



2003 ASSEMBLY BILL 119

March 5, 2003 - Introduced by Representatives SERATTI, FREESE, GUNDERSON, VRAKAS, HINES, LADWIG, HAHN, STONE, OTT, KESTELL, ALBERS, KREIBICH, OWENS, MUSSER and PETTIS, cosponsored by Senator HARSDORF. Referred to Committee on Campaigns and Elections.

1 **AN ACT to amend** 11.06 (1) (intro.), 11.06 (3) (b) (intro.) and 11.12 (4); **to repeal**
2 **and recreate** 11.06 (1), 11.06 (3) (b) (intro.) and 11.12 (4) of the statutes; and
3 **to affect** 2001 Wisconsin Act 109, section 9115 (2y) (b); **relating to:** reporting
4 of information by nonresident registrants under the campaign finance law.

Analysis by the Legislative Reference Bureau

2001 Wisconsin Act 109 made various changes to campaign finance, ethics, lobbying regulation, income tax, public broadcasting, and cable television laws. Most changes made by Act 109 take effect on July 1, 2003. Most of these changes were made nonseverable so that if a court found that any of the provisions were unconstitutional all of the provisions would then be invalid. On December 11, 2002, in *Wisconsin Realtors Association et al. v. Ponto et al.*, Case No. 02-C-424-C, the U.S. District Court for the Western District of Wisconsin found that one provision of Act 109 is unconstitutional. While this decision is subject to appeal, it apparently precludes enforcement and administration of all affected Act 109 changes as of December 11, 2002. The Act 109 changes, however, currently remain in the statutes.

This bill reenacts certain changes made by Act 109 to the campaign finance law, effective on the day on which the bill becomes law. In the description which follows, "current law" means the law in effect before July 1, 2003.

Under current law, with certain exceptions, registrants under the campaign finance law are required to file regular reports with the appropriate filing officer or agency. The reports must identify contributors of more than \$20 cumulatively within a calendar year; the occupation and principal place of employment, if any, of each

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contributor whose cumulative contributions within a calendar year exceed \$100; the registrants from whom or to whom funds are transferred; other income exceeding \$20; contributions donated to a charitable organization or the common school fund; loans exceeding \$20, together with the identity of the lenders and guarantors, if any; disbursements (expenditures) and obligations exceeding \$20; and certain information from registrants making disbursements independently of candidates. However, if a registrant does not maintain an office or street address within this state, the registrant need only identify contributions, transfers, loans, and other income received from sources in this state and disbursements and obligations incurred with respect to elections for state or local office in this state.

This bill deletes the exception for registrants who or which do not maintain an office or street address within this state, so that these registrants are required to report the same information as other registrants. The bill also requires nonresident registrants to include in their reports a separate statement of contributions, transfers, loans, and other income received from sources in this state and disbursements and obligations incurred with respect to elections for state and local office in this state. The bill does not affect reporting by authorized committees of candidates for the office of U.S. senator or representative in Congress, national political party committees, and federally registered committees of state political parties that make no contributions to individuals or committees that are subject to a state registration requirement.

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

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

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

9 **SECTION 2.** 11.06 (1) (intro.) of the statutes, as affected by 2001 Wisconsin Act
10 109 and 2003 Wisconsin Act (this act), is repealed and recreated to read:

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

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

9 11.06 (3) (b) (intro.) ~~Notwithstanding sub. (1), a~~ A nonresident registrant shall
10 ~~report on a form prescribed by the board the applicable information that makes a~~
11 ~~report under sub. (1) concerning~~ shall ensure that the report separately states
12 information under sub. (1) concerning all of the following, in a manner prescribed by
13 the board:

14 **SECTION 4.** 11.06 (3) (b) (intro.) of the statutes, as affected by 2001 Wisconsin
15 Act 109 and 2003 Wisconsin Act (this act) is repealed and recreated to read:

16 11.06 (3) (b) (intro.) A nonresident registrant that makes a report under sub.
17 (1) shall ensure that the report separately states information under sub. (1)
18 concerning all of the following, in a manner prescribed by the board:

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

20 11.12 (4) Each registrant shall report contributions, disbursements, and
21 incurred obligations in accordance with s. 11.20. Except as permitted under s. 11.06
22 (2), ~~(3)~~ and (3m), each report shall contain the information which is required under
23 s. 11.06 (1).

24 **SECTION 6.** 11.12 (4) of the statutes, as affected by 2001 Wisconsin Act 109 and
25 2003 Wisconsin Act (this act) is repealed and recreated to read:

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1 11.12 (4) Each registrant shall report contributions, disbursements, and
2 incurred obligations in accordance with s. 11.20 and, if the registrant files reports
3 under s. 11.21 (16), in accordance with s. 11.21 (16). Except as permitted under s.
4 11.06 (2) and (3m), each report shall contain the information which is required under
5 s. 11.06 (1).

6 **SECTION 7.** 2001 Wisconsin Act 109, section 9115 (2y) (b) is amended to read:

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

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1 (4), 11.61 (1) (a) (by SECTION 2d), 19.53 (6), 19.59 (8) (c), 20.510 (1) (q), 25.42, 71.08
2 (1) (intro.), and 71.10 (3) (b) of the statutes, the repeal and recreation of sections 11.05
3 (9) (title) and 11.50 (4) of the statutes, the creation of sections 11.001 (2m), 11.01 (4m),
4 11.01 (12w), (13) and (14), 11.01 (16) (a) 3., 11.05 (1) (b), 11.05 (2) (b), 11.05 (3) (m),
5 11.05 (3) (r), 11.06 (1) (cm) and (dm), 11.06 (2m) (b) to (d), 11.06 (11) (bm), 11.12 (6)
6 (am), 11.12 (6) (c) and (d), 11.12 (8) and (9), 11.20 (2s), 11.20 (2t), 11.20 (8) (am), 11.24
7 (1w), 11.24 (4), 11.26 (1m), 11.26 (1t), 11.26 (2) (ae), (am), (as) and (av), 11.26 (2m),
8 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
9 (10a), 11.31 (1) (de), 11.31 (2m) (a), 11.31 (3p), 11.31 (9), 11.385, 11.50 (1) (a) 1. (intro.),
10 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and (cm), 11.50 (2) (b) 6., 11.50 (2) (j),
11 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (9) (b), 11.50 (14), 11.60 (3r), 19.42 (3m), (4g)
12 and (4r), 19.45 (13), 19.49 (1m), 19.49 (5) (b), 19.535, 19.59 (1) (br), 19.59 (7) (b), 19.59
13 (8) (cm) and (cn), 71.07 (6s), 71.10 (3) (ac), 71.10 (3) (d), 71.10 (4) (gw), and 806.04
14 (11m) of the statutes or SECTIONS 9115 (2v), (2x), and (2y), 9132 (4v), 9215 (3v), 9244
15 (6v), 9315 (2v) and (2w), and 9344 (2v) of this act is unconstitutional, the treatment
16 of those provisions by this act is void.

SECTION 8. Nonstatutory provisions.

17
18 (1) Notwithstanding section 990.001 (11) of the statutes, if a court finds that
19 the repeal and recreation of sections 11.06 (1) (intro.) and (3) (b) (intro.) and 11.12 (4)
20 of the statutes, as affected by this act, or any part of the laws specified in 2001
21 Wisconsin Act 109, section 9115 (2y) (b), as affected by this act, is unconstitutional,
22 the repeal and recreation of sections 11.06 (1) (intro.) and (3) (b) (intro.) and 11.12 (4)
23 of the statutes by this act is void.

SECTION 9. Initial applicability.

