



2003 ASSEMBLY BILL 117

March 5, 2003 - Introduced by Representatives FREESE, SUDER, BIES, VRAKAS, HINES, LADWIG, STONE, HUNDERTMARK, KESTELL and ALBERS, cosponsored by Senator SCHULTZ. Referred to Committee on Campaigns and Elections.

1 **AN ACT** *to repeal* 11.01 (12s), 11.05 (3) (o) and 11.265; *to amend* 5.02 (13), 11.05
2 (3) (c), 11.05 (9) (b), 11.06 (2), 11.06 (7m) (a), 11.06 (7m) (c), 11.16 (5), 11.26 (2)
3 (intro.), 11.26 (4), 11.26 (8), 11.26 (9) (a), 11.26 (9) (b) and 11.50 (9); *to repeal*
4 **and recreate** 5.02 (13), 11.01 (4m), 11.05 (3) (c), 11.05 (9) (b), 11.06 (2), 11.06
5 (7m) (a), 11.06 (7m) (c), 11.16 (5), 11.26 (2) (intro.), 11.26 (4), 11.26 (8), 11.26 (9)
6 (a) (intro.), 11.26 (9) (b), 11.26 (10a) and 11.50 (9) (a); *to create* 11.01 (4m), 11.01
7 (11m), 11.26 (8L) and 11.26 (10a) of the statutes; and *to affect* 2001 Wisconsin
8 Act 109, section 9115 (2y) (b); **relating to:** limits on certain contributions made
9 and received by political parties and elimination of legislative campaign
10 committees, providing an exemption from emergency rule procedures and
11 granting rule-making authority.

Analysis by the Legislative Reference Bureau

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

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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 treatment of legislative campaign committees under the statutes, thus causing them to be treated in the same manner as other special interest committees for the purpose of contribution limitations. The bill does not preclude a committee from utilizing any name it wishes.

Currently, a committee may annually contribute up to \$6,000 to a particular political party, a political party may annually accept up to \$6,000 from a particular committee, and a political party may accept up to \$150,000 in contributions from all committees during any biennium.

Under this bill, the limitation on committee contributions to a particular political party, and on the annual amount that a political party may accept from a particular committee, is increased to \$18,000, and the aggregate limitation on contributions that a political party may accept during a biennium from all committees is increased to \$450,000. The bill also creates a biennial cost-of-living adjustment that causes these contribution limitations to be adjusted quadrennially, beginning in 2006, in accordance with a formula tied to the “consumer price index” determined by the U.S. Department of Labor.

This bill prohibits a political party from making contributions exceeding \$10,000 annually to an individual or committee that makes disbursements reportable under current law independently of any candidate, or to an organization that make other expenditures for the purpose of making certain mass communications during the period beginning on the 30th day preceding a primary for an office and ending on the date of the election for that office, or if no primary is held, during the period beginning on the 60th day preceding an election for an office and ending on the date of that election.

Currently, there is no similar provision.

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 and organized exclusively for political purposes under whose name
4 candidates appear on a ballot at any election, and all county, congressional,
5 legislative, local, and other affiliated committees authorized to operate under the

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1 same name. For purposes of ch. 11, the term does not include ~~a legislative campaign~~
2 ~~committee~~ or a committee filing an oath under s. 11.06 (7).

3 **SECTION 2.** 5.02 (13) of the statutes, as affected by 2001 Wisconsin Act 109, is
4 repealed and recreated to read:

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

11 **SECTION 3.** 11.01 (4m) of the statutes is created to read:

12 11.01 (4m) "Communication" means a message transmitted by means of a
13 printed advertisement, billboard, handbill, sample ballot, radio or television
14 advertisement, telephone call, or any medium that may be utilized for the purpose
15 of disseminating or broadcasting a message, but not including a poll conducted solely
16 for the purpose of identifying or collecting data concerning the attitudes or
17 preferences of electors.

18 **SECTION 4.** 11.01 (4m) of the statutes, as created by 2001 Wisconsin Act 109,
19 is repealed and recreated to read:

20 11.01 (4m) "Communication" means a message, other than a communication
21 that is exempt from reporting under s. 11.29, that is transmitted by means of a
22 printed advertisement, billboard, handbill, marked sample ballot, radio or television
23 advertisement, mass electronic communication, mass telephoning, or mass mailing,
24 or any medium that may be utilized for the purpose of disseminating or broadcasting

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1 a message, but not including a poll conducted solely for the purpose of identifying or
2 collecting data concerning the attitudes or preferences of electors.

3 **SECTION 5.** 11.01 (11m) of the statutes is created to read:

4 11.01 (11m) “Independent expenditure” means an expenditure made for the
5 purpose of making a communication that is made during the 30-day period
6 preceding any primary for an office and the date of the election for which that
7 primary is held, or if no primary is held, during the 60-day period preceding an
8 election for an office; that contains a reference to a clearly identified candidate at that
9 election; that is made without cooperation or consultation with such a candidate, or
10 any authorized committee or agent of such a candidate; and that is not made in
11 concert with, or at the request or suggestion of, such a candidate, or any authorized
12 committee or agent of such a candidate.

13 **SECTION 6.** 11.01 (12s) of the statutes is repealed.

14 **SECTION 7.** 11.05 (3) (c) of the statutes is amended to read:

15 11.05 (3) (c) In the case of a committee, a statement as to whether the
16 committee is a personal campaign committee, a political party committee, ~~a~~
17 ~~legislative campaign committee~~, a support committee, or a special interest
18 committee.

19 **SECTION 8.** 11.05 (3) (c) of the statutes, as affected by 2001 Wisconsin Act 109,
20 is repealed and recreated to read:

21 11.05 (3) (c) In the case of a committee, a statement as to whether the
22 committee is a personal campaign committee, a political party committee, a support
23 committee, or a special interest committee.

24 **SECTION 9.** 11.05 (3) (o) of the statutes is repealed.

25 **SECTION 10.** 11.05 (9) (b) of the statutes is amended to read:

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1 11.05 (9) (b) An individual who or a committee or group which receives a
2 contribution of money and transfers the contribution to another individual,
3 committee, or group while acting as a conduit is not subject to registration under this
4 section unless the individual, committee, or group transfers the contribution to a
5 candidate or a personal campaign, ~~legislative campaign~~, political party, or support
6 committee.

7 **SECTION 11.** 11.05 (9) (b) of the statutes, as affected by 2001 Wisconsin Act 109,
8 is repealed and recreated to read:

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

14 **SECTION 12.** 11.06 (2) of the statutes is amended to read:

15 11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding
16 sub. (1), if a disbursement is made or obligation incurred by an individual other than
17 a candidate or by a committee or group which is not primarily organized for political
18 purposes, and the disbursement does not constitute a contribution to any candidate
19 or other individual, committee, or group, the disbursement or obligation is required
20 to be reported only if the purpose is to expressly advocate the election or defeat of a
21 clearly identified candidate or the adoption or rejection of a referendum. The
22 exemption provided by this subsection shall in no case be construed to apply to a
23 political party, ~~legislative campaign~~, personal campaign, or support committee.

24 **SECTION 13.** 11.06 (2) of the statutes, as affected by 2001 Wisconsin Act 109,
25 is repealed and recreated to read:

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1 11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding
2 sub. (1), if a disbursement is made or obligation incurred by an individual other than
3 a candidate, or by a committee or group which is not primarily organized for political
4 purposes, for a purpose other than to make a communication described in s. 11.01
5 (16) (a) 3., and the disbursement does not constitute a contribution to any candidate
6 or other individual, committee or group, the disbursement or obligation is required
7 to be reported only if the purpose is to expressly advocate the election or defeat of a
8 clearly identified candidate or the adoption or rejection of a referendum. The
9 exemption provided by this subsection shall in no case be construed to apply to a
10 political party, personal campaign, or support committee.

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

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

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1 such candidate's opponents exceeding the amounts specified in s. 11.26 (2), except as
2 authorized in par. (c).

3 **SECTION 15.** 11.06 (7m) (a) of the statutes, as affected by 2001 Wisconsin Act
4 109, is repealed and recreated to read:

5 11.06 (7m) (a) If a committee which was registered under s. 11.05 as a political
6 party committee supporting candidates of a political party files an oath under sub.
7 (7) affirming that it does not act in cooperation or consultation with any candidate
8 who is nominated to appear on the party ballot of the party at a general or special
9 election, that the committee does not act in concert with, or at the request or
10 suggestion of, such a candidate, that the committee does not act in cooperation or
11 consultation with such a candidate or agent or authorized committee of such a
12 candidate who benefits from a disbursement made in opposition to another
13 candidate, and that the committee does not act in concert with, or at the request or
14 suggestion of, such a candidate or agent or authorized committee of such a candidate
15 who benefits from a disbursement made in opposition to another candidate, the
16 committee filing the oath may not make any contributions in support of any
17 candidate of the party at the general or special election or in opposition to any such
18 candidate's opponents exceeding the applicable amounts specified in s. 11.26 (2) and
19 (2m), except as authorized in par. (c).

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

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

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1 statement under s. 11.19 (1) and reregistering as a newly organized committee under
2 s. 11.05.

3 **SECTION 17.** 11.06 (7m) (c) of the statutes, as affected by 2001 Wisconsin Act
4 109, is repealed and recreated to read:

5 11.06 **(7m)** (c) A committee filing an oath under sub. (7) which desires to change
6 its status to a political party committee may do so as of December 31 of any
7 even-numbered year. Section 11.26 does not apply to contributions received by such
8 a committee prior to the date of the change. Such a committee may change its status
9 at other times only by filing a termination statement under s. 11.19 (1) and
10 reregistering as a newly organized committee under s. 11.05.

11 **SECTION 18.** 11.16 (5) of the statutes is amended to read:

12 11.16 **(5)** ESCROW AGREEMENTS. Any personal campaign committee, or political
13 party committee ~~or legislative campaign committee~~ may, pursuant to a written
14 escrow agreement with more than one candidate, solicit contributions for and
15 conduct a joint fund raising effort or program on behalf of more than one named
16 candidate. The agreement shall specify the percentage of the proceeds to be
17 distributed to each candidate by the committee conducting the effort or program.
18 The committee shall include this information in all solicitations for the effort or
19 program. All contributions received and disbursements made by the committee in
20 connection with the effort or program shall be received and disbursed through a
21 separate depository account under s. 11.14 (1) that is identified in the agreement.
22 For purposes of s. 11.06 (1), the committee conducting the effort or program shall
23 prepare a schedule in the form prescribed by the board supplying all required
24 information under s. 11.06 (1) and items qualifying for exclusion under s. 11.31 (6)

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

3 **SECTION 19.** 11.16 (5) of the statutes, as affected by 2001 Wisconsin Act 109,
4 is repealed and recreated to read:

5 11.16 (5) ESCROW AGREEMENTS. Any personal campaign committee or political
6 party committee may, pursuant to a written escrow agreement with more than one
7 candidate, solicit contributions for and conduct a joint fund raising effort or program
8 on behalf of more than one named candidate. The agreement shall specify the
9 percentage of the proceeds to be distributed to each candidate by the committee
10 conducting the effort or program. The committee shall include this information in
11 all solicitations for the effort or program. All contributions received and
12 disbursements made by the committee in connection with the effort or program shall
13 be received and disbursed through a separate depository account under s. 11.14 (1)
14 that is identified in the agreement. For purposes of s. 11.06 (1), the committee
15 conducting the effort or program shall prepare a schedule in the form prescribed by
16 the board supplying all required information under s. 11.06 (1) and items qualifying
17 for exclusion under s. 11.31 (6) for the effort or program, and shall transmit a copy
18 of the schedule to each candidate who receives any of the proceeds within the period
19 prescribed in s. 11.06 (4) (c).

20 **SECTION 20.** 11.26 (2) (intro.) of the statutes is amended to read:

21 11.26 (2) (intro.) No committee other than a political party committee or
22 ~~legislative campaign committee~~ may make any contribution or contributions to a
23 candidate for election or nomination to any of the following offices and to any
24 individual or committee under s. 11.06 (7) acting solely in support of such a candidate

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1 or solely in opposition to the candidate's opponent to the extent of more than a total
2 of the amounts specified per candidate:

3 **SECTION 21.** 11.26 (2) (intro.) of the statutes, as affected by 2001 Wisconsin Act
4 109, is repealed and recreated to read:

5 11.26 (2) (intro.) Subject to sub. (10a) and except as provided under subs. (2m),
6 (2t), and (9m), no committee other than a political party committee may make any
7 contribution or contributions to a candidate for election or nomination to any of the
8 following offices and to any individual or committee under s. 11.06 (7) acting solely
9 in support of such a candidate or solely in opposition to the candidate's opponent to
10 the extent of more than a total of the following amounts specified per candidate:

11 **SECTION 22.** 11.26 (4) of the statutes is amended to read:

12 11.26 (4) No individual may make any contribution or contributions to all
13 candidates for state and local offices and to any individuals who or committees which
14 are subject to a registration requirement under s. 11.05, including legislative
15 campaign committees and committees of a political party, to the extent of more than
16 a total of \$10,000 in any calendar year.

17 **SECTION 23.** 11.26 (4) of the statutes, as affected by 2001 Wisconsin Act 109,
18 is repealed and recreated to read:

19 11.26 (4) Subject to sub. (10a), no individual may make any contribution or
20 contributions to all candidates for state and local offices and to any individuals who
21 or committees which are subject to a registration requirement under s. 11.05,
22 including committees of a political party, to the extent of more than a total of \$10,000
23 in any calendar year.

24 **SECTION 24.** 11.26 (8) of the statutes is amended to read:

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1 11.26 (8) (a) ~~No~~ Subject to sub. (10a), no political party as defined in s. 5.02 (13)
2 may receive more than a total of ~~\$150,000~~ \$450,000 in value of its contributions in
3 any biennium from all other committees, excluding ~~contributions from legislative~~
4 ~~campaign committees and~~ transfers between party committees of the party. In this
5 paragraph, a biennium commences with January 1 of each odd-numbered year and
6 ends with December 31 of each even-numbered year.

7 (b) ~~No~~ Subject to sub. (10a), no such political party may receive more than a
8 total of ~~\$6,000~~ \$18,000 in value of its contributions in any calendar year from any
9 specific committee or its subunits or affiliates, excluding ~~legislative campaign and~~
10 political party committees.

11 (c) ~~No~~ Subject to sub. (10a), no committee, other than a political party or
12 ~~legislative campaign~~ committee, may make any contribution or contributions,
13 directly or indirectly, to a political party under s. 5.02 (13) in a calendar year
14 exceeding a total value of ~~\$6,000~~ \$18,000.

15 **SECTION 25.** 11.26 (8) of the statutes, as affected by 2001 Wisconsin Act 109,
16 is repealed and recreated to read:

17 11.26 (8) (a) Subject to sub. (10a) and except as provided in sub. (8n), no political
18 party as defined in s. 5.02 (13) may receive more than a total of \$450,000 in value of
19 its contributions in any biennium from all other committees, excluding transfers
20 between party committees of the same party. In this paragraph, “biennium ” means
21 the time period commencing with January 1 of each odd-numbered year and ending
22 with December 31 of each even-numbered year.

23 (b) Subject to sub. (10a) and except as provided in sub. (8n), no such political
24 party may receive more than a total of \$18,000 in value of its contributions in any

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1 calendar year from any specific committee or that specific committee's subunits or
2 affiliates, excluding transfers between party committees of the same party.

3 (c) Subject to sub. (10a) and except as provided in sub. (8n), no committee, other
4 than a political party committee, may make any contribution or contributions,
5 directly or indirectly, to a political party under s. 5.02 (13) in a calendar year
6 exceeding a total value of \$18,000.

7 **SECTION 26.** 11.26 (8L) of the statutes is created to read:

8 11.26 (8L) No political party as defined in s. 5.02 (13) may make any
9 contribution or contributions exceeding a total of \$10,000 cumulatively within a
10 calendar year to an individual or committee that is required to file a statement under
11 s. 11.06 (7) or an organization that makes independent expenditures.

12 **SECTION 27.** 11.26 (9) (a) (intro.) of the statutes, as affected by 2001 Wisconsin
13 Act 109, is repealed and recreated to read:

14 11.26 (9) (a) (intro.) Except as provided under sub. (9m), no individual who is
15 a candidate for state or local office may receive and accept more than 65% of the value
16 of the total disbursement level determined under s. 11.31 (1), adjusted as provided
17 under s. 11.31 (9), for the office for which he or she is a candidate during any primary
18 and election campaign combined from all committees subject to a filing requirement,
19 including political party committees, except as follows:

20 **SECTION 28.** 11.26 (9) (a) of the statutes is amended to read:

21 11.26 (9) (a) No individual who is a candidate for state or local office may receive
22 and accept more than 65% of the value of the total disbursement level determined
23 under s. 11.31 for the office for which he or she is a candidate during any primary and
24 election campaign combined from all committees subject to a filing requirement,
25 including political party and legislative campaign committees.

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1 **SECTION 29.** 11.26 (9) (b) of the statutes is amended to read:

2 11.26 **(9)** (b) No individual who is a candidate for state or local office may receive
3 and accept more than 45% of the value of the total disbursement level determined
4 under s. 11.31 for the office for which he or she is a candidate during any primary and
5 election campaign combined from all committees other than political party and
6 ~~legislative campaign~~ committees subject to a filing requirement.

7 **SECTION 30.** 11.26 (9) (b) of the statutes, as affected by 2001 Wisconsin Act 109,
8 is repealed and recreated to read:

9 11.26 **(9)** (b) No individual who is a candidate for state office, other than a state
10 office described in par. (am), or local office may receive and accept more than 45% of
11 the value of the total disbursement level determined under s. 11.31 (1), adjusted as
12 provided under s. 11.31 (9), for the office for which he or she is a candidate during any
13 primary and election campaign combined from all committees other than political
14 party committees subject to a filing requirement.

15 **SECTION 31.** 11.26 (10a) of the statutes is created to read:

16 11.26 **(10a)** (a) In this subsection, “consumer price index” means the average
17 of the consumer price index over each 12-month period, all items, U.S. city average,
18 as determined by the bureau of labor statistics of the U.S. department of labor.

19 (b) The dollar amounts of the limitations under sub. (8) are subject to a
20 quadrennial adjustment to be determined by rule of the board in accordance with this
21 subsection. To determine the adjustment, the board shall, in each year that the
22 adjustment is made, calculate the percentage difference between the consumer price
23 index for the 12-month period ending on December 31 of the preceding year and the
24 consumer price index for calendar year 2001. Beginning in 2006 and every 4 years
25 thereafter, the board shall multiply the amount of each limitation under sub. (8) by

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1 the percentage difference in the consumer price indices. The board shall adjust the
2 amount of each limitation to substitute that result for the existing amount to the
3 extent required to reflect any difference, rounded to the nearest multiple of \$5. The
4 amount so determined shall then be in effect until a subsequent rule is promulgated
5 under this subsection. Notwithstanding s. 227.24 (1) (a), (2) (b), and (3),
6 determinations under this subsection may be promulgated as an emergency rule
7 under s. 227.24 without providing evidence that the emergency rule is necessary for
8 the public peace, health, safety, or welfare and without a finding of emergency.

9 **SECTION 32.** 11.26 (10a) of the statutes, as created by 2001 Wisconsin Act 109,
10 is repealed and recreated to read:

11 11.26 (10a) (a) In this subsection, "consumer price index" means the average
12 of the consumer price index over each 12-month period, all items, U.S. city average,
13 as determined by the bureau of labor statistics of the U.S. department of labor.

14 (b) The dollar amounts of the limitations under subs. (1), (1m), (2), (2m), (4),
15 (8), and (8n) are subject to a biennial adjustment to be determined by rule of the board
16 in accordance with this subsection. To determine the adjustment, the board shall,
17 in each year that the adjustment is made, calculate the percentage difference
18 between the consumer price index for the 12-month period ending on December 31
19 of the preceding year and the consumer price index for calendar year 2003.
20 Beginning in 2006 and every 2 years thereafter, the board shall multiply the amount
21 of each limitation under subs. (1), (1m), (2), (2m), (4), (8), and (8n) by the percentage
22 difference in the consumer price indexes. The board shall then add that product to
23 the applicable limitation under subs. (1), (1m), (2), (2m), (4), (8), and (8n), round each
24 sum to the nearest multiple of \$5, and adjust the amount of each limitation to
25 substitute the resulting amount. The amount so determined shall then be in effect

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

6 **SECTION 33.** 11.265 of the statutes is repealed.

7 **SECTION 34.** 11.50 (9) of the statutes is amended to read:

8 11.50 (9) LIMITATION ON GRANTS. The total grant available to an eligible
9 candidate may not exceed that amount which, when added to all other contributions
10 accepted from sources other than individuals, and political party committees ~~and~~
11 ~~legislative campaign committees~~, is equal to 45% of the disbursement level specified
12 for the applicable office under s. 11.31. The board shall scrutinize accounts and
13 reports and records kept under this chapter to assure that applicable limitations
14 under ss. 11.26 (9) and 11.31 are not exceeded and any violation is reported. No
15 candidate or campaign treasurer may accept grants exceeding the amount
16 authorized by this subsection.

17 **SECTION 35.** 11.50 (9) (a) of the statutes, as affected by 2001 Wisconsin Act 109,
18 is repealed and recreated to read:

19 11.50 (9) (a) Except as provided in sub. (4) (bg) and (br), the total grant
20 available to an eligible candidate for the office of governor may not exceed that
21 amount which, when added to all other contributions accepted from sources other
22 than individuals and political party committees, is equal to 35% of the disbursement
23 level specified for the office that the candidate seeks, as determined under s. 11.31
24 (1) and adjusted as provided under s. 11.31 (9).

25 **SECTION 36.** 2001 Wisconsin Act 109, section 9115 (2y) (b) is amended to read:

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1 [2001 Wisconsin Act 109] Section 9115 (2y) (b) Notwithstanding section
2 990.001 (11) of the statutes, if a court finds that any part of the repeal of sections
3 11.01 (12s), 11.05 (3) (o), 11.265, 11.50 (3), and 11.50 (10) of the statutes, the
4 renumbering of sections 11.05 (2r) (title), 11.24 (2), and 11.50 (1) (a) 1. of the statutes,
5 the renumbering and amendment of sections 11.05 (1), 11.05 (2), 11.05 (2r), 11.12 (6),
6 ~~11.26 (9) (a)~~, 11.31 (2m), 11.50 (1) (a) 2., 11.50 (5), ~~11.50 (9)~~, 19.49 (5), 19.59 (7), and
7 71.10 (3) (a) of the statutes, the amendment of sections ~~5.02 (13)~~, 5.05 (2), 7.08 (2) (c),
8 7.08 (2) (cm), 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), ~~11.05 (3) (e)~~, 11.05
9 (5), ~~11.05 (9) (b)~~, 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e), ~~11.06 (2)~~,
10 11.06 (3) (b) (intro.), 11.06 (4) (b), 11.06 (5), ~~11.06 (7m) (a)~~, 11.06 (7m) (b), ~~11.06 (7m)~~
11 ~~(e)~~, 11.07 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.14 (3),
12 11.16 (2), ~~11.16 (5)~~, 11.19 (title), 11.19 (1), 11.20 (1), 11.20 (2), 11.20 (3) (a) and (b),
13 11.20 (7), 11.20 (8) (intro.), 11.20 (8) (a), 11.20 (9), 11.20 (10) (a), 11.20 (12), 11.21 (2),
14 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.26 (1) (intro.), ~~11.26 (2) (intro.)~~,
15 11.26 (2) (a), 11.26 (3), ~~11.26 (4)~~, 11.26 (5), 11.26 (6), ~~11.26 (8)~~, ~~11.26 (9) (b)~~, 11.26 (10),
16 11.26 (15), 11.26 (17) (a), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1) (e) and (f), 11.31
17 (2), 11.31 (2m) (title), 11.31 (3), 11.38 (1) (a) 2., 11.38 (6), 11.38 (8) (b), 11.50 (2) (a),
18 11.50 (2) (b) 3. and 4., 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f), 11.50 (2) (g), 11.50 (2)
19 (h), 11.50 (2) (i), 11.50 (6), 11.50 (7) (intro.), 11.50 (8), 11.50 (10m), 11.50 (11) (e), 11.60
20 (4), 11.61 (1) (a) (by SECTION 2d), 19.53 (6), 19.59 (8) (c), 20.510 (1) (q), 25.42, 71.08
21 (1) (intro.), and 71.10 (3) (b) of the statutes, the repeal and recreation of sections 11.05
22 (9) (title) and 11.50 (4) of the statutes, the creation of sections 11.001 (2m), ~~11.01 (4m)~~,
23 11.01 (12w), (13) and (14), 11.01 (16) (a) 3., 11.05 (1) (b), 11.05 (2) (b), 11.05 (3) (m),
24 11.05 (3) (r), 11.06 (1) (cm) and (dm), 11.06 (2m) (b) to (d), 11.06 (11) (bm), 11.12 (6)
25 (am), 11.12 (6) (c) and (d), 11.12 (8) and (9), 11.20 (2s), 11.20 (2t), 11.20 (8) (am), 11.24

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1 (1w), 11.24 (4), 11.26 (1m), 11.26 (1t), 11.26 (2) (ae), (am), (as) and (av), 11.26 (2m),
2 11.26 (2t), 11.26 (8n), 11.26 (8r), 11.26 (9) (a) 1. to 4., 11.26 (9) (am), 11.26 (9m), ~~11.26~~
3 ~~(10a)~~, 11.31 (1) (de), 11.31 (2m) (a), 11.31 (3p), 11.31 (9), 11.385, 11.50 (1) (a) 1. (intro.),
4 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and (cm), 11.50 (2) (b) 6., 11.50 (2) (j),
5 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (9) (b), 11.50 (14), 11.60 (3r), 19.42 (3m), (4g)
6 and (4r), 19.45 (13), 19.49 (1m), 19.49 (5) (b), 19.535, 19.59 (1) (br), 19.59 (7) (b), 19.59
7 (8) (cm) and (cn), 71.07 (6s), 71.10 (3) (ac), 71.10 (3) (d), 71.10 (4) (gw), and 806.04
8 (11m) of the statutes or SECTIONS 9115 (2v), (2x), and (2y), 9132 (4v), 9215 (3v), 9244
9 (6v), 9315 (2v) and (2w), and 9344 (2v) of this act is unconstitutional, the treatment
10 of those provisions by this act is void.

11 **SECTION 37. Nonstatutory provisions.**

12 (1) Notwithstanding section 990.001 (11) of the statutes, if a court finds that
13 sections 5.02 (13), 11.05 (3) (c) or (9) (b), 11.06 (2) or (7m) (a) or (c), 11.16 (5), 11.26
14 (2) (intro.), (4), (8) or (9) (a) (intro.) or (b) or 11.50 (9) (a) of the statutes, as affected
15 by this act, or sections 11.01 (4m) or 11.26 (10a) of the statutes, as created by this act,
16 or any part of the laws specified in 2001 Wisconsin Act 109, section 9115 (2y) (b), as
17 affected by this act, is unconstitutional, the repeal and recreation of sections 5.02
18 (13), 11.01 (4m), 11.05 (3) (c) and (9) (b), 11.06 (2) and (7m) (a) and (c), 11.16 (5), 11.26
19 (2) (intro.), (4), (8), (9) (a) (intro.) and (b) and (10a) and 11.50 (9) (a) of the statutes
20 by this act is void.

21 **SECTION 38. Initial applicability.**

22 (1) COST OF LIVING ADJUSTMENTS. The creation of section 11.26 (10a) of the
23 statutes first applies to adjustments for the 4-year period beginning on January 1,
24 2006.

