



State of Wisconsin
2001 - 2002 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 2001 SENATE BILL 2**

March 7, 2001 – Offered by Representatives KRUG, BLACK, BOCK, HEBL, POCAN and MILLER.

1 **AN ACT to repeal** 11.06 (3) (b); **to amend** 11.06 (1) (intro.), 11.06 (2), 11.12 (4) and
2 11.61 (1) (a) to (c); and **to create** 11.01 (13) and (20), 11.01 (16) (a) 3., 11.24 (1v),
3 11.60 (3s) and 11.61 (1) (d) of the statutes; **relating to:** acceptance of
4 contributions, the scope of regulation and reporting of information by
5 nonresident registrants under the campaign finance law, making an
6 appropriation, and providing a penalty.

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

7 **SECTION 1.** 11.01 (13) and (20) of the statutes are created to read:
8 11.01 (13) “Mass mailing” means the distribution of 50 or more pieces of
9 substantially identical material.
10 (20) “Telephone bank operator” means any person who places or directs the
11 placement of 50 or more substantially identical telephone calls to individuals.

1 **SECTION 2.** 11.01 (16) (a) 3. of the statutes is created to read:

2 11.01 **(16)** (a) 3. A communication that is made by means of one or more
3 communications media or a mass mailing, or through a telephone bank operator,
4 other than a communication that is exempt from reporting under s. 11.29, that is
5 made during the period beginning on the 60th day preceding an election and ending
6 on the date of that election and that includes a name or likeness of a candidate whose
7 name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot at that
8 election or the name of an office to be filled at that election.

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

10 11.06 **(1)** CONTENTS OF REPORT. (intro.) Except as provided in subs. (2),~~(3)~~ and
11 (3m) and ss. 11.05 (2r) and 11.19 (2), each registrant under s. 11.05 shall make full
12 reports, upon a form prescribed by the board and signed by the appropriate
13 individual under sub. (5), of all contributions received, contributions or
14 disbursements made, and obligations incurred. Each report shall contain the
15 following information, covering the period since the last date covered on the previous
16 report, unless otherwise provided:

17 **SECTION 4.** 11.06 (2) of the statutes is amended to read:

18 11.06 **(2)** DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding
19 sub. (1), if a disbursement is made or obligation incurred by an individual other than
20 a candidate or by a committee or group which is not primarily organized for political
21 purposes, and the disbursement does not constitute a contribution to any candidate
22 or other individual, committee or group, the disbursement or obligation is required
23 to be reported only if the purpose is to expressly advocate the election or defeat of a
24 clearly identified candidate or the adoption or rejection of a referendum or if the
25 disbursement is made or the obligation incurred to make a communication that is

1 specified in s. 11.01 (16) (a) 3. The exemption provided by this subsection shall in no
2 case be construed to apply to a political party, legislative campaign, personal
3 campaign or support committee.

4 **SECTION 5.** 11.06 (3) (b) of the statutes is repealed.

5 **SECTION 6.** 11.12 (4) of the statutes is amended to read:

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

10 **SECTION 7.** 11.24 (1v) of the statutes is created to read:

11 11.24 (1v) No registrant may accept any contribution made by a committee or
12 group that does not maintain an office or street address within this state at the time
13 that the contribution is made unless that committee or group is registered with the
14 federal election commission under 2 USC 433 (a).

15 **SECTION 8.** 11.60 (3s) of the statutes is created to read:

16 11.60 (3s) Notwithstanding sub. (1), if any person, including any committee,
17 group, or corporation, fails to register or to report a contribution, disbursement, or
18 incurred obligation, makes an unlawful contribution or disbursement, or incurs an
19 unlawful obligation, and the violation results from a communication made for a
20 political purpose described under s. 11.01 (16) (a) 3. but not from an act for a political
21 purpose described under any other provision of s. 11.01 (16), the person may be
22 required to forfeit not more than 3 times the amount or value of the contribution,
23 disbursement, or incurred obligation.

24 **SECTION 9.** 11.61 (1) (a) to (c) of the statutes are amended to read:

1 11.61 (1) (a) ~~Whoever~~ Except as provided in par. (d), whoever intentionally
2 violates s. 11.05 (1), (2), (2g) or (2r), 11.07 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or
3 11.24 (1) may be fined not more than \$10,000 or imprisoned for not more than 4 years
4 and 6 months or both.

5 (b) ~~Whoever~~ Except as provided in par. (d), whoever intentionally violates s.
6 11.25, 11.26, 11.27 (1), 11.30 (1) or 11.38 where the intentional violation does not
7 involve a specific figure, or where the intentional violation concerns a figure which
8 exceeds \$100 in amount or value may be fined not more than \$10,000 or imprisoned
9 for not more than 4 years and 6 months or both.

10 (c) ~~Whoever~~ Except as provided in par. (d), whoever intentionally violates any
11 provision of this chapter other than those provided in par. (a) and whoever
12 intentionally violates any provision under par. (b) where the intentional violation
13 concerns a specific figure which does not exceed \$100 in amount or value may be fined
14 not more than \$1,000 or imprisoned not more than 6 months or both.

15 **SECTION 10.** 11.61 (1) (d) of the statutes is created to read:

16 11.61 (1) (d) Paragraphs (a) to (c) do not apply to any violation that is
17 punishable under s. 11.60 (3s).

18 **SECTION 11. Appropriation changes.**

19 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
20 to the elections board under section 20.510 (1) (a) of the statutes, as affected by the
21 acts of 2001, the dollar amount is increased by \$67,400 for fiscal year 2001-02 and
22 the dollar amount is increased by \$67,400 for fiscal year 2002-03 to increase the
23 authorized FTE positions for the elections board by 1.0 GPR position and to provide
24 for supporting expenses and to provide for limited term staffing needs for the purpose
25 of implementing this act.

