the
11 disposition of residual funds. ~~Residual~~ Except as provided in sub. (1m), residual
12 funds may be used for any political purpose not prohibited by law, returned to the
13 donors in an amount not exceeding the original contribution, transferred to the board
14 for deposit in the Wisconsin election campaign fund, or donated to a charitable
15 organization or the common school fund. The report shall be filed and certified as
16 were previous reports, and shall contain the information required by s. 11.06 (1). If
17 a termination report or suspension report under sub. (2) is not filed, the registrant
18 shall continue to file periodic reports with the appropriate filing officer, no later than
19 the dates specified in s. 11.20. This subsection does not apply to any registrant
20 making an indication under s. 11.05 (2r).

21 **SECTION 31.** 11.19 (1m) and (6) of the statutes are created to read:

22 **11.19 (1m)** If the registration statement, under s. 11.05, of a personal campaign
23 committee indicates that the committee was formed or operates for the purpose of
24 influencing the election or nomination for election of a candidate who is a partisan
25 state officeholder to any state or local office other than the office held by the

1 candidate and, subsequently, the candidate or personal campaign committee files,
2 under s. 11.05 (5), a change in the information in the registration statement
3 indicating that the candidate is no longer seeking that other office, the candidate or
4 personal campaign committee shall either return all contributions attributable to
5 the candidate's campaign for the office no longer sought exceeding 10% of the
6 disbursement level specified under s. 11.31 for the office that the candidate holds,
7 minus disbursements and incurred obligations for that campaign, to the donors in
8 an amount not exceeding their original contributions or donate an amount equal to
9 any contributions not so returned exceeding 10% of the disbursement level specified
10 under s. 11.31 for the office that the candidate holds, minus disbursements and
11 incurred obligations for that campaign, to the board for crediting to the Wisconsin
12 election campaign fund.

13 **(6)** No candidate or personal campaign committee of a candidate at the general
14 election may retain beyond December 31 of an even-numbered year unencumbered
15 contributions equal to more than 10% of the candidate's total disbursement level
16 determined under s. 11.31 (1), adjusted as provided for under s. 11.31 (9). A
17 candidate or treasurer of a personal campaign committee shall transfer excess
18 contributions to the board for crediting to the Wisconsin election campaign fund.

19 **SECTION 32.** 11.20 (2e) of the statutes is created to read:

20 **11.20 (2e)** Postelection reports under s. 11.06 (1) shall be received by the
21 appropriate filing officer no earlier than 8 days after and no later than 14 days after
22 each general election.

23 **SECTION 33.** 11.20 (3) (b) of the statutes is amended to read:

1 11.20 (3) (b) A candidate or personal campaign committee of a candidate at an
2 election shall file a preelection report. A candidate or personal campaign committee
3 of a candidate at the general election shall file a postelection report.

4 **SECTION 34.** 11.20 (3) (d) of the statutes is amended to read:

5 11.20 (3) (d) A registered committee or individual other than a candidate or
6 personal campaign committee making or accepting contributions, making
7 disbursements or incurring obligations in support of or in opposition to one or more
8 candidates for office at an election, or supporting or opposing other committees or
9 individuals who are engaging in such activities, shall file a preelection report. A
10 registered committee or individual other than a candidate or personal campaign
11 committee making or accepting contributions, making disbursements or incurring
12 obligations in support of or in opposition to one or more candidates for office at the
13 general election, or supporting or opposing other committees or individuals who are
14 engaging in such activities, shall file a postelection report.

15 **SECTION 35.** 11.20 (3) (g) of the statutes is amended to read:

16 11.20 (3) (g) A contribution, disbursement or obligation in support of or in
17 opposition to a candidate at an election which is made, accepted or incurred during
18 the period covered by the preelection report, or by the postelection report following
19 the general election, is considered to be made, accepted or incurred in support of or
20 in opposition to that candidate at the election, regardless of whether the candidate
21 is opposed at the election.

22 **SECTION 36.** 11.20 (3) (L) of the statutes is amended to read:

23 11.20 (3) (L) A registered group or individual making or accepting
24 contributions, making disbursements or incurring obligations in support of or in
25 opposition to a referendum appearing on an election ballot shall file a preelection

1 report. A registered group or individual making or accepting contributions, making
2 disbursements or incurring obligations in support of or in opposition to referendum
3 appearing on a general election ballot shall file a postelection report.

4 **SECTION 37.** 11.20 (8) (intro.) of the statutes is amended to read:

5 11.20 (8) (intro.) Reports filed under subs. (2), (2e), (4) and (4m) shall include
6 all contributions received and transactions made as of the end of:

7 **SECTION 38.** 11.20 (8) (am) of the statutes is created to read:

8 11.20 (8) (am) The 7th day after the election in the case of the postelection
9 report which follows the general election.

10 **SECTION 39.** 11.20 (10) (a) of the statutes is amended to read:

11 11.20 (10) (a) Where a requirement is imposed under this section for the filing
12 of a financial report which is to be received by the appropriate filing officer no later
13 than a certain date, the requirement may be satisfied either by actual receipt of the
14 report by the prescribed time for filing at the office of the filing officer, or by filing a
15 report with the U.S. postal service by first class mail with sufficient prepaid postage,
16 addressed to the appropriate filing officer, no later than the 3rd day before the date
17 provided by law for receipt of such report.

18 **SECTION 40.** 11.20 (12) of the statutes is amended to read:

19 11.20 (12) If a candidate is unopposed in a primary or election, the obligation
20 to file the reports required by this chapter does not cease. Except as provided in ss.
21 11.05 (2r) and 11.19 (2), a registrant who makes or receives no contributions, makes
22 no disbursements or incurs no obligations shall so report on the applicable dates
23 designated in subs. (2), (2e) and (4).

24 **SECTION 41.** 11.21 (15) of the statutes is amended to read:

1 11.21 (15) Inform each candidate who files an application to become eligible to
2 receive a grant from the Wisconsin election campaign fund of the dollar amount of
3 the applicable disbursement limitation under s. 11.31 (1) or (1m), whichever is
4 applicable, adjusted as provided under s. 11.31 (9), which applies to the office for
5 which such person is a that candidate, exclusive of any additional disbursements
6 authorized under s. 11.31 (3m). Failure to receive the notice required by this
7 subsection does not constitute a defense to a violation of s. 11.27 (1) or 11.31.

8 **SECTION 42.** 11.21 (16) of the statutes is created to read:

9 11.21 (16) Accept from any registrant for whom the board serves as a filing
10 officer any campaign finance report that is required to be filed under this chapter by
11 means of electronic transmission. To facilitate implementation of this subsection,
12 the board shall make available to registrants software that is designed to facilitate
13 complete electronic filing under this subsection, at a price fixed by the board that
14 may not exceed cost. Each registrant who or which files a report electronically under
15 this subsection shall also file a copy of the report with the board that is recorded on
16 a medium specified by the board, together with a computer-generated copy of the
17 report printed on paper. The computer-generated copy of each report shall be signed
18 by an authorized individual and filed with the board by each registrant no later than
19 the time prescribed for filing of the report under this chapter. The board shall provide
20 complete instructions to any registrant who or which wishes to file a report under
21 this subsection.

22 **SECTION 43.** 11.23 (2) of the statutes is amended to read:

23 11.23 (2) Any anonymous contribution exceeding \$10 received by an individual
24 or group treasurer may not be used or expended. The contribution shall be donated
25 to the common school fund or to any charitable organization or transferred to the

1 board for deposit in the Wisconsin election campaign fund, at the option of the
2 treasurer.

3 **SECTION 44.** 11.24 (2) of the statutes is renumbered 11.24 (5).

4 **SECTION 45.** 11.24 (3) and (4) of the statutes are created to read:

5 11.24 (3) No individual under the age of 18 years may make a contribution to
6 any candidate, or any personal campaign committee or support committee
7 authorized under s. 11.05 (3) (p) of a candidate, for election or nomination to any of
8 the offices under s. 11.26 (1) (a) to (c) or to any individual or committee under s. 11.06
9 (7) acting solely in support of such a candidate or solely in opposition to the
10 candidate's opponent.

11 (4) (a) No person may make a contribution to an incumbent partisan state
12 elective official or to the personal campaign committee or support committee
13 authorized under s. 11.05 (3) (p) of that official for the purpose of promoting that
14 official's nomination or reelection to the office held by the official during the period
15 beginning on the first Monday of January in each odd-numbered year and ending
16 on the date of enactment of the biennial budget act and thereafter during any
17 legislative floorperiod, including any special or extraordinary session floorperiod.

18 (b) Notwithstanding par. (a), a person may make a contribution to an
19 incumbent partisan state elective official against whom a recall petition has been
20 filed during the period beginning on the date that the petition offered for filing is filed
21 under s. 9.10 (3) (b) and ending on the date of the recall election unless the official
22 resigns at an earlier date under s. 9.10 (3) (c).

23 **SECTION 46.** 11.26 (1) (intro.) of the statutes is amended to read:

24 11.26 (1) (intro.) No individual, except an individual serving as a conduit, may
25 make any contribution or contributions to a candidate for election or nomination to

1 any of the following offices and to any individual or committee under s. 11.06 (7)
2 acting solely in support of such a candidate or solely in opposition to the candidate's
3 opponent to the extent of more than a total of the amounts specified per candidate:

4 **SECTION 47.** 11.26 (2) (intro.) of the statutes is amended to read:

5 11.26 (2) (intro.) No committee, including a committee serving as a conduit,
6 other than a political party committee ~~or legislative campaign committee,~~ and no
7 individual serving as a conduit may make or transfer any contribution or
8 contributions to a candidate for election or nomination to any of the following offices
9 and to any individual or committee under s. 11.06 (7) acting solely in support of such
10 a candidate or solely in opposition to the candidate's opponent to the extent of more
11 than a total of the amounts specified per candidate:

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

13 11.26 (4) No individual, except an individual serving as a conduit, may make
14 any contribution or contributions to all candidates for state and local offices and to
15 any individuals who or committees which are subject to a registration requirement
16 under s. 11.05, including ~~legislative campaign committees and~~ committees of a
17 political party, to the extent of more than a total of \$10,000 in any calendar year.

18 **SECTION 49.** 11.26 (8) of the statutes is repealed.

19 **SECTION 50.** 11.26 (8m) of the statutes is created to read:

20 11.26 (8m) No committee may make a contribution to any other committee
21 except a personal campaign or support committee.

22 **SECTION 51.** 11.26 (9) (a) and (b) of the statutes are amended to read:

23 11.26 (9) (a) No individual who is a candidate for state or local office may receive
24 and accept more than 65% of the value of the total disbursement level for candidates
25 other than candidates challenging incumbent officeholders, as determined under s.

1 11.31 (1) and adjusted as provided under s. 11.31 (9), for the office for which he or she
2 is a candidate during any primary and election campaign combined from all
3 committees subject to a filing requirement, including political party and legislative
4 campaign committees. A candidate for state office whose grant or grants under s.
5 11.50 exceed the contribution limitation authorized by this paragraph may exceed
6 the contribution limitation otherwise applicable to the extent required to accept the
7 full amount of the grant or grants received by the candidate under s. 11.50, but any
8 contributions received and accepted by such a candidate from committees other than
9 the Wisconsin election campaign fund reduce the amount of the grant or grants
10 which the candidate may accept by an amount equal to such contributions.

11 (b) No individual who is a candidate for state or local office may receive and
12 accept more than 45% 15% of the value of the total disbursement level for candidates
13 other than candidates challenging incumbent officeholders, as determined under s.
14 11.31 (1) and adjusted as provided under s. 11.31 (9), for the office for which he or she
15 is a candidate during any primary and election campaign combined from all
16 committees other than political party and legislative campaign committees subject
17 to a filing requirement.

18 **SECTION 52.** 11.26 (9) (c) of the statutes is renumbered 11.26 (9) (c) 1. and
19 amended to read:

20 11.26 (9) (c) 1. For purposes of ~~pars. par.~~ par. (a) and (b), a “committee” includes the
21 Wisconsin election campaign fund.

22 **SECTION 53.** 11.26 (9) (c) 2. of the statutes is created to read:

23 11.26 (9) (c) 2. For the purposes of pars. (a) and (b), “committee” includes an
24 individual who or a committee which is a conduit.

25 **SECTION 54.** 11.26 (12m) of the statutes is amended to read:

1 11.26 **(12m)** For purposes of ~~this section~~ subs. (1) and (4), a contribution of
2 money received from a conduit identified in the manner prescribed in s. 11.06 (11)
3 (a) shall be considered a contribution received from the original contributor.

4 **SECTION 55.** 11.265 of the statutes is repealed.

5 **SECTION 56.** 11.30 (6) of the statutes is created to read:

6 11.30 **(6)** Every individual, committee or group who or which is subject to a
7 registration requirement under s. 11.05 and who or which publishes, distributes or
8 broadcasts, or causes to be published, distributed or broadcast, any communication
9 which advocates the election or defeat of a clearly identified candidate without
10 cooperation or consultation with a candidate or agent or authorized committee of a
11 candidate who is supported or whose opponent is opposed, and not in concert with
12 or at the request or suggestion of such a candidate, agent or committee shall file with
13 the board, in writing, a copy of the text of the communication, together with the name
14 of the person who is publishing, distributing or broadcasting the communication or
15 causing it to be published, distributed or broadcast and that person's address, in such
16 manner that the text is received by the board no later than 7 days before the time that
17 the communication is first published, distributed or broadcast. The report shall be
18 certified in the manner prescribed in s. 11.06 (5). No person is required to file the text
19 of a communication with the board under this subsection that has been previously
20 filed by that person or another person.

21 **SECTION 57.** 11.31 (1) (d) of the statutes is amended to read:

22 11.31 **(1)** (d) Candidates for secretary of state, state treasurer, ~~justice~~ or state
23 superintendent, ~~\$215,625~~ \$250,000.

24 **SECTION 58.** 11.31 (1) (de) of the statutes is created to read:

25 11.31 **(1)** (de) Candidates for justice, \$300,000.

1 **SECTION 59.** 11.31 (1) (e) and (f) of the statutes are amended to read:

2 11.31 (1) (e) Candidates for state senator, ~~\$34,500 total in the primary and~~
3 ~~election, with disbursements not exceeding \$21,575 for either the primary or the~~
4 ~~election~~ \$100,000.

5 (f) Candidates for representative to the assembly, ~~\$17,250 total in the primary~~
6 ~~and election, with disbursements not exceeding \$10,775 for either the primary or the~~
7 ~~election~~ \$50,000.

8 **SECTION 60.** 11.31 (1m) of the statutes is created to read:

9 11.31 (1m) DISBURSEMENT LEVEL FOR CHALLENGERS. Notwithstanding sub. (1),
10 if an incumbent officeholder seeks reelection, the disbursement level under sub. (1)
11 for any other candidate for the same office is increased to 125% of the amount
12 specified in sub. (1), adjusted as provided under sub. (9).

13 **SECTION 61.** 11.31 (2) of the statutes is amended to read:

14 11.31 (2) (title) ~~LIMITATION IMPOSED~~ CANDIDATES. No candidate for state office at
15 a spring or general election who files a sworn statement and application to receive
16 a grant from the Wisconsin election campaign fund may make or authorize total
17 disbursements from the campaign treasury in any campaign to the extent of more
18 than the amount prescribed in sub. (1) or (1m), whichever is applicable, adjusted as
19 provided under sub. (9), unless the board determines that the candidate is not
20 eligible to receive a grant, the candidate withdraws his or her application under s.
21 11.50 (2) (h), or s. 11.50 (2) (i) applies. No candidate for state office at a special
22 election who files a sworn statement and application to receive a grant from the
23 Wisconsin election campaign fund may make or authorize total disbursements from
24 the campaign treasury in any campaign to the extent of more than the amount
25 prescribed under sub. (1) or (1m), whichever is applicable, adjusted as provided

1 under sub. (9), for the preceding spring or general election for the same office, unless
2 the board determines that the candidate is not eligible to receive a grant, the
3 candidate withdraws his or her application under s. 11.50 (2) (h), or s. 11.50 (2) (i)
4 applies.

5 **SECTION 62.** 11.31 (2r) of the statutes is created to read:

6 11.31 (2r) POLITICAL PARTY COMMITTEES. No political party committee which
7 files a sworn statement and application to receive a grant from the Wisconsin election
8 campaign fund for any general election campaign period may make or authorize total
9 disbursements from its campaign treasury in that period to the extent of more than
10 \$150,000. This subsection does not apply if a political party committee qualifies for
11 and receives a supplementary grant under s. 11.50 (9) (g).

12 **SECTION 63.** 11.31 (2s) of the statutes is created to read:

13 11.31 (2s) INDEPENDENT DISBURSEMENTS. No individual, other than a candidate,
14 and no committee, other than a personal campaign committee, may make
15 disbursements to advocate the election of a clearly identified candidate for state or
16 local office or the defeat of such a candidate's opponent, or both, without
17 authorization of such a candidate, to the extent of more than 20% of the
18 disbursement level specified for that candidate under sub. (1), adjusted as provided
19 in sub. (9), cumulatively in any campaign.

20 **SECTION 64.** 11.31 (3) of the statutes is amended to read:

21 11.31 (3) GUBERNATORIAL CAMPAIGNS. For purposes of compliance with the
22 limitations imposed under sub. (2), candidates for governor and lieutenant governor
23 of the same political party who both accept grants from the Wisconsin election
24 campaign fund may agree to combine disbursement levels under sub. (1) (a) and (b),

1 adjusted as provided under sub. (9), and reallocate the total level between them. The
2 candidates shall each inform the board of any such agreement.

3 **SECTION 65.** 11.31 (3m) of the statutes is repealed and recreated to read:

4 11.31 **(3m)** INDEPENDENT DISBURSEMENTS; EXCEPTION. Notwithstanding subs.
5 (1), (1m) and (2), if any incurred obligation or disbursement of more than \$250
6 cumulatively is incurred or made by an individual or committee to advocate the
7 election or defeat of a clearly identified candidate whose name appears on the ballot
8 at an election and the incurred obligation or disbursement is incurred or made
9 without cooperation or consultation with any candidate who is supported or who
10 benefits from the obligation or disbursement or such a candidate's agent or
11 authorized committee, and not in concert with, or at the request or suggestion of, any
12 such candidate, agent or authorized committee, then each candidate whose name
13 appears on the same ballot and who is opposed or whose opponent is supported by
14 that advocacy may make or authorize total disbursements from the campaign
15 treasury in excess of the amount prescribed in sub. (1) or (1m) but not to exceed the
16 amount prescribed in sub. (1) or (1m) plus the total amount of incurred obligations
17 and disbursements not previously reported as incurred obligations that are reported
18 to the appropriate filing officer under s. 11.12 (6). For the purposes of this subsection,
19 obligations and disbursements cumulate as provided in s. 11.12 (6) (a).

20 **SECTION 66.** 11.31 (4) of the statutes is repealed.

21 **SECTION 67.** 11.31 (6) of the statutes is amended to read:

22 11.31 **(6)** EXCLUSIONS. In computing the limitations under this section an
23 individual or campaign treasurer may exclude any contributions returned to the
24 contributor; any loan repayments made; any inaugural expenses paid from the
25 campaign depository account under s. 11.25 (2) (b); any expenses incurred as a result

1 of a recount; all federal, state or local taxes paid; any reimbursement made to a
2 candidate for the candidate's travel expenses; the gross receipts from the sale at an
3 auction of any materials contributed to a candidate and reported by the candidate
4 as a disbursement at the time the contribution is made; all refunds or deposits paid;
5 and the cost of facilities rental, entertainment expense, food and beverages
6 (including the preparation and service thereof if contracted to an outside agency), if
7 utilized for a meal, sale, rally or similar fund raising effort or program which is
8 intended for political purposes. In addition, the treasurer of a political party
9 committee may exclude any disbursements made for the purpose of maintenance of
10 permanent office facilities or permanent staff. Any such exclusion claimed shall be
11 reported to the appropriate filing officer in such form as the board may require.

12 **SECTION 68.** 11.31 (7) (am) of the statutes is created to read:

13 11.31 (7) (am) For purposes of this section, the "general election campaign
14 period" of a political party committee extends from July 1 preceding the date of a
15 general election through November 30 of the month in which the general election is
16 held.

17 **SECTION 69.** 11.31 (7) (c) of the statutes is amended to read:

18 11.31 (7) (c) Disbursements which are made after a campaign to retire a debt
19 incurred in relation to a campaign period are charged against the disbursement
20 limitation for that campaign.

21 **SECTION 70.** 11.31 (9) of the statutes is created to read:

22 11.31 (9) COST-OF-LIVING ADJUSTMENT. (a) In this subsection, "consumer price
23 index" means the average of the consumer price index over each 12-month period,
24 all items, U.S. city average, as determined by the bureau of labor statistics of the U.S.
25 department of labor.

1 (b) The dollar amounts of all disbursement limitations specified in sub. (1) shall
2 be subject to a biennial cost-of-living adjustment to be determined by rule of the
3 board in accordance with this subsection. To determine the adjustment, the board
4 shall calculate the percentage difference between the consumer price index for the
5 12-month period ending on December 31 of each odd-numbered year and the
6 consumer price index for the base period, calendar year 1997. For each biennium,
7 the board shall adjust the disbursement limitations specified under sub. (1) by that
8 percentage to the extent required to reflect any difference, rounded to the nearest
9 multiple of \$25 in the case of amounts of \$1 or more, which amount shall be in effect
10 until a subsequent rule is promulgated under this subsection. Notwithstanding s.
11 227.24 (3), determinations under this subsection may be promulgated as an
12 emergency rule under s. 227.24 without a finding of emergency.

13 **SECTION 71.** 11.38 (6) of the statutes is amended to read:

14 11.38 (6) Any individual or campaign treasurer who receives funds in violation
15 of this section shall promptly return such funds to the contributor or, donate the
16 funds to the common school fund or a charitable organization or transfer the funds
17 to the board for deposit in the Wisconsin election campaign fund, at the treasurer's
18 option.

19 **SECTION 72.** 11.50 (1) (a) 1. and 2. of the statutes are amended to read:

20 11.50 (1) (a) 1. With respect to a spring or general election, any individual who
21 is certified under s. 7.08 (2) (a) as a candidate in the spring election for justice or state
22 superintendent, or ~~an~~ any individual who receives at least ~~6%~~ 2% of the vote cast for
23 all candidates on all ballots for any state office, except district attorney, for which the
24 individual is a candidate at the September primary and who is certified under s. 7.08
25 (2) (a) as a candidate for that office in the general election, or an individual who has

1 been lawfully appointed and certified to replace either such individual on the ballot
2 at the spring or general election; and who has qualified for a grant under sub. (2).

3 2. With respect to a special election, an individual who is certified under s. 8.50
4 (1) (d) as a candidate in a special election for state superintendent, or an individual
5 who is certified under s. 8.50 (1) (d) as a candidate in a special election for any state
6 office, except district attorney, on the ballot or column of a party whose candidate for
7 the same office at the preceding general election received at least ~~6%~~ 2% of the vote
8 cast for all candidates on all ballots for the office, or an individual who has been
9 lawfully appointed and certified to replace either such individual on the ballot at a
10 special election, or an individual who receives at least ~~6%~~ 2% of the vote cast for all
11 candidates on all ballots for any state office, except district attorney, at a partisan
12 special election; and who qualifies for a grant under sub. (2). Where the boundaries
13 of a district in which an individual seeks office have been changed since the preceding
14 general election such that it is not possible to calculate the exact number of votes that
15 are needed by that individual to qualify as an eligible candidate prior to an election
16 under this subdivision, the number of votes cast for all candidates for the office at the
17 preceding general election in each ward, combination of wards or municipality which
18 is wholly contained within the boundaries of the newly formed district shall be
19 calculated. If the candidate of the political party on whose ballot or column the
20 individual appears in the newly formed district obtained at least ~~6%~~ 2% of the
21 number of votes calculated, the individual is deemed to qualify as an eligible
22 candidate prior to the election under this subdivision.

23 **SECTION 73.** 11.50 (1) (an) and (bm) of the statutes are created to read:

1 11.50 (1) (an) “Eligible political party committee” means the state committee
2 of any political party whose candidate for governor at the most recent gubernatorial
3 election received the greatest or 2nd greatest number of votes cast for that office.

4 (bm) “General election campaign period” has the meaning given in s. 11.31 (7)
5 (am).

6 **SECTION 74.** 11.50 (2) (b) 5. of the statutes is amended to read:

7 11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as
8 of the date of the spring or September primary, or the date that the special primary
9 is or would be held, if required, indicate that the candidate has received at least the
10 amount provided in this subdivision, from contributions of money, other than loans,
11 made by individuals who reside in this state and in the case of a candidate for
12 legislative office by individuals who reside in the legislative district in which the
13 candidate seeks office, which have been received during the period ending on the date
14 of the spring primary and July 1 preceding such date in the case of candidates at the
15 spring election, or the date of the September primary and January 1 preceding such
16 date in the case of candidates at the general election, or the date that a special
17 primary will or would be held, if required, and 90 days preceding such date or the
18 date a special election is ordered, whichever is earlier, in the case of special election
19 candidates, which contributions are in the aggregate amount of \$100 or less, and
20 which are fully identified and itemized as to the exact source thereof. A contribution
21 received from a conduit ~~which is identified by the conduit as originating from an~~
22 ~~individual shall~~ may not be considered as a contribution made by the an individual
23 for the purpose of qualifying for a grant under this subdivision. Only the first \$100
24 of an aggregate contribution of more than \$100 may be counted toward the required
25 percentage. For a candidate at the spring or general election for an office identified

1 in s. 11.26 (1) (a) or a candidate at a special election, the required amount to qualify
2 for a grant is 5% of the candidate's authorized disbursement limitation for
3 candidates other than candidates challenging incumbent officeholders, as
4 determined under s. 11.31. ~~For (1) and adjusted as provided under s. 11.31 (9).~~
5 Except as provided in par. (bm), for any other candidate at the general election, the
6 required amount to qualify for a grant is 10% of the candidate's authorized
7 disbursement limitation for candidates other than candidates challenging
8 incumbent officeholders, as determined under s. 11.31 (1) and adjusted as provided
9 under s. 11.31 (9).

10 **SECTION 75.** 11.50 (2) (bm) of the statutes is created to read:

11 11.50 (2) (bm) 1. The board shall approve an application of an eligible candidate
12 for whom the required amount to qualify for a grant under par. (b) 5. is 10% of the
13 candidate's authorized disbursement level under s. 11.31 if the candidate meets the
14 requirements of par. (b) 1. to 4. and the candidate receives contributions described
15 under par. (b) 5. during the applicable time period, as indicated by the reports filed
16 as of the dates specified under par. (b) 5., in an amount equal to at least 5% but less
17 than 10% of the candidate's authorized disbursement limitation under s. 11.31.
18 Except as provided in subd. 2., the amount of the grant available to a candidate
19 whose application is approved under this subdivision is equal to 50% of the amount
20 of the grant that would have been available to the candidate if his or her application
21 had been approved under par. (b).

22 2. If, as of 21 days after the date specified in par. (b) 5., a supplemental financial
23 report is filed by or on behalf of a candidate who qualifies for a grant under subd. 1.
24 that indicates that the candidate received the required amount of contributions
25 under par. (b) 5. during the period described under par. (b) 5. plus the immediately

1 following 14 days, then the candidate shall be eligible for a supplemental grant equal
2 to 50% of the amount of the grant that would have been available to the candidate
3 if his or her application had been approved under par. (b). All information included
4 in a supplemental report under this subdivision shall also be included in the
5 candidate's next report under s. 11.20.

6 **SECTION 76.** 11.50 (2) (c) and (d) of the statutes are amended to read:

7 11.50 (2) (c) If a candidate has not filed financial reports as of the date of the
8 spring primary, September primary, special primary, or date that the special primary
9 would be held, if required, which indicate that he or she has met the qualification
10 under par. (b) 5. or (bm) 1., the candidate may file a special report with the board.
11 Such report shall be filed not later than the 7th day after the primary, or 7th day after
12 the date the primary would be held, if required, and shall include such
13 supplementary information as to sources of contributions which may be necessary
14 to complete the candidate's qualification. The special report shall cover the period
15 from the day after the last date covered on the candidate's most recent report, or from
16 the date on which the first contribution was received or the first disbursement was
17 made, whichever is earlier, if the candidate has not previously filed a report, to the
18 date of such report. All information included on the special report shall also be
19 included in the candidate's next report under s. 11.20.

20 (d) For purposes of qualification under par. (b) 4. and 5. or (bm), the financial
21 reports of a former candidate are considered to be same as if filed by the candidate
22 who is lawfully appointed to replace such candidate whenever a vacancy after
23 nomination occurs.

24 **SECTION 77.** 11.50 (2) (i) of the statutes is amended to read:

1 11.50 (2) (i) Notwithstanding par. (g), if an eligible candidate at the spring
2 election or a special nonpartisan election who accepts a grant is opposed by one or
3 more candidates in the election, or if an eligible candidate at the general election or
4 a special partisan election who accepts a grant is opposed by one or more candidates
5 in the election who receive at least ~~6%~~ 2% of the vote cast for all candidates for the
6 same office on all ballots at the September primary or a special partisan primary if
7 a primary was held, and in either case if any such opponent of the eligible candidate
8 does not accept a grant under this section in whole or in part, the eligible candidate
9 is not bound by the pledge made in his or her application to adhere to the contribution
10 limitations prescribed in s. 11.26 (10) and the disbursement limitation prescribed
11 under s. 11.31, unless each such opponent files an affidavit of voluntary compliance
12 under s. 11.31 (2m).

13 **SECTION 78.** 11.50 (2) (j), (k) and (m) of the statutes are created to read:

14 11.50 (2) (j) Any eligible political party committee may file an application with
15 the board requesting approval for a grant to be provided to the committee for any
16 general election campaign period. The application shall be filed no later than the
17 deadline provided under s. 8.15 (1) for filing nomination papers for that election. The
18 application shall contain a sworn statement, signed by the chairperson of the
19 committee, that the committee will comply with the disbursement limitation
20 prescribed for the committee under s. 11.31 (2r) at all times to which the limitation
21 applies, unless the board determines that the committee is not eligible to receive a
22 grant, or unless the committee withdraws its application under par. (k) or unless par.
23 (m) applies. The board shall approve an application under this paragraph if the
24 application is timely and the financial reports filed with the board as of the time of

1 disbursement of a grant indicate that the statement filed by the committee under
2 this paragraph is true.

3 (k) An eligible political party committee which files an application under par.
4 (j) may file a written withdrawal of the application. A withdrawal of an application
5 may be filed with the board no later than the 7th day after the date of the September
6 primary. If an application is withdrawn in accordance with this paragraph, the
7 committee withdrawing the application is no longer bound by the statement filed
8 under par. (j) after the date of the withdrawal.

9 (m) If an eligible political party committee accepts a grant under this section
10 and the other eligible political party committee does not accept a grant, the political
11 party committee which accepts a grant is not bound by the pledge made in its
12 application to adhere to the disbursement limitation prescribed under s. 11.31 (2r).

13 **SECTION 79.** 11.50 (2m) of the statutes is created to read:

14 11.50 (2m) PUBLIC INFORMATION. (a) Annually, no later than August 15, the
15 board may notify the state treasurer that an amount not exceeding 5% of the amount
16 transferred to the fund in that year shall be placed in a public information account.

17 Moneys in this account shall be expended by the board for the purpose of providing
18 public information concerning the purpose and effect of s. 71.10 (3) and this section.

19 (b) As part of the public information program under par. (a), the board shall
20 prepare an easily understood description of the purpose and effect of s. 71.10 (3) and
21 this section. The department of revenue shall include and highlight the description
22 in its income tax preparation instructions relating to s. 71.10 (3).

23 (c) Any amount placed in the public information account that is not expended
24 by the board in any year shall be retained in that account.

25 **SECTION 80.** 11.50 (3) (a) (intro.) of the statutes is amended to read:

1 11.50 (3) (a) (intro.) ~~Annually on August 15,~~ Immediately after apportionment
2 under sub. (2m), the state treasurer shall annually apportion all moneys
3 appropriated to the fund ~~shall be apportioned as follows by the state treasurer:~~

4 **SECTION 81.** 11.50 (3) (a) 1. and 2. of the statutes are amended to read:

5 11.50 (3) (a) 1. If an election for state superintendent is scheduled in the
6 following year, ~~8%~~ 7% of the fund shall be placed in a superintendency account. From
7 this account, an equal amount shall be disbursed to the campaign depository account
8 of each eligible candidate by the state treasurer, except as provided in par. (c) and
9 sub. (9) (b).

10 2. If an election for justice is scheduled in the following year, ~~8%~~ 7% of the fund
11 shall be placed in a supreme court account. From this account, an equal amount shall
12 be disbursed to the campaign depository account of each eligible candidate by the
13 state treasurer, except as provided in par. (c) and sub. (9) (b).

14 **SECTION 82.** 11.50 (3) (c) of the statutes is created to read:

15 11.50 (3) (c) If an eligible candidate for state superintendent or justice who
16 receives and accepts a grant is opposed by an opponent whose name appears on a
17 spring or special election ballot, and the board notifies the eligible candidate under
18 s. 11.12 (6) (a) that an individual or committee acting independently has incurred or
19 intends to incur an obligation or has made or intends to make a disbursement in
20 opposition to the eligible candidate or in support of his or her opponent specified in
21 this paragraph, the eligible candidate shall receive a supplementary grant
22 equivalent to the amount of the proposed or actual obligation or disbursement. The
23 board shall direct the state treasurer to make payment of the supplementary grant
24 within 5 days after receipt of a report specified in this paragraph.

25 **SECTION 83.** 11.50 (4) (a) of the statutes is amended to read:

1 11.50 (4) (a) In the partisan campaign account, ~~25%~~ 22% of the moneys shall
2 be apportioned into an executive campaign account and ~~75%~~ 70% of the moneys shall
3 be apportioned into a legislative and special election campaign account.

4 **SECTION 84.** 11.50 (4) (c), (cm) and (d) of the statutes are amended to read:

5 11.50 (4) (c) The legislative and special election campaign account shall be
6 divided into a senate campaign account to receive 25% of the moneys, and an
7 assembly campaign account to receive 75% of the moneys. Each account shall then
8 be apportioned between all eligible candidates for the same office in the entire state,
9 based on the assumption that all candidates who are eligible under sub. (2) (bm) 1.
10 will also be eligible under sub. (2) (bm) 2. No apportionment shall be made by
11 legislative district, except as provided in par. (e).

12 (cm) ~~Each~~ Except as provided in par. (e) and subs. (2) (bm) and (9) (b), each
13 eligible candidate for the same office at a special election shall receive an equal
14 amount, which amount shall be equivalent to the maximum grant which was payable
15 to any candidate for that office at the most recent spring or general election. The
16 amount shall be drawn from the senate campaign account and the assembly
17 campaign account in the same proportions as the balance in each account bears to
18 the total balance in both accounts at the time that payments are made. Whenever
19 there are insufficient moneys in the senate campaign account and the assembly
20 campaign account to make the payments required by this paragraph, payments shall
21 be appropriately reduced or discontinued by the board.

22 (d) ~~Within~~ Except as provided in par. (e) and sub. (9) (b), within the accounts
23 established under this subsection for each office at each general election, the entire
24 amount of all available moneys shall be apportioned equally to all eligible

1 candidates, based on the assumption that all candidates who are eligible under sub.
2 (2) (bm) 1. will also be eligible under sub. (2) (bm) 2.

3 **SECTION 85.** 11.50 (4) (dm) of the statutes is created to read:

4 11.50 (4) (dm) After apportionment under par. (a), the remaining moneys in the
5 partisan campaign account shall be transferred to a political party committee
6 account.

7 **SECTION 86.** 11.50 (4) (e) of the statutes is created to read:

8 11.50 (4) (e) If an eligible candidate for state office who receives and accepts a
9 grant is opposed by an opponent who meets the applicable vote qualification
10 requirement under sub. (1) (a), and the board notifies the eligible candidate under
11 s. 11.12 (6) (a) that an individual or committee acting independently has incurred or
12 intends to incur an obligation or has made or intends to make a disbursement in
13 opposition to the eligible candidate or in support of his or her opponent specified in
14 this paragraph, the eligible candidate shall receive a supplementary grant
15 equivalent to the amount of the proposed or actual obligation or disbursement. The
16 board shall direct the state treasurer to make payment of the supplementary grant
17 within 5 days after receipt of a report specified in this paragraph.

18 **SECTION 87.** 11.50 (5) of the statutes is renumbered 11.50 (5) (a).

19 **SECTION 88.** 11.50 (5) (b) of the statutes is created to read:

20 11.50 (5) (b) The state treasurer shall make disbursements to the campaign
21 depository account of each eligible political party committee no later than the end of
22 the 3rd business day following notice from the board under s. 7.08 (2) (cn).

23 **SECTION 89.** 11.50 (6) of the statutes is amended to read:

24 11.50 (6) EXCESS MONEYS. If the amounts which are to be apportioned to each
25 eligible candidate under subs. (3) and (4) are more than the amount which a

1 candidate may accept under sub. (9), more than the amount for which the candidate
2 qualifies under sub. (2) (bm), or more than the amount which a candidate elects to
3 accept under sub. (10), the excess moneys shall be retained in the fund.

4 **SECTION 90.** 11.50 (7) of the statutes is renumbered 11.50 (7) (a).

5 **SECTION 91.** 11.50 (7) (b) of the statutes is created to read:

6 11.50 (7) (b) If a grant is used to purchase an advertisement from a broadcast
7 communications medium, the advertisement may not include any voice other than
8 the voice of the eligible candidate to whom the grant is provided.

9 **SECTION 92.** 11.50 (8) of the statutes is amended to read:

10 11.50 (8) LAPSING GRANTS. All grants disbursed under sub. (5) remain the
11 property of the state until disbursed or encumbered for a lawful purpose. All grant
12 moneys that are unspent and unencumbered by a candidate or political party
13 committee on the day after the election in which the candidate or committee
14 participates shall revert to the state. All deposits and refunds derived from grant
15 moneys that are received by a candidate or political party committee at any time
16 after the day of the election in which the candidate or committee participates shall
17 revert to the state. All reversions shall be returned to the board by the candidate or
18 political party committee and shall be deposited by the board in the fund.

19 **SECTION 93.** 11.50 (9) of the statutes is renumbered 11.50 (9) (a) and amended
20 to read:

21 11.50 (9) (a) The total grant available to an eligible candidate who does not
22 receive a supplementary grant under par. (b) or sub. (3) (c) or (4) (e) may not exceed
23 that amount which, when added to all other contributions accepted from sources
24 other than individuals, and political party committees and legislative campaign
25 committees, is equal to ~~45%~~ 50% of the disbursement level specified for candidates

1 for the applicable office other than candidates challenging incumbent officeholders,
2 as determined under s. 11.31 (1) and adjusted as provided under s. 11.31 (9). The
3 total grants available to an eligible candidate who receives a supplementary grant
4 under par. (b) or sub. (3) (c) or (4) (e) may not exceed the amount authorized under
5 s. 11.26 (9) (a). For the purposes of this paragraph, all contributions transferred to
6 the candidate by a conduit shall be considered to have been accepted from a source
7 other than an individual or political party committee.

8 (c) The board shall scrutinize accounts and reports and records kept under this
9 chapter to assure that applicable limitations under ss. 11.26 (9) and 11.31 are not
10 exceeded and any violation is reported. No candidate or campaign treasurer may
11 accept grants exceeding the amount authorized by this subsection.

12 **SECTION 94.** 11.50 (9) (b) of the statutes is created to read:

13 11.50 (9) (b) If an eligible candidate who accepts a grant is opposed by one or
14 more eligible candidates in the election who do not accept a grant under this section,
15 the total grant available to the eligible candidate shall be increased by an amount
16 equal to 50% of the disbursement level specified for candidates for the applicable
17 office other than candidates challenging incumbent officeholders, as determined
18 under s. 11.31 (1) and adjusted as provided under s. 11.31 (9), unless each such
19 opponent files an affidavit of voluntary compliance under s. 11.31 (2m). The board
20 shall direct the state treasurer to make payment of the supplementary grant within
21 5 days after it determines that a candidate qualifies to receive the grant under this
22 paragraph.

23 **SECTION 95.** 11.50 (9) (e) and (g) of the statutes are created to read:

24 11.50 (9) (e) Except as provided in par. (g), the total grant available to an
25 eligible political party in a general election campaign period is \$100,000.

1 (g) If an eligible political party committee qualifies for and receives a grant and
2 the other eligible political party committee does not qualify for and receive a grant,
3 the political party committee that receives a grant shall receive a supplementary
4 grant of \$200,000. If an eligible political party committee qualifies for and receives
5 a grant for a general election campaign period and adheres to its pledge not to exceed
6 the disbursement limitation prescribed under s. 11.31 (2r) for that period but the
7 board determines that the other eligible political party committee in the same house
8 of the legislature has not adhered to its pledge not to exceed the disbursement
9 limitation prescribed under s. 11.31 (2r) for that period, the political party committee
10 that adhered to its pledge shall receive an additional supplementary grant in an
11 amount equal to the excess disbursements made by the other political party
12 committee.

13 **SECTION 96.** 11.50 (11) (e) of the statutes is amended to read:

14 11.50 (11) (e) No candidate or political party committee may expend, authorize
15 the expenditure of or incur any obligation to expend any grant if he or she violates
16 the pledge required under sub. (2) (a) as a precondition to receipt of a grant, except
17 as authorized in sub. (2) (h) ~~or~~, (i), or (m).

18 **SECTION 97.** 11.50 (12) of the statutes is amended to read:

19 11.50 (12) **PROOF OF PAYMENT.** No later than the next due date for continuing
20 reports under s. 11.20 (4) which occurs at least 30 days after an election in which a
21 candidate or political party committee receives a grant, or no later than 30 days after
22 each special election in which a candidate receives a grant, whichever is earlier, the
23 candidate or ~~his or her~~ the campaign treasurer of the candidate or committee shall
24 deliver or transmit to the board, by 1st class mail, sufficient proof of payment for all
25 disbursements made from grants distributed under this section. This subsection

1 does not restrict the authority of the board to audit records under ss. 5.05 (2) and
2 13.94 (1) (k).

3 **SECTION 98.** 11.60 (1) of the statutes is amended to read:

4 11.60 (1) ~~Any~~ Except as provided in sub. (3m), any person, including any
5 committee or group, who or which violates this chapter may be required to forfeit not
6 more than \$500 for each violation.

7 **SECTION 99.** 11.60 (3m) of the statutes is created to read:

8 11.60 (3m) Any person, including any committee or group, who or which
9 violates s. 11.095 in respect to any telephone communication in which the caller
10 engages in persuasive telephoning shall forfeit \$1 for each such telephone
11 communication with an individual that is subject to disclosure under s. 11.095 which
12 the person fails to disclose under that section within the time prescribed under that
13 section.

14 **SECTION 100.** 11.60 (3n) and (3p) of the statutes are created to read:

15 11.60 (3n) Notwithstanding sub. (1), if an individual who or committee which
16 is required to file a report under s. 11.12 (6) files a report under that subsection which
17 overstates the amount of a disbursement made or obligation incurred by the
18 individual or committee in support of or in opposition to any candidate by more than
19 5% of the amount reported under that subsection, the individual or committee shall
20 forfeit an amount equal to treble the difference between the amount of the
21 disbursement actually made or the obligation actually incurred and the amount
22 reported.

23 (3p) Notwithstanding sub. (1), if an individual who or committee which is
24 required to file a report under s. 11.12 (6) files a report under that subsection which
25 understates the amount of a disbursement made or obligation incurred by the

1 individual or committee in support of or in opposition to any candidate by more than
2 5% of the amount reported under that subsection, the individual or committee shall
3 forfeit an amount equal to treble the difference between the amount of the
4 disbursement actually made or the obligation actually incurred and the amount
5 reported.

6 **SECTION 101.** 11.60 (4) of the statutes is amended to read:

7 11.60 (4) Actions under this section arising out of an election for state office or
8 a statewide referendum may be brought by the board or by the district attorney of
9 the county where the violation is alleged to have occurred, except as specified in s.
10 11.38. Actions under this section arising out of an election for local office or local
11 referendum may be brought by the district attorney of the county where the violation
12 is alleged to have occurred. In addition, whenever a candidate or personal campaign
13 committee or agent of a candidate is alleged to have violated this chapter, action may
14 be brought by the district attorney of any county any part of which is contained
15 within the jurisdiction or district in which the candidate seeks election. If a violation
16 concerns a district attorney or circuit judge or candidate for such offices, the action
17 shall be brought by the attorney general. If a violation concerns the attorney general
18 or a candidate for such office, the governor may appoint special counsel under s. 14.11
19 (2) to bring suit in behalf of the state. The counsel shall be independent of the
20 attorney general and need not be a state employe at the time of appointment.

21 **SECTION 102.** 11.61 (1) (a) of the statutes is amended to read:

22 11.61 (1) (a) Whoever intentionally violates s. 11.05 (1), (2), (2g) or (2r), 11.07
23 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or 11.24 (1) may be fined not more than \$10,000
24 or imprisoned not more than 3 years or both.

25 **SECTION 103.** 11.61 (1) (d) of the statutes is created to read:

1 11.61 (1) (d) Any treasurer of a committee or group which violates s. 11.095 may
2 be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

3 **SECTION 104.** 11.61 (1) (e) of the statutes is created to read:

4 11.61 (1) (e) Any treasurer of a committee which is required to file a report
5 under s. 11.12 (6) and which files a report under that subsection which overstates or
6 understates the amount of a disbursement made or obligation incurred by the
7 committee in support of or in opposition to any candidate by more than 5% of the
8 amount reported under that subsection may be fined not more than \$10,000 or
9 imprisoned for not more than 9 months or both.

10 **SECTION 105.** 13.14 (3) of the statutes is amended to read:

11 13.14 (3) TRAVEL; LEGISLATIVE PERSONNEL. The actual and necessary expenses
12 of legislative policy research personnel, assistants to legislators and research staff
13 assigned to legislative committees and ~~party caucuses~~ incident to attending
14 meetings outside the capital shall be reimbursed from the appropriation under s.
15 20.765 (1) (a) or (b).

16 **SECTION 106.** 13.20 (1) of the statutes is amended to read:

17 13.20 (1) NUMBER AND PAY RANGE OF LEGISLATIVE EMPLOYES. The legislature or
18 either house thereof may employ under the unclassified service such policy research
19 personnel, assistants to legislators, research staff assigned to legislative committees
20 and ~~party caucuses~~ and such clerical, professional or other assistants as in the
21 judgment of the joint committee on legislative organization or the committee on
22 organization in each house are necessary to enable it to perform its functions and
23 duties and to best serve the people of this state.

24 **SECTION 107.** 13.625 (1) (b) 3. of the statutes is amended to read:

1 13.625 (1) (b) 3. Food, meals, beverages, money or any other thing of pecuniary
2 value, ~~except that a lobbyist may make a campaign contribution to a partisan elective~~
3 ~~state official or candidate for national, state or local office or to the official's or~~
4 ~~candidate's personal campaign committee; but a lobbyist may make a contribution~~
5 ~~to which par. (c) applies only as authorized in par. (c).~~

6 **SECTION 108.** 13.625 (1) (c) (intro.) of the statutes is renumbered 13.625 (1) (c)
7 and amended to read:

8 13.625 (1) (c) ~~Except as permitted in this subsection, make~~ Make a campaign
9 contribution, as defined in s. 11.01 (6), to a partisan elective state official for the
10 purpose of promoting the official's election to any national, state or local office, or to
11 a candidate for a partisan elective state office to be filled at the general election or
12 a special election, or the official's or candidate's personal campaign committee. ~~A~~
13 ~~campaign contribution to a partisan elective state official or candidate for partisan~~
14 ~~elective state office or his or her personal campaign committee may be made in the~~
15 ~~year of a candidate's election between June 1 and the day of the general election,~~
16 ~~except that:~~

17 **SECTION 109.** 13.625 (1) (c) 1. and 2. of the statutes are repealed.

18 **SECTION 110.** 13.625 (2) of the statutes is amended to read:

19 13.625 (2) No principal may engage in the practices prohibited under sub. (1)
20 (b) and (e) except that a principal may make a campaign contribution, as defined in
21 s. 11.01 (6), to a partisan elective state official or candidate for partisan elective state
22 office or his or her personal campaign committee in the year of an official's or
23 candidate's election between June 1 and the day of the general election unless, in the
24 case of a member of the legislature or candidate for legislative office, the legislature
25 has not concluded its final floor period or is in special or extraordinary session. This

1 subsection does not apply to the furnishing of transportation, lodging, food, meals,
2 beverages or any other thing of pecuniary value which is also made available to the
3 general public.

4 **SECTION 111.** 13.625 (6) of the statutes is amended to read:

5 13.625 (6) Subsections (1) (b) and (c), (2) and (3) do not apply to the furnishing
6 of anything of pecuniary value by an individual who is a lobbyist or principal to a
7 relative of the individual or an individual who resides in the same household as the
8 individual, nor to the receipt of anything of pecuniary value by that relative or
9 individual residing in the same household as the individual. Subsections (1) (b), (2)
10 and (3) do not apply to the furnishing of anything of pecuniary value, except a
11 campaign contribution, as defined in s. 11.01 (6), by a lobbyist to a relative of the
12 lobbyist or an individual who resides in the same household as the lobbyist, nor to
13 the receipt of any such thing by that relative or individual residing in the same
14 household as the individual.

15 **SECTION 112.** 15.07 (1) (a) 2. of the statutes is repealed.

16 **SECTION 113.** 15.07 (3) (a) of the statutes is amended to read:

17 15.07 (3) (a) If a department or independent agency is under the direction and
18 supervision of a board, the board shall meet quarterly and at other times required
19 by law, and may meet at other times on the call of the chairperson or a majority of
20 its members. If a department or independent agency is under the direction and
21 supervision of a board, the board shall, in addition, meet no later than August 31 of
22 each even-numbered year to consider and approve a proposed budget of the
23 department or independent agency for the succeeding fiscal biennium.

24 **SECTION 114.** 15.61 of the statutes is amended to read:

1 **15.61 Elections board; creation.** There is created an elections board
2 consisting of persons who shall be 6 members appointed by the governor for 2-year
3 6-year terms as follows: one member selected by the governor; one member each
4 designated by the chief justice of the supreme court, the speaker of the assembly, the
5 senate majority leader, the minority leader in each house of the legislature, and the
6 chief officer of each political party qualifying for a separate ballot under s. 5.62 (1)
7 (b) or (2) whose candidate for governor received at least 10% of the vote in the most
8 recent gubernatorial election. No member may hold any other office or employment
9 in the government of this state or any political subdivision thereof or in any
10 department. No member, for one year immediately prior to the date of appointment,
11 may have been, or while serving on the board may become, a member of a political
12 party, an officer or member of a committee in any partisan political club or
13 organization or a candidate for any partisan elective public office.

14 **SECTION 115.** 19.42 (10) (a) of the statutes is repealed.

15 **SECTION 116.** 20.510 (1) (d) of the statutes is created to read:

16 20.510 (1) (d) *Election campaign fund supplement.* A sum sufficient to
17 supplement the Wisconsin election campaign fund for the purpose of enabling all
18 eligible candidates and political party committees to receive the maximum grant for
19 which the candidates and committees qualify under s. 11.50 (9), to be transferred to
20 the Wisconsin election campaign fund no later than the time required to enable
21 timely payments to be made under s. 11.50 (5).

22 **SECTION 117.** 20.510 (1) (i) of the statutes is created to read:

23 20.510 (1) (i) *Electronic filing software.* All moneys received from registrants
24 who purchase software to be utilized for electronic filing of campaign finance reports
25 under s. 11.21 (16), for the purpose of providing that software.

1 **SECTION 118.** 20.510 (1) (q) of the statutes is amended to read:

2 20.510 (1) (q) *Wisconsin election campaign fund.* As a continuing
3 appropriation, from the Wisconsin election campaign fund, the moneys determined
4 under s. 11.50 to provide for payments to eligible candidates and political party
5 committees whose names are certified under s. 7.08 (2) (c), (cm) and (cn) and to
6 provide for public information as authorized under s. 11.50 (2m).

7 **SECTION 119.** 20.923 (6) (h) of the statutes is amended to read:

8 20.923 (6) (h) Legislature: policy research personnel, assistants to legislators,
9 research staff assigned to legislative committees ~~and party caucuses~~ and other
10 persons employed under s. 13.20.

11 **SECTION 120.** 25.42 of the statutes is amended to read:

12 **25.42 Wisconsin election campaign fund.** All moneys appropriated under
13 ~~s. ss.~~ 20.510 (1) (d) and 20.855 (4) (b) together with all moneys deposited under ss.
14 8.35 (4) (a), 11.07 (5), 11.12 (2), 11.16 (2), 11.19 (1), (1m) and (6), 11.23 (2) and 11.38
15 (6), all moneys reverting to the state under s. 11.50 (8) and all gifts, bequests and
16 devises received under s. 11.50 (13) constitute the Wisconsin election campaign fund,
17 to be expended for the purposes of s. 11.50. All moneys in the fund not disbursed by
18 the state treasurer shall continue to accumulate indefinitely.

19 **SECTION 121.** 70.11 (intro.) of the statutes is amended to read:

20 **70.11 Property exempted from taxation.** (intro.) The property described
21 in this section is exempted from general property taxes; except that, if the owner of
22 the property, either by itself or by means of an affiliate or agent, violates s. 11.095,
23 that property is taxable for 10 years beginning on the January 1 after the violation.
24 Leasing a part of the property described in this section does not render it taxable if
25 the lessor uses all of the leasehold income for maintenance of the leased property,

1 construction debt retirement of the leased property or both and if the lessee would
2 be exempt from taxation under this chapter if it owned the property. Any lessor who
3 claims that leased property is exempt from taxation under this chapter shall, upon
4 request by the tax assessor, provide records relating to the lessor's use of the income
5 from the leased property. Property exempted from general property taxes is:

6 **SECTION 122.** 71.05 (6) (a) 20. of the statutes is created to read:

7 71.05 (6) (a) 20. Any amount deducted under section 162 (e) (1) of the Internal
8 Revenue Code because of the exception contained in section 162 (e) (5) of the Internal
9 Revenue Code.

10 **SECTION 123.** 71.07 (5) (a) 8. of the statutes is created to read:

11 71.07 (5) (a) 8. Expenses under section 162 (e) (1) of the Internal Revenue Code
12 that are deductible because of the exception contained in section 162 (e) (5) of the
13 Internal Revenue Code.

14 **SECTION 124.** 71.10 (3) (a) of the statutes is amended to read:

15 71.10 (3) (a) Every individual filing an income tax return who has a tax liability
16 or is entitled to a tax refund may designate \$1 \$5 for the Wisconsin election campaign
17 fund for the use of eligible candidates and political party committees under s. 11.50.
18 If the individuals filing a joint return have a tax liability or are entitled to a tax
19 refund, each individual may make a designation of \$1 \$5 under this subsection.

20 **SECTION 125.** 71.26 (1) (intro.) of the statutes is amended to read:

21 71.26 (1) EXEMPT AND EXCLUDABLE INCOME. (intro.) ~~There~~ Except as provided
22 in sub. (1g), there shall be exempt from taxation under this subchapter income as
23 follows:

24 **SECTION 126.** 71.26 (1) (a) of the statutes is amended to read:

1 71.26 (1) (a) *Certain corporations.* Income of corporations organized under ch.
2 185, except income of a cooperative sickness care association organized under s.
3 185.981, or of a service insurance corporation organized under ch. 613, that is derived
4 from a health maintenance organization as defined in s. 609.01 (2) or a limited
5 service health organization as defined in s. 609.01 (3), or operating under subch. I
6 of ch. 616 which are bona fide cooperatives operated without pecuniary profit to any
7 shareholder or member, or operated on a cooperative plan pursuant to which they
8 determine and distribute their proceeds in substantial compliance with s. 185.45,
9 and the income, except the unrelated business taxable income as defined in section
10 512 of the internal revenue code and except income that is derived from a health
11 maintenance organization as defined in s. 609.01 (2) or a limited service health
12 organization as defined in s. 609.01 (3), of all religious, scientific, educational,
13 benevolent or other corporations or associations of individuals not organized or
14 conducted for pecuniary profit. In computing unrelated business taxable income for
15 the purposes of this paragraph, the expenses that are deductible under section 162
16 (e) (1) of the Internal Revenue Code because of the exception contained in section 162
17 (e) (5) of the Internal Revenue Code may not be deducted. This paragraph does not
18 apply to the income of savings banks, mutual loan corporations or savings and loan
19 associations. This paragraph applies to the income of credit unions except to the
20 income of any credit union that is derived from public deposits for any taxable year
21 in which the credit union is approved as a public depository under ch. 34 and acts as
22 a depository of state or local funds under s. 186.113 (20). For purposes of this
23 paragraph, the income of a credit union that is derived from public deposits is the
24 product of the credit union's gross annual income for the taxable year multiplied by
25 a fraction, the numerator of which is the average monthly balance of public deposits

1 in the credit union during the taxable year, and the denominator of which is the
2 average monthly balance of all deposits in the credit union during the taxable year.

3 **SECTION 127.** 71.26 (1g) of the statutes is created to read:

4 71.26 **(1g)** LOSS OF EXEMPTION. If any corporation that is exempt under sub. (1),
5 either by itself or by means of an affiliate or agent, violates s. 11.095, that
6 corporation's exemption is revoked for ten taxable years, beginning with the taxable
7 year during which the violation occurs.

8 **SECTION 128.** 71.26 (2) (b) 1g. of the statutes is created to read:

9 71.26 **(2)** (b) 1g. In computing the net income under this paragraph of a
10 corporation, conduit or common law trust that qualifies as a regulated investment
11 company, real estate mortgage investment conduit or real estate investment trust,
12 expenses that are deductible under section 162 (e) (1) of the Internal Revenue Code
13 because of the exception contained in section 162 (e) (5) of the Internal Revenue Code
14 may not be deducted.

15 **SECTION 129.** 71.26 (3) (e) 4. of the statutes is created to read:

16 71.26 **(3)** (e) 4. So that expenses that are deductible under section 162 (e) (1)
17 of the Internal Revenue Code because of the exception contained in section 162 (e)
18 (5) of the Internal Revenue Code may not be deducted.

19 **SECTION 130.** 71.34 (1) (ad) of the statutes is created to read:

20 71.34 **(1)** (ad) The expenses that are deductible under section 162 (e) (1) of the
21 Internal Revenue Code because of the exception contained in section 162 (e) (5) of the
22 Internal Revenue Code may not be deducted.

23 **SECTION 131.** 71.45 (1) of the statutes is amended to read:

24 71.45 **(1)** EXEMPT AND EXCLUDABLE INCOME. ~~There~~ Except as provided in sub.
25 (1g), there shall be exempt from taxation under this subchapter income of insurers

1 exempt from federal income taxation pursuant to section 501 (c) (15) of the internal
2 revenue code, town mutuals organized under or subject to ch. 612, foreign insurers,
3 and domestic insurers engaged exclusively in life insurance business, domestic
4 insurers insuring against financial loss by reason of nonpayment of principal,
5 interest and other sums agreed to be paid under the terms of any note or bond or other
6 evidence of indebtedness secured by a mortgage, deed of trust or other instrument
7 constituting a lien or charge on real estate and corporations organized under ch. 185,
8 but not including income of cooperative sickness care associations organized under
9 s. 185.981, or of a service insurance corporation organized under ch. 613, that is
10 derived from a health maintenance organization as defined in s. 609.01 (2) or a
11 limited service health organization as defined in s. 609.01 (3), or operating under
12 subch. I of ch. 616 which are bona fide cooperatives operated without pecuniary profit
13 to any shareholder or member, or operated on a cooperative plan pursuant to which
14 they determine and distribute their proceeds in substantial compliance with s.
15 185.45.

16 **SECTION 132.** 71.45 (1g) of the statutes is created to read:

17 71.45 (1g) LOSS OF EXEMPTION. If any insurer that is exempt under sub. (1),
18 either by itself or by means of an affiliate or agent, violates s. 11.095, that insurer's
19 exemption is revoked for 10 taxable years, beginning with the taxable year during
20 which the violation occurs.

21 **SECTION 133.** 71.45 (2) (a) 15. of the statutes is created to read:

22 71.45 (2) (a) 15. By adding to federal taxable income the amount of any
23 expenses that are deductible under section 162 (e) (1) of the Internal Revenue Code
24 because of the exception contained in section 162 (e) (5) of the Internal Revenue Code.

25 **SECTION 134.** 230.08 (2) (f) of the statutes is amended to read:

1 230.08 (2) (f) All legislative officers and, in addition, policy research personnel,
2 assistants to legislators, research staff assigned to legislative committees and party
3 caucuses and other persons employed under s. 13.20.

4 **SECTION 135.** 806.04 (11m) of the statutes is created to read:

5 806.04 (11m) CAMPAIGN FINANCE REGISTRATION. Any person who proposes to
6 publish, disseminate or broadcast, or cause to be published, disseminated or
7 broadcast any communication, or who proposes to retain any person to engage in
8 persuasive telephoning, as defined in s. 11.095 (1) (a), may commence a proceeding
9 under this section to determine the application to that person of a registration
10 requirement under s. 11.05 (1), (2) or (2g).

11 **SECTION 136. Nonstatutory provisions.**

12 (1) INITIAL TERMS OF OFFICE. The members of the elections board who are serving
13 on the effective date of this subsection may continue to hold office until all members
14 of the elections board who are initially appointed under this act are nominated by the
15 governor and with the advice and consent of the senate appointed and qualified, at
16 which time the members who are serving on the effective date of this subsection shall
17 cease to hold office. Notwithstanding section 15.61 of the statutes, as affected by this
18 act, of the members of the elections board who are initially appointed under this act,
19 the governor shall designate 2 members to serve for terms expiring on May 1, 1999,
20 2 members to serve for terms expiring on May 1, 2001, and 2 members to serve for
21 terms expiring on May 1, 2003.

22 (2) ELIMINATION OF PARTISAN CAUCUS STAFFS.

23 (a) The authorized FTE positions for the assembly, funded from the
24 appropriation under section 20.765 (1) (a) of the statutes, are decreased by 30.0 GPR
25 positions on July 1, 1998, to eliminate staffing of party caucuses.

1 (b) The authorized FTE positions for the senate, funded from the appropriation
2 under section 20.765 (1) (b) of the statutes, are decreased by 24.0 GPR positions on
3 July 1, 1998, to eliminate staffing of party caucuses.

4 **SECTION 137. Initial applicability.**

5 (1) Except as provided in subsections (2) to (4), this act first applies to elections
6 held on January 1, 1998, or the day after publication, whichever is later.

7 (2) The treatment of sections 11.21 (16) and 20.510 (1) (i) of the statutes first
8 applies with respect to campaign finance reports that are required to be filed after
9 June 30, 1999.

10 (3) The treatment of sections 11.50 (2m), 71.05 (6) (a) 20., 71.07 (5) (a) 8., 71.10
11 (3) (a), 71.26 (1) (a), (2) (b) 1g. and (3) (e) 4., 71.34 (1) (ad) and 71.45 (2) (a) 15. of the
12 statutes first applies to tax returns for taxable years beginning on the January 1
13 following the effective date of this subsection.

14 (4) The treatment of section 11.31 (9) of the statutes first applies to adjustment
15 of disbursement limitations for the biennium beginning on January 1, 1999.

16 **SECTION 138. Effective dates.** This act takes effect on the day after
17 publication, except as follows:

18 (1) The treatment of section 11.20 (10) (a) of the statutes takes effect on July
19 1, 1998.

20 (2) The treatment of sections 13.14 (3), 13.20 (1), 20.923 (6) (h) and 230.08 (2)
21 (f) of the statutes takes effect on July 1, 1998.

22 (3) The treatment of section 20.510 (1) (d) of the statutes takes effect on
23 January 1, 1999.

24 (END)