



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1534/1
JTK&RMJ:wlj:jf

2001 SENATE BILL 104

March 22, 2001 - Introduced by Senators ELLIS, SCHULTZ, HUELSMAN and ROSENZWEIG. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

1 **AN ACT to repeal** 11.01 (12s), 11.05 (3) (o), 11.26 (9) (c), 11.265, 11.31 (1) (b), 11.31
2 (2m), 11.31 (3), 11.31 (3m), 11.31 (4), 11.50 (2) (i), 11.50 (3), 11.50 (6), 20.855 (4)
3 (b) and 71.10 (3); **to renumber and amend** 11.12 (6), 11.26 (9) (a), 11.26 (10),
4 11.50 (2) (b) 5. and 11.50 (9); **to amend** 5.02 (13), 5.02 (18), 7.08 (2) (c) and (cm),
5 8.35 (4) (b), 10.02 (3) (b) 2m., 11.01 (5m), 11.05 (3) (c), 11.05 (9) (b), 11.06 (2),
6 11.06 (7m) (a), 11.06 (7m) (c), 11.09 (3), 11.12 (5), 11.16 (5), 11.20 (2m), 11.20 (3)
7 (d), 11.20 (3) (g), 11.20 (8) (intro.), 11.20 (12), 11.21 (15), 11.26 (1) (intro.), 11.26
8 (1) (a), (b) and (c), 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (4), 11.26 (8), 11.26 (9)
9 (b), 11.26 (13), 11.26 (17) (a), 11.31 (1) (a), 11.31 (1) (c) and (d), 11.31 (1) (e) and
10 (f), 11.31 (2), 11.31 (7) (a), 11.50 (title), 11.50 (1) (b), 11.50 (2) (a), 11.50 (2) (b)
11 (intro.), 11.50 (2) (g), 11.50 (5), 11.50 (9) (title), 11.50 (11) (e), 11.61 (1) (a), 11.61
12 (1) (b), 11.61 (1) (c), 14.58 (20), 20.510 (1) (q), 25.17 (1) (ys) and 25.42; **to repeal**
13 **and recreate** 11.50 (4); and **to create** 11.01 (16) (a) 3., 11.05 (3) (d), 11.12 (6)
14 (b) to (e), 11.12 (7) (a), 11.12 (7) (b), 11.12 (7) (c), 11.12 (7) (d), 11.20 (2e), 11.20

SENATE BILL 104

1 (2s), 11.20 (2t), 11.20 (8) (ak) and (aL), 11.20 (8) (am), 11.20 (8) (an), 11.24 (1t),
2 11.24 (1w), 11.26 (1m), 11.26 (9) (a) 1. to 5., 11.26 (9) (aa), 11.26 (9) (am), 11.26
3 (10) (b), 11.26 (10a), 11.31 (3p), 11.31 (6) (c), 11.31 (9), 11.50 (2) (b) 5. a. to e.,
4 11.50 (2) (bm), 11.50 (9) (a) 1. to 5., 11.50 (9) (b), 11.50 (9) (ba), 11.50 (9) (bb),
5 11.50 (9) (bc), 11.50 (9a), 11.60 (3s) and (3t), 11.61 (1) (d), 11.62 and 20.855 (4)
6 (bb) of the statutes; **relating to:** campaign financing, providing exemptions
7 from emergency rule procedures, granting rule-making authority, making
8 appropriations and providing penalties.

Analysis by the Legislative Reference Bureau

This bill makes numerous changes in the campaign finance law. Significant changes include:

Filing of campaign finance reports

Currently, a committee making contributions or a candidate or other individual or committee accepting contributions, making disbursements (expenditures), or incurring obligations in support of or opposition to a candidate is generally required to file a report no later than the eighth day before a primary or election at which the candidate seeks nomination or election to office. The report must disclose contributions made or accepted, disbursements made, and obligations incurred through the 14th day prior to the primary or election.

Currently, if a candidate for state office receives one or more contributions from a single contributor aggregating \$500 or more during the 14-day period preceding an election, the candidate must report to the elections board the information currently required to be disclosed pertaining to contributions received by the candidate no later than 24 hours following receipt of any such contribution or contributions.

Currently, if an individual or organization receives a political contribution consisting of money and transfers the contribution to another individual or organization without exercising discretion as to the amount to be transferred and the individual to whom or the organization to which the transfer is to be made, the contribution is considered to be made by the original contributor for purposes of reporting by the ultimate recipient. The contribution is also treated as an individual contribution for purposes of determining compliance with contribution limitations and qualifying contributions for public grants. The individual or organization making the transfer is called a “conduit” under the law. A conduit must identify itself to the ultimate recipient as a conduit and provide to that recipient the information about the contribution that is necessary for the recipient to file its campaign finance reports.

SENATE BILL 104

This bill requires each conduit that has accepted or intends to accept any contribution to be transferred to a candidate for a major state office (governor, lieutenant governor, attorney general, secretary of state, state treasurer, state superintendent of public instruction, justice of the supreme court, state senator, or representative to the assembly) at the general election or a special election to report to the elections board, in the case of the general election, on the 63rd, 42nd, and 21st day prior to that election, and in the case of a special election, on the 21st day prior to that election, specifying the name of each candidate to whom the conduit intends to transfer any contribution during the 21-day period following the date on which the report is due to be filed and the amount to be transferred to that candidate.

The bill similarly requires each special interest (political action) committee, other than a conduit, that intends to receive any contribution, make any disbursement, or incur any obligation to make a disbursement for the purpose of advocating the election or defeat of a candidate for a major state office at the general election or a special election independently of any candidate who is supported or whose opponent is opposed to report to the elections board on the 63rd, 42nd, and 21st day prior to that election, and in the case of a special election, on the 21st day prior to that election, specifying the name of each candidate who is supported or whose opponent is opposed and the total amount of contributions to be received, disbursements to be made, and obligations to be incurred for that purpose during the 21-day period following the date on which the report is due to be filed. The bill requires each special interest committee, other than a conduit, that intends to make any contribution to a candidate for a major state office at the general election or a special election to file similar reports with the elections board specifying the name of each candidate or personal campaign committee to whom the committee intends to make one or more contributions during the 21-day period following the date on which the report is due to be filed.

The bill also requires conduits and special interest committees other than conduits who or which are subject to these special reporting requirements to file additional reports on the 39th and 18th days preceding each general election and the 18th day preceding each special election itemizing actual contributions transferred and received, disbursements made, and obligations incurred during the 21-day periods ending on the 42nd and 21st days preceding the election.

In addition, the bill provides that if a candidate for a major state office at the general or a special election does not enter into an agreement to accept a public grant in return for abiding by disbursement limitations and contribution restrictions, the candidate must report to the elections board all information currently required to be disclosed pertaining to any contributions received by the candidate no later than 24 hours following receipt of any contribution or contributions after that candidate receives total contributions equal to more than the following amounts during his or her campaign, or if the candidate has an opponent whose name is certified to appear on the ballot as a candidate for the party nomination of his or her party in a primary election in that campaign, during the period beginning after the date of that primary election:

SENATE BILL 104

1. For candidates for the offices of governor and lieutenant governor jointly, \$330,000 from all political party committees or \$1,670,000 from all contributors.

2. For a candidate for the office of attorney general, \$65,000 from all political party committees or \$335,000 from all contributors.

3. For a candidate for the office of secretary of state or state treasurer, \$33,000 from all political party committees or \$167,000 from all contributors.

4. For a candidate for the office of justice or state superintendent, \$167,000 from all contributors.

5. For a candidate for the office of state senator, \$20,000 from all political party committees or \$100,000 from all contributors.

6. For a candidate for the office of representative to the assembly, \$10,000 from all political party committees or \$50,000 from all contributors.

Under the bill, these amounts are subject to a biennial cost-of-living adjustment beginning in 2004, in accordance with a formula tied to the "consumer price index" determined by the U.S. department of labor.

The bill also requires each candidate at the general election, and each committee or individual making disbursements or incurring obligations in support of or in opposition to a candidate at the general or a special election, to file an additional report on the tenth day after the election.

Mass media activities

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

With certain exceptions, this bill imposes registration and reporting requirements, in addition, upon any individual who and organization that, within 60 days of an election and by means of a newspaper, periodical, commercial billboard, or radio or television station, makes a communication which includes a reference to a candidate at that election, an office to be filled at that election, or a political party. The bill, however, does not require registration and reporting if the communication is made by a corporation, cooperative, or nonpolitical voluntary association and is limited to the corporation's, cooperative's, or association's members, shareholders, or subscribers.

Disbursement limitations

Under current law, disbursement (expenditure) levels are specified for candidates for various state and local offices. These levels become a binding limitation upon any candidate for state office who accepts a state grant from the Wisconsin election campaign fund or who agrees to be bound by the limitation, unless the candidate is opposed by a major opponent who could have qualified for a grant but who declines to accept one and declines to file an affidavit of voluntary compliance with disbursement and contribution limitations. Under current law, the disbursement limitations apply to a candidate's entire primary and election campaign combined. Additionally, the disbursement levels for candidates for the

SENATE BILL 104

offices of state senator and representative to the assembly are subdivided between the primary and election campaign periods in such a way that only about 60% of the total applicable disbursement level for either office may be allocated by a candidate to either the primary or the election campaign period.

This bill:

1. Eliminates disbursement levels and limitations applicable to candidates for state office, except the offices of court of appeals judge, circuit judge, and district attorney, on or before the date of the primary election for those offices.

2. Revises the current disbursement levels applicable to candidates for the offices shown in the following chart:

<i>Office</i>	<i>Current Level</i>	<i>Proposed Level</i>
Governor	\$1,078,200	[\$2,000,000
Lieutenant governor	323,475	for both offices]
Attorney general	539,000	400,000
Secretary of state	215,625	200,000
State treasurer	215,625	200,000
Supreme court justice	215,625	200,000
State superintendent	215,625	200,000
State senator	34,500	120,000
Representative to the assembly	17,250	60,000

3. Provides that disbursement limitations do not apply until after the date of a primary election for a candidate who has an opponent whose name appears on the ballot as a candidate for the nomination of his or her party at the primary election.

4. Creates a biennial cost-of-living adjustment that causes the statutory disbursement levels to be adjusted biennially, beginning in 2004, in accordance with a formula tied to the "consumer price index" determined by the U.S. department of labor.

5. Deletes current law that permits a candidate who does not accept a grant to continue to bind an opponent to disbursement and contribution limitations by filing an affidavit of voluntary compliance.

6. Deletes current law that makes disbursement limitations inapplicable to a candidate who accepts a grant when the candidate has an opponent who could have qualified for a grant but declines to accept one, and who declines to file an affidavit of voluntary compliance with disbursement and self-contribution limitations. However, the bill increases the disbursement limitation of the candidate who accepts a grant by an amount equal to 1) the amount of any contributions that are received by committees for the purpose of making independent disbursements to oppose that candidate or to support that candidate's opponent; 2) the total amount of contributions that conduits report they have transferred or intend to transfer to opposing candidates; and 3) the total amount of contributions accepted by opposing candidates above the level for which 24-hour reports are required (see below).

SENATE BILL 104***Treatment of legislative campaign committees***

Currently, the adherents of any political party in either house of the legislature may organize a "legislative campaign committee" to support the candidacy of members of their party for legislative office. Committees other than legislative campaign committees and political party committees are generally subject to a limitation upon the contributions that they may make to candidates for legislative office or to political parties. Legislative campaign committees are subject only to overall limitations on the aggregate contributions that may be accepted by a candidate from entities other than individuals.

This bill eliminates the special status of legislative campaign committees, thus treating them in the same manner as other special interest committees for the purpose of contribution limitations.

Contribution limitations

Current law changes limitations on the maximum amount of contributions that may be given to and accepted by a candidate for state or local office from any single individual or committee.

The bill changes the maximum amount that may be given by an individual to a candidate for a major state office per campaign as follows:

<i>Office</i>	<i>Current amount</i>	<i>Proposed amount</i>
Governor, lieutenant governor, secretary of state, state treasurer, attorney general, superintendent of public instruction, justice of the supreme court	\$10,000	\$1,000
State senator	1,000	500
Representative to the assembly	500	250

Also under current law, a candidate who receives a grant may make contributions to his or her own campaign in an amount or value not exceeding 200% of the limitation applicable to other individuals making contributions to his or her campaign. Current law also limits the total contributions that a candidate for state or local office may accept from all political committees, including political party and legislative campaign committees, and from the Wisconsin election campaign fund to 65% of the disbursement level specified for the office that the candidate seeks. The total amount that a candidate may accept from the Wisconsin election campaign fund and from committees *other than* political party and legislative campaign committees is limited to 45% of that disbursement level.

This bill deletes the current aggregate limitations on contributions that may be received from committees and instead imposes an aggregate contribution limitation on the total amount or value of contributions that a candidate who accepts a grant may accept from all committees, including political party committees, during the entire campaign of the candidate, or if the candidate has an opponent for the nomination of his or her party at a primary election, after the date of the primary election, as follows:

SENATE BILL 104

1. For candidates for the offices of governor and lieutenant governor jointly, \$330,000.
2. For a candidate for the office of attorney general, \$65,000.
3. For a candidate for the office of secretary of state, state treasurer, justice, or state superintendent, \$33,000.
4. For a candidate for the office of state senator, \$20,000.
5. For a candidate for the office of representative to the assembly, \$10,000.

The bill also imposes an aggregate contribution limitation on the total amount or value of contributions that a candidate who accepts a grant may accept from all individuals, including contributions by an individual to his or her own campaign, during the entire campaign of the candidate, or if the candidate has an opponent for the nomination of his or her party at a primary election, after the date of the primary election, as follows:

1. For candidates for the offices of governor and lieutenant governor jointly, \$1,000,000.
2. For a candidate for the office of attorney general, \$200,000.
3. For a candidate for the office of secretary of state, state treasurer, state superintendent of public instruction, or justice of the supreme court, \$100,000.
4. For a candidate for the office of state senator, \$60,000.
5. For a candidate for the office of representative to the assembly, \$30,000.

Under the bill, the limitation upon candidates who receive grants making contributions to their own campaigns and the aggregate contribution limitations are subject to a biennial cost-of-living adjustment, beginning in 2004, in accordance with a formula tied to the "consumer price index" determined by the U.S. department of labor.

Other contribution restrictions

This bill prohibits every candidate for a major state office (governor, lieutenant governor, attorney general, secretary of state, state treasurer, superintendent of public instruction, or justice of the supreme court) from accepting any contribution during the period beginning on the tenth day preceding any election other than a primary election and ending on the date of that election.

Wisconsin election campaign fund**I. SOURCES AND USES OF FUNDS**

Under current law, the Wisconsin election campaign fund is financed through an individual income tax "checkoff." Every individual filing a state income tax return who has a tax liability or is entitled to a tax refund may direct that \$1 of general purpose revenue be transferred to the fund. Individuals filing a joint return may separately choose whether to direct that the \$1 transfer be made. All moneys transferred to the fund are placed in accounts for specified state offices, and candidates for those offices at the general or a special election may qualify for grants from the fund to be used for specified campaign expenses. No moneys in the fund may be used for any other purpose. Grants at special elections are funded by reallocating moneys set aside to provide grants to candidates at the general election, to the extent that moneys are available.

SENATE BILL 104

This bill changes the name of the Wisconsin election campaign fund to the "clean government fund." The bill deletes the checkoff procedure and provides, instead, for the necessary revenue to be transferred to the fund from general purpose revenue.

**II. GRANT ELIGIBILITY
REQUIREMENTS AND AMOUNTS**

Under current law, public financing from the Wisconsin election campaign fund is available to eligible candidates for the offices of state senator, representative to the assembly, governor, lieutenant governor, attorney general, state treasurer, secretary of state, justice of the supreme court, and superintendent of public instruction. To receive a grant, a candidate must file an application with the state elections board no later than the deadline for filing nomination papers. Following the primary election or the date on which a primary would be held, if required, the board determines whether a candidate who applies for a grant meets the following eligibility requirements:

1. If the candidate seeks a partisan state office at a general election, the candidate must have received at least 6% of the total votes cast in the primary and won the primary. If the candidate seeks a partisan state office at a special election, the candidate must either: a) appear on the ballot or in the column of a political party whose candidate for the same office at the preceding general election received at least 6% of the vote; or b) receive at least 6% of the votes cast at the special election.

2. The candidate must have an opponent in the election.

3. The candidate must receive, during a specified time period, a specified amount through contributions from individuals of \$100 or less. The contributions may be received by the candidate directly from individuals or may be transferred to the candidate by a conduit. For a candidate for the office of governor, lieutenant governor, secretary of state, state treasurer, attorney general, justice of the supreme court, or superintendent of public instruction, the amount is 5% of the authorized disbursement level for the office that the candidate seeks. For a candidate for the office of state senator or representative to the assembly, the amount is 10% of the authorized disbursement level for the office that the candidate seeks.

Under current law, a candidate for any office who accepts a grant must comply with statutorily prescribed contribution and disbursement limitations, unless one or more of the candidate's opponents who receive at least 6% of the votes cast for all candidates for that office at a partisan primary, if a primary was held, do not accept a grant and do not voluntarily comply with the contribution and disbursement limitations for that office. The maximum grant that a candidate may receive is the amount that, when added to all other contributions accepted from sources other than individuals, political party committees and legislative campaign committees, is equal to 45% of the authorized disbursement level for the office that the candidate seeks, if there are sufficient moneys in the Wisconsin election campaign fund to finance the full amount of grants for which candidates qualify.

This bill requires a candidate for any office who desires to qualify for a grant from the clean government fund to receive contributions from individuals, other than

SENATE BILL 104

contributions transferred by conduits, in amounts of \$100 or less in the following total amounts:

1. For candidates for the offices of governor and lieutenant governor jointly, \$80,400.
2. For a candidate for the office of attorney general, \$16,200.
3. For a candidate for the office of secretary of state, state treasurer, justice of the supreme court, or state superintendent of public instruction, \$8,040.
4. For a candidate for the office of state senator, \$5,000.
5. For a candidate for the office of representative to the assembly, \$2,500.

The bill also requires that the contributions must be received from individuals who are residents of this state and, in the case of a candidate for legislative office, the contributions must be received from individuals who reside in the district in which the candidate seeks office.

In addition, the bill requires a candidate who seeks a grant to agree not to accept any contributions from special interest committees.

The bill revises grant amounts to the following, irrespective of contributions received from other sources:

1. For candidates for the office of governor and lieutenant governor jointly, \$670,000.
2. For a candidate for the office of attorney general, \$135,000.
3. For a candidate for the office of secretary of state, state treasurer, superintendent of public instruction, or justice of the supreme court, \$67,000.
4. For a candidate for the office of state senator, \$40,000.
5. For a candidate for the office of representative to the assembly, \$20,000.

In addition to these amounts, the bill provides that a candidate who accepts a grant shall receive an additional grant in an amount equal to 1) the amount of any contributions that are received by special interest committees for the purpose of making independent disbursements to oppose that candidate or to support that candidate's opponent and the total amount of contributions that those committees report that they intend to make to oppose that candidate or to support that candidate's opponent; 2) the total amount of contributions that conduits report they have transferred or intend to transfer to opposing candidates; and 3) the total amount of contributions accepted by opposing candidates above the level for which 24-hour reports are required.

Under the bill, qualifying amounts and grant amounts are subject to a biennial cost-of-living adjustment, beginning in 2004, in accordance with a formula tied to the "consumer price index" determined by the U.S. department of labor.

Penalties for violations

Currently, violators of the campaign finance law are subject to a forfeiture (civil penalty) of not more than \$500 for each violation, except that violators of contribution limitations are subject to a forfeiture of not more than treble the amount unlawfully contributed. In addition, currently, any person who is delinquent in filing a report is subject to a forfeiture of not more than \$50 or one percent of the annual salary of the office for which a candidate is being supported or opposed, whichever is greater, for each day of delinquency. Currently, any person who makes an unlawful

SENATE BILL 104

contribution is subject to a forfeiture of treble the amount of the unlawful contribution.

Currently, whoever intentionally violates certain provisions of the campaign finance law, such as registration requirements, contribution limitations, the prohibition against making contributions in the name of another person, the prohibition against using contributions for most nonpolitical purposes, and the prohibition against filing false reports and statements may be fined not more than \$1,000 or imprisoned for not more than six months, or both, if the violation does not exceed \$100 in amount or value, and may be fined not more than \$10,000 or imprisoned for not more than four years and six months, or both, if the violation exceeds \$100 in amount or value.

This bill provides that if any candidate or other individual or committee, including a conduit, accepts or transfers a contribution, makes a disbursement, or incurs an obligation to make a disbursement for the purpose of supporting or opposing a candidate for a major state office (governor, lieutenant governor, attorney general, secretary of state, state treasurer, state superintendent of public instruction, or justice of the supreme court) or for the purpose of making certain communications by means of communications media (see above) without first registering and reporting to the extent required under the bill, the offender is subject to a forfeiture (civil penalty) of not more than \$500 for each day of violation. The bill also provides that if any of these individuals or committees accepts or transfers one or more contributions, makes one or more disbursements, or incurs one or more obligations to make disbursements for such a purpose in an amount that is more or less than the amount reported by that individual or committee:

1. By more than 5% but not more than 10%, the individual or committee must forfeit four times the amount of the difference.
2. By more than 10% but not more than 15%, the individual or committee must forfeit six times the amount of the difference.
3. By more than 15%, the individual or committee must forfeit eight times the amount of the difference.

The bill also provides that if the amount of contributions accepted or transferred, disbursements made, or obligations incurred differs from the amount reported by at least 15%, and the violations are of sufficient severity to have affected the result of the election, the elections board, the district attorney for any county where a violation occurs, or any candidate who is adversely affected by the result of the election in connection with which the violation occurred may file suit to have the election nullified and to have a new election ordered for the affected office.

In addition, the bill imposes a new penalty upon any person who, with intent to conceal or deceive, accepts or transfers a contribution, makes a disbursement, or incurs an obligation to make a disbursement for the purpose of supporting or opposing a candidate for a major state office or for the purpose of making certain communications by means of communications media (see above) without registering or reporting to the extent required under the bill, consisting of a fine of not more than \$10,000 or imprisonment for not more than five years, or both (equivalent to a class E felony).

SENATE BILL 104***Nonseverability***

Currently, if any part of an act is found by a court to be invalid, those parts that are valid are severed from the invalid part, and the severed parts continue in force. This bill provides that if any part of the act resulting from enactment of the bill is found by a court to be invalid, then all parts of the act are void.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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

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

2 5.02 (13) "Political party" or "party" means a state committee registered under
3 s. 11.05 organized exclusively for political purposes under whose name candidates
4 appear on a ballot at any election, and all county, congressional, legislative, local and
5 other affiliated committees authorized to operate under the same name. For
6 purposes of ch. 11, the term does not include a legislative campaign committee or a
7 committee filing an oath under s. 11.06 (7).

8 **SECTION 2.** 5.02 (18) of the statutes is amended to read:

9 5.02 (18) "September primary" means the primary held the 2nd Tuesday in
10 September to nominate candidates to be voted for at the general election, and to
11 determine which candidates for state offices other than district attorney may
12 participate in the ~~Wisconsin election campaign~~ clean government fund.

13 **SECTION 3.** 7.08 (2) (c) and (cm) of the statutes are amended to read:

14 7.08 (2) (c) As soon as possible after the canvass of the spring and September
15 primary votes, but no later than the first Tuesday in March and the 4th Tuesday in
16 September, transmit to the state treasurer a certified list of all eligible candidates
17 for state office who have filed applications under s. 11.50 (2) and ~~whom~~ who the board
18 determines ~~to be~~ is eligible to receive payments from the ~~Wisconsin election~~

SENATE BILL 104

1 campaign clean government fund. The board shall also transmit a similar list of
2 candidates who the board determines is eligible to receive a grant under s. 11.50 (9)
3 (b), (ba), (bb), or (bc) within 3 days after any candidate qualifies to receive such a
4 grant. Each list shall contain each candidate's name, the mailing address indicated
5 upon the candidate's registration form, the office for which the individual is a
6 candidate and the party or principle which he or she represents, if any.

7 (cm) As soon as possible after the canvass of a special primary, or the date that
8 the primary would be held, if required, transmit to the state treasurer a certified list
9 of all eligible candidates for state office who have filed applications under s. 11.50 (2)
10 and ~~whom~~ who the board determines ~~to be~~ is eligible to receive a grant from the
11 ~~Wisconsin election campaign~~ clean government fund prior to the election. The board
12 shall also transmit a similar list of candidates, if any, who have filed applications
13 under s. 11.50 (2) and ~~whom~~ who the board determines ~~to be~~ is eligible to receive a
14 grant under s. 11.50 (1) (a) 2. after the special election. ~~The~~ or a grant under s. 11.50
15 (9) (b), (ba), (bb), or (bc) within 3 days after any candidate qualifies to receive such
16 a grant. Each list shall contain each candidate's name, the mailing address indicated
17 upon the candidate's registration form, the office for which the individual is a
18 candidate and the party or principle which he or she represents, if any.

19 **SECTION 4.** 8.35 (4) (b) of the statutes is amended to read:

20 8.35 (4) (b) Notwithstanding par. (a), any unspent and unencumbered moneys
21 received by a candidate from the ~~Wisconsin election campaign~~ clean government
22 fund shall be immediately transferred to any candidate who is appointed to replace
23 such candidate, upon filing of a proper application therefor under s. 11.50 (2). If there
24 is no candidate appointed or if no proper application is filed within 7 days of the date

SENATE BILL 104

1 on which the vacancy occurs, such moneys shall revert to the state as provided in s.
2 11.50 (8).

3 **SECTION 5.** 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 clean government fund, a candidate for state office at the September
11 primary, other than a candidate for district attorney, must receive at least 6% of all
12 votes cast on all ballots for the office for which he or she is a candidate, in addition
13 to other requirements.

14 **SECTION 6.** 11.01 (5m) of the statutes is amended to read:

15 11.01 (5m) "Conduit" means an individual who or ~~an organization~~ a committee
16 which receives a contribution of money and transfers the contribution to another
17 individual or ~~organization~~ committee without exercising discretion as to the amount
18 which is transferred and the individual to whom or ~~organization~~ committee to which
19 the transfer is made.

20 **SECTION 7.** 11.01 (12s) of the statutes is repealed.

21 **SECTION 8.** 11.01 (16) (a) 3. of the statutes is created to read:

22 11.01 (16) (a) 3. A communication that is made by means of one or more
23 communications media, other than a communication that is exempt from reporting
24 under s. 11.29, that is made during the period beginning on the 60th day preceding
25 an election and ending on the date of that election and that includes a reference to

SENATE BILL 104

1 a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on
2 the ballot at that election, a reference to an office to be filled at that election or a
3 reference to a political party.

4 **SECTION 9.** 11.05 (3) (c) of the statutes is amended to read:

5 11.05 (3) (c) In the case of a committee, a statement as to whether the
6 committee is a personal campaign committee, a political party committee, a
7 legislative campaign committee, a support committee or a special interest
8 committee.

9 **SECTION 10.** 11.05 (3) (d) of the statutes is created to read:

10 11.05 (3) (d) An indication of whether the proposed registrant is a conduit.

11 **SECTION 11.** 11.05 (3) (o) of the statutes is repealed.

12 **SECTION 12.** 11.05 (9) (b) of the statutes is amended to read:

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

19 **SECTION 13.** 11.06 (2) of the statutes is amended to read:

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

SENATE BILL 104

1 clearly identified candidate or the adoption or rejection of a referendum or if the
2 disbursement is made or the obligation incurred to make a communication that is
3 specified in s. 11.01 (16) (a) 3. The exemption provided by this subsection shall in no
4 case be construed to apply to a political party, ~~legislative campaign~~, personal
5 campaign or support committee.

6 **SECTION 14.** 11.06 (7m) (a) of the statutes is amended to read:

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

22 **SECTION 15.** 11.06 (7m) (c) of the statutes is amended to read:

23 11.06 (7m) (c) A committee filing an oath under sub. (7) which desires to change
24 its status to a political party committee ~~or legislative campaign committee~~ may do
25 so as of December 31 of any even-numbered year. Section 11.26 does not apply to

SENATE BILL 104

1 contributions received by such a committee prior to the date of the change. Such a
2 committee may change its status at other times only by filing a termination
3 statement under s. 11.19 (1) and reregistering as a newly organized committee under
4 s. 11.05.

5 **SECTION 16.** 11.09 (3) of the statutes is amended to read:

6 11.09 (3) Each registrant whose filing officer is the board, who or which makes
7 disbursements in connection with elections for offices which serve or referenda
8 which affect only one county or portion thereof, except a candidate, personal
9 campaign committee, political party committee or other committee making
10 disbursements in support of or in opposition to a candidate for state senator,
11 representative to the assembly, court of appeals judge or circuit judge, shall file a
12 duplicate original of each financial report filed with the board with the county clerk
13 or board of election commissioners of the county in which the elections in which the
14 registrant participates are held. ~~Such reports~~

15 **(3m)** Each report under this section shall be filed no later than the applicable
16 dates specified under s. 11.20 (2), (2e), (2m), (2s), (2t), and (4) for the filing of each
17 the report with the board.

18 **SECTION 17.** 11.12 (5) of the statutes is amended to read:

19 11.12 (5) If Except as otherwise required under sub. (7), if any contribution or
20 contributions of \$500 or more cumulatively are received by a candidate for state office
21 or by a committee or individual from a single contributor later than 15 days prior to
22 a primary or election such that it is not included in the preprimary or preelection
23 report submitted under s. 11.20 (3), the treasurer of the committee or the individual
24 receiving the contribution shall within 24 hours of receipt inform the appropriate
25 filing officer of the information required under s. 11.06 (1) in such manner as the

SENATE BILL 104

1 board may prescribe. The information shall also be included in the treasurer's or
2 individual's next regular report. For purposes of the reporting requirement under
3 this subsection, only contributions received during the period beginning with the day
4 after the last date covered on the preprimary or preelection report, and ending with
5 the day before the primary or election need be reported.

6 **SECTION 18.** 11.12 (6) of the statutes is renumbered 11.12 (6) (a) and amended
7 to read:

8 11.12 (6) (a) If any an individual or committee makes a disbursement of more
9 than \$20 cumulatively ~~is made~~ to advocate the election or defeat of a clearly
10 identified candidate ~~by an individual or committee~~ later than 15 days prior to a
11 primary or election in which the candidate's name appears on the ballot without
12 cooperation or consultation with a candidate or agent or authorized committee of a
13 candidate who is supported or whose opponent is opposed, and not in concert with
14 or at the request or suggestion of such a candidate, agent, or committee, the
15 individual or treasurer of the committee shall, within 24 hours of after making the
16 disbursement, inform the appropriate filing officer of the information required under
17 s. 11.06 (1) in such manner as the board may prescribe. The information shall also
18 be included in the next regular report of the individual or committee under s. 11.20.
19 For purposes of this ~~subsection~~ paragraph, disbursements cumulate beginning with
20 the day after the last date covered on the preprimary or preelection report and ending
21 with the day before the primary or election. Upon receipt of a report under this
22 ~~subsection~~ paragraph, the filing officer shall, within 24 hours of receipt, mail a copy
23 of the report to all candidates for any office in support of or opposition to one of whom
24 a disbursement identified in the report is made.

25 **SECTION 19.** 11.12 (6) (b) to (e) of the statutes are created to read:

SENATE BILL 104

1 11.12 (6) (b) 1. If any conduit has accepted or intends to accept any contribution
2 to be transferred to a candidate or personal campaign committee of a candidate for
3 a state office specified in s. 11.31 (1) (a) to (d), (e), or (f) at the general or a special
4 election, or to any such candidate who seeks a nomination for such an office at a
5 primary election, the conduit shall report to the board at the times specified in s.
6 11.20 (2s), in such manner as the board may prescribe, the name of each candidate
7 or personal campaign committee to whom the conduit intends to transfer one or more
8 contributions during the 21-day period following the date on which the report is due
9 to be filed and the amount to be transferred to that candidate or committee.

10 2. A conduit who or which is required to file reports under this paragraph shall
11 also report to the board, at the times specified in s. 11.20 (2t), in such manner as the
12 board may prescribe, the name of each candidate or personal campaign committee
13 to whom the conduit transferred one or more contributions during the 21-day period
14 ending on each date specified in s. 11.20 (2t) and the date and amount of that transfer.

15 (c) 1. If any committee identified under s. 11.05 (3) (c) as a special interest
16 committee, other than a conduit, intends to receive any contribution, make any
17 disbursement, or incur any obligation to make a disbursement for the purpose of
18 advocating the election or defeat of a clearly identified candidate for a state office
19 specified in s. 11.31 (1) (a) to (d), (e), or (f) at the general or a special election, or any
20 such candidate who seeks a nomination for such an office at a primary election,
21 without cooperation or consultation with a candidate or agent or authorized
22 committee of a candidate who is supported or whose opponent is opposed, and not in
23 concert with or at the request or suggestion of such a candidate, agent, or committee,
24 the committee shall report to the board at the times specified in s. 11.20 (2s), in such
25 manner as the board may prescribe, the name of each candidate who is supported or

SENATE BILL 104

1 whose opponent is opposed and the total amount of contributions to be received,
2 disbursements to be made, and obligations to be incurred for such a purpose in
3 support or opposition to that candidate during the 21-day period following the date
4 on which the report is due to be filed.

5 2. A committee which is required to file reports under this paragraph shall also
6 report to the board, at the times specified in s. 11.20 (2t), in such manner as the board
7 may prescribe, the amount and date of each contribution received, disbursement
8 made, or obligation incurred for the purpose of advocating the election or defeat of
9 a candidate specified in this paragraph in the manner specified in this paragraph,
10 and the name of the candidate in support of or in opposition to whom the contribution
11 was received, disbursement made, or obligation incurred, during the 21-day period
12 ending on each date specified in s. 11.20 (2t).

13 3. A committee which files a report under this paragraph concerning a
14 disbursement is not required to file a report pertaining to the same disbursement
15 under par. (a).

16 (d) All information reported by a registrant under this subsection shall also be
17 included in the next regular report of the registrant under s. 11.20.

18 (e) 1. If any committee identified under s. 11.05 (3) (c) as a special interest
19 committee, other than a conduit, intends to make one or more contributions to a
20 candidate for a state office specified in s. 11.31 (1) (a) to (d), (e), or (f) at the general
21 or a special election, or to any such candidate who seeks a nomination for such an
22 office at a primary election, or to the personal campaign committee of any such
23 candidate, the committee shall report to the board at the times specified in s. 11.20
24 (2s), in such manner as the board may prescribe, the name of each candidate or
25 personal campaign committee to whom the committee intends to make one or more

SENATE BILL 104

1 contributions during the 21-day period following the date on which the report is due
2 to be filed and the amount or value of the contributions to be made to that candidate
3 or committee.

4 2. A committee who or which is required to file reports under this paragraph
5 shall also report to the board, at the times specified in s. 11.20 (2t), in such manner
6 as the board may prescribe, the name of each candidate or personal campaign
7 committee to whom the committee made one or more contributions during the
8 21-day period ending on each date specified in s. 11.20 (2t) and the date and amount
9 or value of that contribution.

10 **SECTION 20.** 11.12 (7) (a) of the statutes is created to read:

11 11.12 (7) (a) Except as provided in par. (c), if a candidate at the general or a
12 special election for a state office specified in s. 11.31 (1) (a) to (d), (e), or (f) does not
13 accept a grant under s. 11.50, that candidate or the candidate's personal campaign
14 committee shall report to the board the information specified in s. 11.06 (1)
15 pertaining to all contributions received no later than 24 hours after receipt of any
16 contribution, in such manner as the board may prescribe, if the candidate or personal
17 campaign committee receives, during the campaign of that candidate, as defined in
18 s. 11.26 (17), or if the candidate has an opponent whose name is certified to appear
19 on the ballot as a candidate for the party nomination of his or her party in a primary
20 election in that campaign, during the period beginning on the day after the date of
21 the primary election and ending on the date of the election, total contributions that
22 equal more than the following amount or value, as adjusted under par. (d):

23 1. For candidates for the offices of governor and lieutenant governor jointly,
24 \$330,000 from all political party committees or \$1,670,000 from all contributors.

SENATE BILL 104

1 2. For a candidate for the office of attorney general, \$65,000 from all political
2 party committees or \$335,000 from all contributors.

3 3. For a candidate for the office of secretary of state or state treasurer, \$33,000
4 from all political party committees or \$167,000 from all contributors.

5 4. For a candidate for the office of justice or state superintendent, \$167,000
6 from all contributors.

7 5. For a candidate for the office of state senator, \$20,000 from all political party
8 committees or \$100,000 from all contributors.

9 6. For a candidate for the office of representative to the assembly, \$10,000 from
10 all political party committees or \$50,000 from all contributors.

11 **SECTION 21.** 11.12 (7) (b) of the statutes is created to read:

12 11.12 (7) (b) The first report filed by a candidate or personal campaign
13 committee under par. (a) during any campaign shall include the information
14 required under par. (a) for all contributions received since the closing date for the
15 preceding report filed by that candidate or committee as provided in s. 11.20 (8).

16 **SECTION 22.** 11.12 (7) (c) of the statutes is created to read:

17 11.12 (7) (c) For purposes of computing the applicable amount under par. (a),
18 if one of the candidates of a political party for the office of governor or lieutenant
19 governor has an opponent whose name is certified to appear on the ballot as a
20 candidate for the party nomination of his or her party in the September primary
21 election, the contributions received on or before the date of the primary election by
22 the candidate who has an opponent in that election shall be excluded.

23 **SECTION 23.** 11.12 (7) (d) of the statutes is created to read:

SENATE BILL 104

1 11.12 (7) (d) 1. In this paragraph, “consumer price index” means the average
2 of the consumer price index over each 12-month period, all items, U.S. city average,
3 as determined by the bureau of labor statistics of the federal department of labor.

4 2. The dollar amounts of the total contributions under par. (a) shall be subject
5 to a biennial adjustment to be determined by rule of the board in accordance with this
6 subdivision. To determine the adjustment, the board shall calculate the percentage
7 difference between the consumer price index for the 12-month period ending on
8 December 31 of each odd-numbered year and the consumer price index for calendar
9 year 2003. For each biennium, the board shall multiply the amount of each
10 contribution amount under par. (a) by the percentage difference in the consumer
11 price indices. The board shall adjust each amount to substitute that result for the
12 existing amount to the extent required to reflect any difference, rounded to the
13 nearest multiple of \$25. The amount so determined shall then be in effect until a
14 subsequent rule is promulgated under this subdivision. Notwithstanding s. 227.24
15 (1) (a), (2) (b), and (3), determinations under this subdivision may be promulgated
16 as an emergency rule under s. 227.24 without providing evidence that the emergency
17 rule is necessary for the public peace, health, safety, or welfare and without a finding
18 of emergency.

19 **SECTION 24.** 11.16 (5) of the statutes is amended to read:

20 11.16 (5) ESCROW AGREEMENTS. Any personal campaign committee, or political
21 party committee ~~or legislative campaign committee~~ may, pursuant to a written
22 escrow agreement with more than one candidate, solicit contributions for and
23 conduct a joint fund raising effort or program on behalf of more than one named
24 candidate. The agreement shall specify the percentage of the proceeds to be
25 distributed to each candidate by the committee conducting the effort or program.

SENATE BILL 104

1 The committee shall include this information in all solicitations for the effort or
2 program. All contributions received and disbursements made by the committee in
3 connection with the effort or program shall be received and disbursed through a
4 separate depository account under s. 11.14 (1) that is identified in the agreement.
5 For purposes of s. 11.06 (1), the committee conducting the effort or program shall
6 prepare a schedule in the form prescribed by the board supplying all required
7 information under s. 11.06 (1) and items qualifying for exclusion under s. 11.31 (6)
8 for the effort or program, and shall transmit a copy of the schedule to each candidate
9 who receives any of the proceeds within the period prescribed in s. 11.06 (4) (c).

10 **SECTION 25.** 11.20 (2e) of the statutes is created to read:

11 11.20 (2e) Postelection reports under s. 11.06 (1) with respect to an election for
12 a state office specified in s. 11.31 (1) (a) to (d), (e), or (f) shall be received by the board
13 no earlier than 4 days after and no later than 10 days after each general election at
14 which that office is filled.

15 **SECTION 26.** 11.20 (2m) of the statutes is amended to read:

16 11.20 (2m) ~~Election~~ Postelection reports under s. 11.12 with respect to a special
17 election for an office specified in s. 11.31 (1) (a) to (d), (e), or (f) shall be received by
18 the board no earlier than 4 days and no later than 10 days after that election.
19 Postelection reports under s. 11.12 with respect to any other special election shall be
20 received by the appropriate filing officer no earlier than 23 days and no later than
21 30 days after each that special election, unless a continuing report is required to be
22 filed under sub. (4) on or before the 30th day after the special election.

23 **SECTION 27.** 11.20 (2s) of the statutes is created to read:

24 11.20 (2s) A registrant who or which is required to file reports under s. 11.12
25 (6) (b) 1., (c) 1., or (e) 1. with respect to a candidate at the general election shall file

SENATE BILL 104

1 the reports on the 63rd, 42nd, and 21st day prior to that election. A registrant who
2 is required to file reports under s. 11.12 (6) (b) 1., (c) 1., or (e) 1. with respect to a
3 special election shall file a report on the 21st day prior to that election.

4 **SECTION 28.** 11.20 (2t) of the statutes is created to read:

5 11.20 (2t) A registrant who or which is required to file reports under s. 11.12
6 (6) (b) 2., (c) 2., or (e) 2. with respect to a candidate at the general election shall file
7 the reports no later than the 39th and 18th days prior to that election. A registrant
8 who or which is required to file reports under s. 11.12 (6) (b) 2., (c) 2., or (e) 2. with
9 respect to a candidate at a special election shall file the reports no later than the 18th
10 day prior to that election.

11 **SECTION 29.** 11.20 (3) (d) of the statutes is amended to read:

12 11.20 (3) (d) A registered committee or individual other than a candidate or
13 personal campaign committee making or accepting contributions, making
14 disbursements or incurring obligations in support of or in opposition to one or more
15 candidates for office at an election, or supporting or opposing other committees or
16 individuals who are engaging in such activities, shall file a preelection report. A
17 registered committee or individual other than a candidate or personal campaign
18 committee, making or accepting contributions, making disbursements, or incurring
19 obligations in support of or in opposition to one or more candidates for an office
20 specified in s. 11.31 (1) (a) to (d), (e), or (f) at the general election or a special election,
21 or supporting or opposing other committees or individuals who are engaging in such
22 activities, shall file a postelection report.

23 **SECTION 30.** 11.20 (3) (g) of the statutes is amended to read:

24 11.20 (3) (g) A contribution, disbursement or obligation in support of or in
25 opposition to a candidate at an election which is made, accepted or incurred during

SENATE BILL 104

1 the period covered by the preelection report, or by a postelection report following the
2 general election or a special election, is considered to be made, accepted or incurred
3 in support of or in opposition to that candidate at the election, regardless of whether
4 the candidate is opposed at the election.

5 **SECTION 31.** 11.20 (8) (intro.) of the statutes is amended to read:

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

8 **SECTION 32.** 11.20 (8) (ak) and (aL) of the statutes are created to read:

9 11.20 (8) (ak) The day on which the report is due in the case of the report
10 required under s. 11.12 (6) (b) 1., (c) 1., or (e) 1.

11 (aL) The 3rd day prior to the date on which the report is due in the case of the
12 report required under s. 11.12 (6) (b) 2., (c) 2., or (e) 2.

13 **SECTION 33.** 11.20 (8) (am) of the statutes is created to read:

14 11.20 (8) (am) The 3rd day after the election in the case of the postelection
15 report that follows the general election or a special election for an office specified in
16 s. 11.31 (1) (a) to (d), (e), or (f).

17 **SECTION 34.** 11.20 (8) (an) of the statutes is created to read:

18 11.20 (8) (an) The 22nd day after the election in the case of a postelection report
19 that follows a special election for an office other than an office specified in s. 11.31
20 (1) (a) to (d), (e), or (f).

21 **SECTION 35.** 11.20 (12) of the statutes is amended to read:

22 11.20 (12) If a candidate is unopposed in a primary or election, the obligation
23 to file the reports required by this chapter does not cease. Except as provided in ss.
24 11.05 (2r) and 11.19 (2), a registrant who makes or receives no contributions, makes

SENATE BILL 104

1 no disbursements or incurs no obligations shall so report on the applicable dates
2 designated in subs. (2), ~~(2e)~~, ~~(2m)~~, ~~(2t)~~, and (4).

3 **SECTION 36.** 11.21 (15) of the statutes is amended to read:

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

10 **SECTION 37.** 11.24 (1t) of the statutes is created to read:

11 11.24 (1t) No candidate for a state office specified in s. 11.31 (1) (a) to (d), (e),
12 or (f) or personal campaign committee of such a candidate at any election other than
13 a primary election may receive and accept any contribution during the period
14 beginning on the 10th day preceding that election and ending on the date of that
15 election.

16 **SECTION 38.** 11.24 (1w) of the statutes is created to read:

17 11.24 (1w) (a) No candidate or personal campaign committee of a candidate
18 who accepts a grant under s. 11.50 may accept any contribution from a committee
19 identified under s. 11.05 (3) (c) as a special interest committee.

20 (b) No committee identified under s. 11.05 (3) (c) as a special interest committee
21 may intentionally make any contribution to a candidate or personal campaign
22 committee of a candidate who accepts a grant under s. 11.50.

23 **SECTION 39.** 11.26 (1) (intro.) of the statutes is amended to read:

24 11.26 (1) (intro.) No ~~Except as authorized in sub. (10), no~~ individual may make
25 any contribution or contributions to a candidate for election or nomination to any of

SENATE BILL 104

1 the following offices and to any individual or committee under s. 11.06 (7) acting
2 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 40.** 11.26 (1) (a), (b) and (c) of the statutes are amended to read:

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

7 (b) Candidates for state senator, ~~\$1,000~~ \$500.

8 (c) Candidates for representative to the assembly, ~~\$500~~ \$250.

9 **SECTION 41.** 11.26 (1m) of the statutes is created to read:

10 11.26 (1m) (a) Except as provided in par. (b), no individual who is a candidate
11 for state office and who files a sworn statement and application to receive a grant
12 from the clean government fund may receive and accept more than the amount or
13 value of contributions provided in this subsection for the office for which he or she
14 is a candidate during any campaign, or if the individual has an opponent whose name
15 is certified to appear on the ballot as a candidate for the nomination of his or her party
16 in a primary election in that campaign, after the date of the primary election, from
17 all individuals, including contributions from the individual to his or her own
18 campaign. Except as provided in sub. (10a), the amount or value is:

19 1. For candidates for the offices of governor and lieutenant governor jointly,
20 \$1,000,000.

21 2. For a candidate for the office of attorney general, \$200,000.

22 3. For a candidate for the office of secretary of state, state treasurer, state
23 superintendent, or justice, \$100,000.

24 4. For a candidate for the office of state senator, \$60,000.

25 5. For a candidate for the office of representative to the assembly, \$30,000.

SENATE BILL 104

1 (b) For purposes of computing the applicable amount under par. (a), if one of
2 the candidates of a political party for the office of governor or lieutenant governor has
3 an opponent whose name is certified to appear on the ballot as a candidate for the
4 party nomination of his or her party in the September primary election, the
5 contributions received on or before the date of the primary election by the candidate
6 who has an opponent in the election shall be excluded.

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

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

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

15 11.26 (2) (a) Candidates for governor, lieutenant governor, secretary of state,
16 state treasurer, attorney general, state superintendent or justice, 4% of the value of
17 the disbursement level specified in the schedule under s. 11.31 (1), as adjusted under
18 s. 11.31 (9).

19 **SECTION 44.** 11.26 (4) of the statutes is amended to read:

20 11.26 (4) No individual may make any contribution or contributions to all
21 candidates for state and local offices and to any individuals who or committees which
22 are subject to a registration requirement under s. 11.05, including ~~legislative~~
23 ~~campaign committees and committees of a political party~~, to the extent of more than
24 a total of \$10,000 in any calendar year.

25 **SECTION 45.** 11.26 (8) of the statutes is amended to read:

SENATE BILL 104

1 11.26 (8) (a) No political party as defined in s. 5.02 (13) may receive more than
2 a total of \$150,000 in value of its contributions in any biennium from all other
3 committees, excluding ~~contributions from legislative campaign committees and~~
4 transfers between party committees of the party. In this paragraph, a biennium
5 commences with January 1 of each odd-numbered year and ends with December 31
6 of each even-numbered year.

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

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

13 **SECTION 46.** 11.26 (9) (a) of the statutes is renumbered 11.26 (9) (a) (intro.) and
14 amended to read:

15 11.26 (9) (a) (intro.) ~~No~~ Except as provided in par. (aa), no individual who is a
16 candidate for state ~~or local~~ office and who files a sworn statement and application to
17 receive a grant from the clean government fund may receive and accept more than
18 ~~65% of the value of the total disbursement level determined under s. 11.31~~ the
19 amount or value of contributions provided in this subsection for the office for which
20 he or she is a candidate during any ~~primary and election~~ campaign ~~combined,~~ or if
21 the individual has an opponent whose name is certified to appear on the ballot as a
22 candidate for the nomination of his or her party at a primary election, after the date
23 of the primary election in that campaign, from all committees subject to a filing
24 requirement, including political party ~~and legislative campaign~~ committees. Except
25 as provided in sub. (10a), the amount or value of contributions is:

SENATE BILL 104

1 **SECTION 47.** 11.26 (9) (a) 1. to 5. of the statutes are created to read:

2 11.26 **(9)** (a) 1. For candidates for the offices of governor and lieutenant
3 governor jointly, \$330,000.

4 2. For a candidate for the office of attorney general, \$65,000.

5 3. For a candidate for the office of secretary of state, state treasurer, justice, or
6 state superintendent, \$33,000.

7 4. For a candidate for the office of state senator, \$20,000.

8 5. For a candidate for the office of representative to the assembly, \$10,000.

9 **SECTION 48.** 11.26 (9) (aa) of the statutes is created to read:

10 11.26 **(9)** (aa) For purposes of computing the applicable amount under par. (a),
11 if one of the candidates of a political party for the office of governor or lieutenant
12 governor has an opponent whose name is certified to appear on the ballot as a
13 candidate for the party nomination of his or her party in the September primary
14 election, the contributions received on or before the date of the primary election by
15 the candidate who has the opponent in that election shall be excluded.

16 **SECTION 49.** 11.26 (9) (am) of the statutes is created to read:

17 11.26 **(9)** (am) No individual who is a candidate for state or local office, other
18 than an office specified in par. (a), may receive and accept more than 65% of the value
19 of the total disbursement level determined under s. 11.31 (1), as adjusted under s.
20 11.31 (9), for the office for which he or she is a candidate during any primary and
21 election campaign combined from all committees subject to a filing requirement,
22 including political party committees.

23 **SECTION 50.** 11.26 (9) (b) of the statutes is amended to read:

24 11.26 **(9)** (b) No individual who is a candidate for state or local office, other than
25 an office specified in par. (a), may receive and accept more than 45% of the value of

SENATE BILL 104

1 the total disbursement level determined under s. 11.31 (1), as adjusted under s. 11.31
2 (9), for the office for which he or she is a candidate during any primary and election
3 campaign combined from all committees other than political party and legislative
4 campaign committees subject to a filing requirement.

5 **SECTION 51.** 11.26 (9) (c) of the statutes is repealed.

6 **SECTION 52.** 11.26 (10) of the statutes is renumbered 11.26 (10) (a) and
7 amended to read:

8 11.26 (10) (a) ~~No~~ Except as provided in par. (b) and sub. (10a), no candidate for
9 state office who files a sworn statement and application to receive a grant from the
10 ~~Wisconsin election campaign~~ clean government fund may make contributions of
11 more than 200% of the ~~amounts~~ amount or value of the limitation specified in sub.
12 (1) to the candidate's own campaign from the candidate's personal funds or property
13 or the personal funds or property which are owned jointly or as marital property with
14 the candidate's spouse, unless the board determines that the candidate is not eligible
15 to receive a grant, or the candidate withdraws his or her application under s. 11.50
16 (2) (h), ~~or s. 11.50 (2) (i) applies.~~ The limitation prescribed in this subsection applies
17 during any campaign, or if a candidate has an opponent whose name is certified to
18 appear on the ballot as a candidate for the nomination of his or her party at a primary
19 election, after the date of the primary election in that campaign. For purposes of this
20 subsection, any contribution received by a candidate or his or her personal campaign
21 committee from a committee which is registered with the federal elections
22 commission as the authorized committee of the candidate under 2 USC 432 (e) shall
23 be treated as a contribution made by the candidate to his or her own campaign. The
24 contribution limit of sub. (4) applies to amounts contributed by such a candidate
25 personally to the candidate's own campaign and to other campaigns, except that a

SENATE BILL 104

1 candidate may exceed the limitation if authorized under this subsection to contribute
2 more than the amount specified to the candidate's own campaign, up to the amount
3 of the limitation.

4 **SECTION 53.** 11.26 (10) (b) of the statutes is created to read:

5 11.26 (10) (b) For purposes of computing the applicable amount under par. (a),
6 if one of the candidates of a political party for the office of governor or lieutenant
7 governor has an opponent whose name is certified to appear on the ballot as a
8 candidate for the party nomination of his or her party in the September primary
9 election, the contributions received on or before the date of the primary election by
10 the candidate who has an opponent in that election shall be excluded.

11 **SECTION 54.** 11.26 (10a) of the statutes is created to read:

12 11.26 (10a) (a) In this subsection, "consumer price index" means the average
13 of the consumer price index over each 12-month period, all items, U.S. city average,
14 as determined by the bureau of labor statistics of the federal department of labor.

15 (b) The dollar amounts of the limitations under subs. (1m), (9) (a), and (10) (a)
16 shall be subject to a biennial adjustment to be determined by rule of the board in
17 accordance with this subsection. To determine the adjustment, the board shall
18 calculate the percentage difference between the consumer price index for the
19 12-month period ending on December 31 of each odd-numbered year and the
20 consumer price index for calendar year 2003. For each biennium, the board shall
21 multiply the amount of each limitation under subs. (1m), (9) (a), and (10) by the
22 percentage difference in the consumer price indices. The board shall adjust the
23 amount of each limitation to substitute that result for the existing amount to the
24 extent required to reflect any difference, rounded to the nearest multiple of \$25. The
25 amount so determined shall then be in effect until a subsequent rule is promulgated

SENATE BILL 104

1 under this subsection. Notwithstanding s. 227.24 (1) (a), (2) (b), and (3),
2 determinations under this subsection may be promulgated as an emergency rule
3 under s. 227.24 without providing evidence that the emergency rule is necessary for
4 the public peace, health, safety, or welfare and without a finding of emergency.

5 **SECTION 55.** 11.26 (13) of the statutes is amended to read:

6 11.26 (13) ~~Except as provided in sub. (9), contributions~~ Contributions received
7 from the ~~Wisconsin election campaign~~ clean government fund are not subject to
8 limitation by this section.

9 **SECTION 56.** 11.26 (17) (a) of the statutes is amended to read:

10 11.26 (17) (a) For purposes of application of the limitations imposed in subs.
11 (1), (1m), (2), (9), and (10), the “campaign” of a candidate begins and ends at the times
12 specified in this subsection, except as otherwise provided in subs. (1m), (9), and (10).

13 **SECTION 57.** 11.265 of the statutes is repealed.

14 **SECTION 58.** 11.31 (1) (a) of the statutes is amended to read:

15 11.31 (1) (a) Candidates for governor, ~~\$1,078,200~~ and lieutenant governor
16 jointly, \$2,000,000.

17 **SECTION 59.** 11.31 (1) (b) of the statutes is repealed.

18 **SECTION 60.** 11.31 (1) (c) and (d) of the statutes are amended to read:

19 11.31 (1) (c) Candidates for attorney general, ~~\$539,000~~ \$400,000.

20 (d) Candidates for secretary of state, state treasurer, justice, or state
21 superintendent, ~~\$215,625~~ \$200,000.

22 **SECTION 61.** 11.31 (1) (e) and (f) of the statutes are amended to read:

23 11.31 (1) (e) Candidates for state senator, ~~\$34,500 total in the primary and~~
24 ~~election, with disbursements not exceeding \$21,575 for either the primary or the~~
25 ~~election~~ \$120,000.

SENATE BILL 104**SECTION 61**

1 (f) Candidates for representative to the assembly, ~~\$17,250 total in the primary~~
2 ~~and election, with disbursements not exceeding \$10,775 for either the primary or the~~
3 ~~election~~ \$60,000.

4 **SECTION 62.** 11.31 (2) of the statutes is amended to read:

5 11.31 (2) LIMITATION IMPOSED. No candidate for state office at a spring or general
6 election who files a sworn statement and application to receive a grant from the
7 ~~Wisconsin election campaign~~ clean government fund may make or authorize total
8 disbursements from ~~the~~ his or her campaign treasury in any campaign to the extent
9 of more than the amount prescribed in sub. (1), adjusted as provided under sub. (9),
10 unless the board determines that the candidate is not eligible to receive a grant, the
11 candidate withdraws his or her application under s. 11.50 (2) (h), or ~~s. 11.50 (2) (i)~~ sub.
12 (3p) applies. No candidate for state office at a special election who files a sworn
13 statement and application to receive a grant from the ~~Wisconsin election campaign~~
14 clean government fund may make or authorize total disbursements from ~~the~~ his or
15 her campaign treasury in any campaign to the extent of more than the amount
16 prescribed under sub. (1), adjusted as provided under sub. (9), for the preceding
17 spring or general election for the same office, unless the board determines that the
18 candidate is not eligible to receive a grant, the candidate withdraws his or her
19 application under s. 11.50 (2) (h), or ~~s. 11.50 (2) (i)~~ sub. (3p) applies.

20 **SECTION 63.** 11.31 (2m) of the statutes is repealed.

21 **SECTION 64.** 11.31 (3) of the statutes is repealed.

22 **SECTION 65.** 11.31 (3m) of the statutes is repealed.

23 **SECTION 66.** 11.31 (3p) of the statutes is created to read:

24 11.31 (3p) CANDIDATES RECEIVING ADDITIONAL GRANTS; EXCEPTION. If a candidate
25 receives a grant under s. 11.50 (9) (b), (ba), (bb), or (bc), the disbursement limitation

SENATE BILL 104

1 of that candidate for the campaign in which the grant is received is increased by the
2 amount of that grant.

3 **SECTION 67.** 11.31 (4) of the statutes is repealed.

4 **SECTION 68.** 11.31 (6) (c) of the statutes is created to read:

5 11.31 (6) (c) Disbursements which are made or obligated to be made by a
6 candidate of a political party for the office of governor or lieutenant governor who has
7 an opponent whose name is certified to appear on the ballot as a candidate for the
8 party nomination of his or her party in the September primary election and which
9 are made or obligated to be made on or before the date of the primary election are not
10 subject to any disbursement limitation.

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

12 11.31 (7) (a) For purposes of this section, except as provided in par. (e), the
13 “campaign” of a candidate extends from July 1 preceding the date on which the spring
14 primary or election occurs or January 1 preceding the date on which the September
15 primary or general election occurs for the office which the candidate seeks, or from
16 the date of the candidate’s public announcement, whichever is earlier, through the
17 last day of the month following the month in which the election ~~or primary~~ is held
18 for the office which the candidate seeks, except that if a candidate for an office
19 specified in s. 11.31 (1) (a) to (d), (e), or (f) has an opponent whose name is certified
20 to appear on the ballot as a candidate for the nomination of his or her party at a
21 primary election, the campaign of that candidate extends from the day after the date
22 of the primary election through the last day of the month following the month in
23 which the election is held for the office which the candidate seeks.

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

SENATE BILL 104

1 11.31 (9) ADJUSTMENT OF DISBURSEMENT LEVELS. (a) In this subsection,
2 “consumer price index” means the average of the consumer price index over each
3 12-month period, all items, U.S. city average, as determined by the bureau of labor
4 statistics of the federal department of labor.

5 (b) The dollar amounts of all disbursement levels specified in sub. (1) shall be
6 subject to a biennial adjustment to be determined by rule of the board in accordance
7 with this subsection. To determine the adjustment, the board shall calculate the
8 percentage difference between the consumer price index for the 12-month period
9 ending on December 31 of each odd-numbered year and the consumer price index for
10 the base period, calendar year 2003. For each biennium, the board shall multiply
11 that result by the percentage difference in the consumer price indices. The board
12 shall adjust the disbursement levels specified under sub. (1) to substitute that result
13 for the existing levels to the extent required to reflect any difference, rounded to the
14 nearest multiple of \$25 in the case of amounts of \$1 or more, which amounts shall
15 be in effect until a subsequent rule is promulgated under this subsection.
16 Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), determinations under this
17 subsection may be promulgated as an emergency rule under s. 227.24 without
18 providing evidence that the emergency rule is necessary for the public peace, health,
19 safety, or welfare and without a finding of emergency.

20 **SECTION 71.** 11.50 (title) of the statutes is amended to read:

21 **11.50** (title) ~~Wisconsin election campaign~~ **Clean government fund.**

22 **SECTION 72.** 11.50 (1) (b) of the statutes is amended to read:

23 11.50 (1) (b) “Fund” means the ~~Wisconsin election campaign~~ clean government
24 fund.

25 **SECTION 73.** 11.50 (2) (a) of the statutes is amended to read:

SENATE BILL 104

1 11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may
2 file an application with the board requesting approval to participate in the fund. The
3 application shall be filed no later than the applicable deadline for filing nomination
4 papers under s. 8.10 (2) (a), 8.15 (1), 8.20 (8) (a) or 8.50 (3) (a), no later than 4:30 p.m.
5 on the 7th day after the primary or date on which the primary would be held if
6 required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day
7 after appointment in the case of candidates appointed to fill vacancies. The
8 application shall contain a sworn statement that the candidate and his or her
9 authorized agents have complied with the contribution limitations prescribed in s.
10 11.26 and the disbursement limitations prescribed under s. 11.31 (1), as adjusted
11 under s. 11.31 (9), at all times to which such limitations have applied to his or her
12 candidacy and will continue to comply with the limitations at all times to which the
13 limitations apply to his or her candidacy for the office in contest, unless the board
14 determines that the candidate is not eligible to receive a grant, the candidate
15 withdraws his or her application under par. (h), or ~~par. (i)~~ s. 11.31 (3p) applies.

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

17 11.50 (2) (b) (intro.) The Except as provided in par. (bm), the board shall
18 approve the application of an eligible candidate for participation if:

19 **SECTION 75.** 11.50 (2) (b) 5. of the statutes is renumbered 11.50 (2) (b) 5. (intro.)
20 and amended to read:

21 11.50 (2) (b) 5. (intro.) The financial reports filed by or on behalf of the
22 candidate as of the date of the spring or September primary, or the date that the
23 special primary is or would be held, if required, indicate that the candidate has
24 received at least the amount provided in this subdivision, from contributions of
25 money, other than loans, made by individuals who are residents of this state, other

SENATE BILL 104

1 than contributions received through conduits, which have been received during the
2 period ending on the date of the spring primary and July 1 preceding such date in
3 the case of candidates at the spring election, or the date of the September primary
4 and January 1 preceding such date in the case of candidates at the general election,
5 or the date that a special primary will or would be held, if required, and 90 days
6 preceding such date or the date a special election is ordered, whichever is earlier, in
7 the case of special election candidates, which contributions are in the aggregate
8 amount of \$100 or less, and which are fully identified and itemized as to the exact
9 source thereof. ~~A contribution received from a conduit which is identified by the~~
10 ~~conduit as originating from an individual shall be considered a contribution made by~~
11 ~~the individual~~ In the case of a candidate for legislative office, the contributions may
12 only be received from individuals who are residents of the district in which the
13 candidate seeks office. Only the first \$100 of an aggregate contribution of more than
14 \$100 may be counted toward the required percentage. ~~For a candidate at the spring~~
15 ~~or general election for an office identified in s. 11.26 (1) (a) or a candidate at a special~~
16 ~~election, the required amount to qualify for a grant is 5% of the candidate's~~
17 ~~authorized disbursement limitation under s. 11.31.~~ ~~For any other candidate at the~~
18 ~~general election, the required amount to qualify for a grant is 10% of the candidate's~~
19 ~~authorized disbursement limitation under s. 11.31.~~ Except as provided in sub. (9a),
20 the amount of contributions required under this subdivision is:

21 **SECTION 76.** 11.50 (2) (b) 5. a. to e. of the statutes are created to read:

22 11.50 (2) (b) 5. a. For candidates for the offices of governor and lieutenant
23 governor jointly, \$80,400.

24 b. For a candidate for the office of attorney general, \$16,200.

SENATE BILL 104

1 c. For a candidate for the office of secretary of state, state treasurer, justice, or
2 state superintendent, \$8,040.

3 d. For a candidate for the office of state senator, \$5,000.

4 e. For a candidate for the office of representative to the assembly, \$2,500.

5 **SECTION 77.** 11.50 (2) (bm) of the statutes is created to read:

6 11.50 (2) (bm) The board shall not approve the application of an eligible
7 candidate for the office of governor or lieutenant governor of the same political party
8 unless both candidates qualify to receive a grant under this subsection.

9 **SECTION 78.** 11.50 (2) (g) of the statutes is amended to read:

10 11.50 (2) (g) A candidate who voluntarily files an application to receive a grant
11 in accordance with this subsection accepts and agrees to comply with the
12 contribution limitations prescribed in s. 11.26 and the disbursement limitations
13 imposed under s. 11.31 (2), as adjusted under s. 11.31 (9), as binding upon himself
14 or herself and his or her agents during the campaign as defined in s. 11.31 (7), as a
15 precondition to receipt of a grant under this section, unless the board determines
16 that the candidate is not eligible to receive a grant, the candidate withdraws the
17 application under par. (h), or ~~par. (i)~~ s. 11.31 (3p) applies.

18 **SECTION 79.** 11.50 (2) (i) of the statutes is repealed.

19 **SECTION 80.** 11.50 (3) of the statutes is repealed.

20 **SECTION 81.** 11.50 (4) of the statutes is repealed and recreated to read:

21 11.50 (4) AMOUNT OF GRANTS. Except as provided in sub. (9) (b), (ba), (bb), and
22 (bc), each eligible candidate for the same office who qualifies for a grant under this
23 section shall receive an equal amount.

24 **SECTION 82.** 11.50 (5) of the statutes is amended to read:

SENATE BILL 104

1 11.50 (5) TIME OF DISBURSEMENT. The state treasurer shall make the
2 disbursements to the campaign depository account of each eligible candidate under
3 subs. (3) and (4) by the end of the 3rd business day following notice from the board
4 under s. 7.08 (2) (c) or (cm). ~~Eligible candidates for governor and lieutenant governor~~
5 ~~of the same political party may combine accounts if desired, except that the state~~
6 treasurer shall make disbursements for eligible candidates for the office of governor
7 and lieutenant governor jointly to the campaign depository account of the candidate
8 for governor.

9 **SECTION 83.** 11.50 (6) of the statutes is repealed.

10 **SECTION 84.** 11.50 (9) (title) of the statutes is amended to read:

11 11.50 (9) (title) ~~LIMITATION ON~~ AMOUNT OF GRANTS.

12 **SECTION 85.** 11.50 (9) of the statutes is renumbered 11.50 (9) (a) (intro.) and
13 amended to read:

14 11.50 (9) (a) (intro.) ~~The Except as provided in pars. (b), (ba), (bb), and (bc) and~~
15 ~~sub. (9a), the total grant available to an eligible candidate may not exceed that~~
16 ~~amount which, when added to all other contributions accepted from sources other~~
17 ~~than individuals, political party committees and legislative campaign committees,~~
18 ~~is equal to 45% of the disbursement level specified for the applicable office under s.~~
19 ~~11.31. The board shall scrutinize accounts and reports and records kept under this~~
20 ~~chapter to assure that applicable limitations under ss. 11.26 (9) and 11.31 are not~~
21 ~~exceeded and any violation is reported. is:~~

22 (am) No candidate or campaign treasurer may accept grants exceeding the
23 amount authorized by this subsection.

24 **SECTION 86.** 11.50 (9) (a) 1. to 5. of the statutes are created to read:

SENATE BILL 104

1 11.50 (9) (a) 1. For candidates for the office of governor and lieutenant governor
2 jointly, \$670,000.

3 2. For a candidate for the office of attorney general, \$135,000.

4 3. For a candidate for the office of secretary of state, state treasurer,
5 superintendent, or justice, \$67,000.

6 4. For a candidate for the office of state senator, \$40,000.

7 5. For a candidate for the office of representative to the assembly, \$20,000.

8 **SECTION 87.** 11.50 (9) (b) of the statutes is created to read:

9 11.50 (9) (b) If an eligible candidate who accepts a grant is opposed by one or
10 more candidates in a general or special election whose names are certified under s.
11 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot, and if a committee intends to receive
12 or receives any contribution or contributions that are intended to be used or that are
13 used to oppose the election of the eligible candidate who accepts a grant or to support
14 a certified opponent of that candidate without cooperation or consultation with any
15 certified opposing candidate or such a candidate's agent or authorized committee,
16 and not in concert with, or at the request or suggestion of any certified opposing
17 candidate's agent or authorized committee, then the board shall make an additional
18 grant to the eligible candidate who accepts a grant in an amount equal to the total
19 amount of contributions received for the purpose of advocating the election of the
20 certified opposing candidate or for the purpose of opposing the election of the eligible
21 candidate who accepts the grant, as reported by committees under s. 11.12 (6) (c).

22 **SECTION 88.** 11.50 (9) (ba) of the statutes is created to read:

23 11.50 (9) (ba) If an eligible candidate who accepts a grant is opposed by one or
24 more candidates in a general or special election who are required, or whose personal
25 campaign committees are required, to file a report under s. 11.12 (7), then the board

SENATE BILL 104

1 shall make an additional grant to the eligible candidate who accepts a grant in an
2 amount equal to the total amount or value of contributions accepted by the opposing
3 candidate or candidates exceeding the amount specified for the office sought by the
4 candidate or candidates under s. 11.12 (7) (a) for contributions from political party
5 committees or from all contributors, or if both amounts specified in s. 11.12 (7) (a) are
6 exceeded, an amount equal to the excess over both amounts specified, as reported by
7 the opposing candidate under s. 11.12 (7) (a).

8 **SECTION 89.** 11.50 (9) (bb) of the statutes is created to read:

9 11.50 (9) (bb) If any eligible candidate who accepts a grant is opposed by one
10 or more candidates in a general or special election whose names are certified under
11 s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot, and if a conduit has accepted or
12 intends to accept one or more contributions which the conduit has transferred or
13 intends to transfer to the certified opposing candidate and the contributions are
14 required to be reported by the conduit under s. 11.12 (6) (b), then the board shall
15 make an additional grant to the eligible candidate who accepts a grant in an amount
16 equal to the amount or value of contributions accepted by the opposing candidate or
17 candidates, as reported by the conduit under s. 11.12 (6) (b).

18 **SECTION 90.** 11.50 (9) (bc) of the statutes is created to read:

19 11.50 (9) (bc) If any eligible candidate who accepts a grant is opposed by one
20 or more candidates in a general or special election whose names are certified under
21 s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot, and if a committee identified in
22 s. 11.05 (3) (c), other than a conduit, intends to make or makes one or more
23 contributions to the certified opposing candidate and the contributions are required
24 to be reported by the committee under s. 11.12 (6) (e), then the board shall make an
25 additional grant to the eligible candidate who accepts a grant in an amount equal to

SENATE BILL 104

1 the amount or value of contributions intended to be made or made to the opposing
2 candidate or candidates, as reported by the committee under s. 11.12 (6) (e).

3 **SECTION 91.** 11.50 (9a) of the statutes is created to read:

4 11.50 (9a) ADJUSTMENT OF QUALIFYING AND GRANT AMOUNTS. (a) In this
5 subsection, “consumer price index” means the average of the consumer price index
6 over each 12-month period, all items, U.S. city average, as determined by the bureau
7 of labor statistics of the federal department of labor.

8 (b) The dollar amounts of all qualifying amounts specified in sub. (2) (b) 5. and
9 all grant amounts specified in sub. (9) shall be subject to a biennial adjustment to be
10 determined by rule of the board in accordance with this subsection. To determine the
11 adjustment, the board shall calculate the percentage difference between the
12 consumer price index for the 12-month period ending on December 31 of each
13 odd-numbered year and the consumer price index for calendar year 2003. For each
14 biennium, the board shall multiply each qualifying amount and grant amount by the
15 percentage difference in the consumer price indices. The board shall adjust each
16 qualifying amount and grant amount to substitute that result for the existing
17 amount to the extent required to reflect any difference, rounded to the nearest
18 multiple of \$25. The amounts so determined shall then be in effect until a subsequent
19 rule is promulgated under this subsection. Notwithstanding s. 227.24 (1) (a), (2) (b),
20 and (3), determinations under this subsection may be promulgated as an emergency
21 rule under s. 227.24 without providing evidence that the emergency rule is necessary
22 for the public peace, health, safety, or welfare and without a finding of emergency.

23 **SECTION 92.** 11.50 (11) (e) of the statutes is amended to read:

24 11.50 (11) (e) No candidate may expend, authorize the expenditure of or incur
25 any obligation to expend any grant if he or she violates the pledge required under

SENATE BILL 104

1 sub. (2) (a) as a precondition to receipt of a grant, except as authorized in sub. (2) (h)
2 or (i).

3 **SECTION 93.** 11.60 (3s) and (3t) of the statutes are created to read:

4 11.60 **(3s)** Notwithstanding sub. (1), if any candidate or other individual or
5 committee, including a conduit, accepts or transfers a contribution, makes a
6 disbursement, or incurs an obligation to make a disbursement for the purpose of
7 supporting or opposing a candidate for an office specified in s. 11.31 (1) (a) to (d), (e),
8 or (f) or for a purpose specified in s. 11.01 (16) (a) 3. without first registering under
9 s. 11.05 (1), (2), or (2g) to the extent required under s. 11.05 (1), (2), and (2g), or
10 without reporting the information required under s. 11.12 (6) (b), (c), or (e) or (7) or
11 11.20 (3) or (4) with respect to that contribution, disbursement, or obligation, to the
12 extent required under ss. 11.12 (6) (b), (c), and (e) and (7) and 11.20 (3) and (4), the
13 candidate or other individual or committee may be required to forfeit not more than
14 \$500 per day for each day of continued violation.

15 **(3t)** Notwithstanding sub. (1), if any candidate or other individual or
16 committee, including a conduit, accepts or transfers one or more contributions,
17 makes one or more disbursements, or incurs one or more obligations to make
18 disbursements for the purpose of supporting or opposing a candidate for an office
19 specified in s. 11.31 (1) (a) to (d), (e), or (f) or for a purpose specified in s. 11.01 (16)
20 (a) 3. in an amount or value that differs from the amount reported by that individual
21 or committee under s. 11.12 (6) (b), (c), or (e) or (7) or 11.20 (3) or (4):

22 (a) By more than 5% but not more than 10% cumulatively, the candidate or
23 other individual or committee shall forfeit 4 times the amount or value of the
24 difference.

SENATE BILL 104

1 (b) By more than 10% but not more than 15% cumulatively, the candidate or
2 other individual or committee shall forfeit 6 times the amount or value of the
3 difference.

4 (c) By more than 15% cumulatively, the candidate or other individual or
5 committee shall forfeit 8 times the amount of the difference.

6 **SECTION 94.** 11.61 (1) (a) of the statutes is amended to read:

7 11.61 (1) (a) ~~Whoever~~ Except as provided in par. (d), whoever intentionally
8 violates s. 11.05 (1), (2), (2g) or (2r), 11.07 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or
9 11.24 (1) may be fined not more than \$10,000 or imprisoned for not more than 4 years
10 and 6 months or both.

11 **SECTION 95.** 11.61 (1) (b) of the statutes is amended to read:

12 11.61 (1) (b) ~~Whoever~~ Except as provided in par. (d), whoever intentionally
13 violates s. 11.25, 11.26, 11.27 (1), 11.30 (1) or 11.38 where the intentional violation
14 does not involve a specific figure, or where the intentional violation concerns a figure
15 which exceeds \$100 in amount or value may be fined not more than \$10,000 or
16 imprisoned for not more than 4 years and 6 months or both.

17 **SECTION 96.** 11.61 (1) (c) of the statutes is amended to read:

18 11.61 (1) (c) ~~Whoever~~ Except as provided in par. (d), whoever intentionally
19 violates any provision of this chapter other than those provided in par. (a) and
20 whoever intentionally violates any provision under par. (b) where the intentional
21 violation concerns a specific figure which does not exceed \$100 in amount or value
22 may be fined not more than \$1,000 or imprisoned not more than 6 months or both.

23 **SECTION 97.** 11.61 (1) (d) of the statutes is created to read:

24 11.61 (1) (d) Whoever, with intent to conceal or deceive, accepts or transfers a
25 contribution, makes a disbursement, or incurs an obligation to make a disbursement

SENATE BILL 104

1 for the purpose of supporting or opposing a candidate for an office specified in s. 11.31
2 (1) (a) to (d), (e), or (f) or for a purpose specified in s. 11.01 (16) (a) 3. without first
3 registering under s. 11.05 (1), (2), or (2g), to the extent required under s. 11.05 (1),
4 (2), and (2g), or without reporting the information required under s. 11.12 (6) (b), (c),
5 or (e) or (7) or 11.20 (3) or (4) with respect to that contribution, disbursement, or
6 obligation, to the extent required under ss. 11.12 (6) (b), (c), and (e) and (7) and 11.20
7 (3) and (4), may be fined not more than \$10,000 or imprisoned for not more than 5
8 years, or both.

9 **SECTION 98.** 11.62 of the statutes is created to read:

10 **11.62 Nullification of election.** (1) If one or more violations that are
11 punishable under s. 11.60 (3t) (c) are of sufficient severity to have affected the result
12 of an election, the board or the district attorney for any county where such a violation
13 occurs, or any candidate who is adversely affected by the result of the election, may
14 commence a civil action to obtain a judgment nullifying the election, vacating the
15 office filled at the election, and ordering a special election to be held to fill the office
16 vacated by the judgment.

17 (2) Notwithstanding s. 5.05 (1) (c), if a candidate is a party to an action
18 commenced under this section, the action may not be compromised or settled without
19 consent of the candidate. If an action under this section is commenced by the board
20 or a district attorney and any unsuccessful candidate whose name appeared on the
21 ballot at the election is not a party to the action, the board or district attorney shall
22 provide at least 30 days' written notice to each such candidate of any intent of the
23 board or district attorney to compromise and settle the action. Notwithstanding s.
24 5.05 (1) (c), during the 30-day period following service of notice, the board or district
25 attorney shall not compromise and settle the action, and any candidate upon whom

SENATE BILL 104

1 notice is served may intervene in the action. If any such candidate intervenes in the
2 action within the 30-day period following service of notice, the board or district
3 attorney shall not compromise or settle the action. If no nonconsenting candidate
4 who is adversely affected by the result of the election is a party to the action and no
5 such candidate intervenes in the action within the 30-day period following service
6 of notice, the party commencing the action may compromise and settle the action.

7 **SECTION 99.** 14.58 (20) of the statutes is amended to read:

8 14.58 (20) ~~ELECTION CAMPAIGN~~ CLEAN GOVERNMENT FUND. Make disbursements
9 to each candidate certified under s. 7.08 (2) (c) or (cm) by the elections board as
10 eligible to receive moneys from the ~~Wisconsin election campaign~~ clean government
11 fund.

12 **SECTION 100.** 20.510 (1) (q) of the statutes is amended to read:

13 20.510 (1) (q) ~~Wisconsin election campaign~~ Clean government fund. As a
14 continuing appropriation, from the ~~Wisconsin election campaign~~ clean government
15 fund, the moneys amounts determined under s. 11.50 to provide for payments to
16 eligible candidates certified under s. 7.08 (2) (c) and (cm).

17 **SECTION 101.** 20.855 (4) (b) of the statutes is repealed.

18 **SECTION 102.** 20.855 (4) (bb) of the statutes is created to read:

19 20.855 (4) (bb) *Clean government fund supplement*. A sum sufficient equal to
20 the amounts required to make full payment of grants which candidates qualify to
21 receive from the clean government fund, to be transferred from the general fund to
22 the clean government fund no later than the time required to make payments of
23 grants under s. 11.50 (5).

24 **SECTION 103.** 25.17 (1) (ys) of the statutes is amended to read:

25 25.17 (1) (ys) ~~Wisconsin election campaign~~ Clean government fund (s. 25.42);

