



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-4465/1
JK:cdc

2021 ASSEMBLY BILL 536

September 10, 2021 - Introduced by Representatives SUBECK, STUBBS, BROSTOFF, ANDERSON, SINICKI, ANDRACA, BALDEH, CABRERA, CONLEY, CONSIDINE, HEBL, HESSELBEIN, MILROY, NEUBAUER, OHNSTAD, POPE, SHANKLAND, SHELTON, SNODGRASS and SPREITZER, cosponsored by Senators LARSON, AGARD, CARPENTER, ROYS and JOHNSON. Referred to Committee on Campaigns and Elections.

1 **AN ACT** *to renumber and amend* 11.0502 (1), 11.0502 (2), 11.0602 (1), 11.0602
2 (2), 11.0902 (1) and 11.0902 (2); *to amend* 11.1108; and *to create* 11.0101 (20),
3 11.0101 (20d), 11.0101 (20g), 11.0101 (20r), 11.0204 (1) (a) 12., 11.0304 (1) (a)
4 12., 11.0404 (1) (a) 12., 11.0502 (1) (b), 11.0502 (2) (b), 11.0504 (1) (a) 12., 11.0602
5 (1) (b), 11.0602 (2) (b), 11.0604 (1) (a) 12., 11.0902 (1) (b), 11.0902 (2) (b), 11.0904
6 (1) (a) 12. and 11.1002 of the statutes; **relating to:** reporting of mass
7 communications.

Analysis by the Legislative Reference Bureau

Current law requires a committee that wishes to engage in certain campaign finance activities to register with the Ethics Commission and to report information about contributions, expenditures, and obligations related to campaigns. The trigger for registration varies depending on the nature of the committee. For example, a candidate committee must register as soon as practicable after the individual qualifies as a candidate; a legislative campaign committee must register before making or accepting contributions, making disbursements, or incurring obligations to support or oppose a candidate; and political action committees and independent expenditure committees must register after making or accepting contributions, disbursements, or obligations in an aggregate amount in excess of \$2,500.

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This bill requires a political action committee, an independent expenditure committee, and a recall committee to register if the committee makes a disbursement or incurs an obligation on a mass communication. The bill also requires all registered committees, other than a referendum committee or a conduit, to include on their campaign finance reports information about disbursements made or obligations incurred on a mass communication.

The bill also requires a person who is not a committee but who makes a disbursement of \$500 or more on a mass communication to report that information and other information related to the mass communication within 24 hours.

The bill defines mass communication as a message that is disseminated by means of one or more communications media, a mass electronic communication, a mass distribution, or a mass telephoning, but not including a bona fide poll conducted for the purpose of objectively identifying or collecting data concerning the attitude or preference of electors, if the communication 1) is made within 60 days before an election; 2) includes a reference to a clearly identified candidate whose name will appear on the ballot for that election; and 3) is susceptible of no reasonable interpretation other than as an appeal to vote for or against the candidate. The bill requires the person making the disbursement to report information including the name and address of the person that received the disbursement for the mass communication and the amount of the disbursement or obligation.

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

1 **SECTION 1.** 11.0101 (20) of the statutes is created to read:

2 11.0101 **(20)** "Mass communication" means a message that is disseminated by
3 means of one or more communications media, a mass electronic communication, a
4 mass distribution, or a mass telephoning, but not including a bona fide poll
5 conducted for the purpose of objectively identifying or collecting data concerning the
6 attitudes or preferences of electors, if all of the following apply to the communication:

7 (a) The communication is made during the period beginning on the 60th day
8 preceding an election and ending on the date of that election.

9 (b) The communication includes a reference to a clearly identified candidate
10 whose name is certified under s. 7.08 (2) (a) or 8.05 (1) (d) to appear on the ballot at
11 that election.

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1 (c) The communication is susceptible of no reasonable interpretation other
2 than as an appeal to vote for or against the candidate.

3 **SECTION 2.** 11.0101 (20d) of the statutes is created to read:

4 11.0101 (20d) "Mass distribution" means the distribution of 500 or more pieces
5 of substantially identical material.

6 **SECTION 3.** 11.0101 (20g) of the statutes is created to read:

7 11.0101 (20g) "Mass electronic communication" means the transmission of 500
8 or more pieces of substantially identical material by means of electronic mail or
9 facsimile transmission.

10 **SECTION 4.** 11.0101 (20r) of the statutes is created to read:

11 11.0101 (20r) "Mass telephoning" means the making of 500 or more telephone
12 calls conveying a substantially identical message.

13 **SECTION 5.** 11.0204 (1) (a) 12. of the statutes is created to read:

14 11.0204 (1) (a) 12. In the case of a candidate committee that has made a mass
15 communication, a report containing all of the following information with respect to
16 any obligation to make a disbursement incurred or any disbursement made for the
17 purpose of making such a communication:

18 a. The date on which the disbursement was made or the obligation was
19 incurred.

20 b. The amount of the disbursement or obligation.

21 c. The name and address of the person to whom the disbursement was made
22 or the obligation was incurred.

23 **SECTION 6.** 11.0304 (1) (a) 12. of the statutes is created to read:

24 11.0304 (1) (a) 12. In the case of a political party that has made a mass
25 communication, a report containing all of the following information with respect to

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1 any obligation to make a disbursement incurred or any disbursement made for the
2 purpose of making such a communication:

3 a. The date on which the disbursement was made or the obligation was
4 incurred.

5 b. The amount of the disbursement or obligation.

6 c. The name and address of the person to whom the disbursement was made
7 or the obligation was incurred.

8 **SECTION 7.** 11.0404 (1) (a) 12. of the statutes is created to read:

9 11.0404 (1) (a) 12. In the case of a legislative campaign committee that has
10 made a mass communication, a report containing all of the following information
11 with respect to any obligation to make a disbursement incurred or any disbursement
12 made for the purpose of making such a communication:

13 a. The date on which the disbursement was made or the obligation was
14 incurred.

15 b. The amount of the disbursement or obligation.

16 c. The name and address of the person to whom the disbursement was made
17 or the obligation was incurred.

18 **SECTION 8.** 11.0502 (1) of the statutes is renumbered 11.0502 (1) (intro.) and
19 amended to read:

20 11.0502 (1) (intro.) Every A political action committee that to which any of the
21 following applies shall file a registration statement giving the information required
22 by s. 11.0503:

23 (a) The political action committee makes or accepts contributions, makes
24 disbursements, or incurs obligations to support or oppose a candidate in a calendar

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1 year in an aggregate amount in excess of \$2,500 ~~shall file a registration statement~~
2 ~~giving the information required by s. 11.0503.~~

3 **SECTION 9.** 11.0502 (1) (b) of the statutes is created to read:

4 11.0502 (1) (b) The political action committee makes a disbursement or incurs
5 an obligation for the purpose of making a mass communication.

6 **SECTION 10.** 11.0502 (2) of the statutes is renumbered 11.0502 (2) (a) and
7 amended to read:

8 11.0502 (2) (a) A political action committee that triggers the registration
9 requirement under sub. (1) (a) shall file the registration statement no later than the
10 10th business day commencing after receipt of the first contribution by the political
11 action committee exceeding the amount specified under sub. (1) (a), before making
12 any disbursement exceeding that amount, and before incurring obligations
13 exceeding that amount.

14 **SECTION 11.** 11.0502 (2) (b) of the statutes is created to read:

15 11.0502 (2) (b) A political action committee that triggers the registration
16 requirement under sub. (1) (b) shall file the registration statement no later than the
17 10th business day commencing after making a disbursement or incurring an
18 obligation for the purpose of making a mass communication.

19 **SECTION 12.** 11.0504 (1) (a) 12. of the statutes is created to read:

20 11.0504 (1) (a) 12. In the case of a political action committee that has made a
21 mass communication, a report containing all of the following information with
22 respect to any obligation to make a disbursement incurred or any disbursement
23 made for the purpose of making such a communication:

24 a. The date on which the disbursement was made or the obligation was
25 incurred.

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1 b. The amount of the disbursement or obligation.

2 c. The name and address of the person to whom the disbursement was made
3 or the obligation was incurred.

4 **SECTION 13.** 11.0602 (1) of the statutes is renumbered 11.0602 (1) (intro.) and
5 amended to read:

6 11.0602 (1) (intro.) ~~Every~~ An independent expenditure committee ~~that to~~
7 which any of the following applies shall file a registration statement giving the
8 information required by s. 11.0603:

9 (a) The independent expenditure committee makes or accepts contributions,
10 makes disbursements, or incurs obligations to support or oppose a candidate in a
11 calendar year in an aggregate amount in excess of \$2,500 ~~shall file a registration~~
12 ~~statement giving the information required by s. 11.0603.~~

13 **SECTION 14.** 11.0602 (1) (b) of the statutes is created to read:

14 11.0602 (1) (b) The independent expenditure committee makes a disbursement
15 or incurs an obligation for the purpose of making a mass communication.

16 **SECTION 15.** 11.0602 (2) of the statutes is renumbered 11.0602 (2) (a) and
17 amended to read:

18 11.0602 (2) (a) An independent expenditure committee that triggers the
19 registration requirement under sub. (1) (a) shall file the registration statement no
20 later than the 10th business day commencing after receipt of the first contribution
21 by the independent expenditure committee exceeding the amount specified under
22 sub. (1) (a), before making any disbursement exceeding that amount, and before
23 incurring obligations exceeding that amount.

24 **SECTION 16.** 11.0602 (2) (b) of the statutes is created to read:

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1 11.0602 (2) (b) An independent expenditure committee that triggers the
2 registration requirement under sub. (1) (b) shall file the registration statement no
3 later than the 10th business day commencing after making a disbursement or
4 incurring an obligation for the purpose of making a mass communication.

5 **SECTION 17.** 11.0604 (1) (a) 12. of the statutes is created to read:

6 11.0604 (1) (a) 12. In the case of an independent expenditure committee that
7 has made a mass communication, a report containing all of the following information
8 with respect to any obligation to make a disbursement incurred or any disbursement
9 made for the purpose of making such a communication:

10 a. The date on which the disbursement was made or the obligation was
11 incurred.

12 b. The amount of the disbursement or obligation.

13 c. The name and address of the person to whom the disbursement was made
14 or the obligation was incurred.

15 **SECTION 18.** 11.0902 (1) of the statutes is renumbered 11.0902 (1) (intro.) and
16 amended to read:

17 11.0902 (1) (intro.) Every A recall committee that to which any of the following
18 applies shall file a registration statement giving the information required by s.
19 11.0903:

20 (a) The recall committee makes or accepts contributions, makes
21 disbursements, or incurs obligations to support or oppose a recall in a calendar year
22 in an aggregate amount in excess of \$2,000 ~~shall file a registration statement giving~~
23 ~~the information required by s. 11.0903.~~

24 **SECTION 19.** 11.0902 (1) (b) of the statutes is created to read:

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1 11.0902 (1) (b) The recall committee makes a disbursement or incurs an
2 obligation for the purpose of making a mass communication.

3 **SECTION 20.** 11.0902 (2) of the statutes is renumbered 11.0902 (2) (a) and
4 amended to read:

5 11.0902 (2) (a) A recall committee that triggers the registration requirement
6 under sub. (1) (a) shall file the registration statement no later than the 10th business
7 day commencing after receipt of the first contribution by the recall committee
8 exceeding the amount specified under sub. (1) (a), before making any disbursement
9 exceeding that amount, and before incurring obligations exceeding that amount.

10 **SECTION 21.** 11.0902 (2) (b) of the statutes is created to read:

11 11.0902 (2) (b) A recall committee that triggers the registration requirement
12 under sub. (1) (b) shall file the registration statement no later than the 10th business
13 day commencing after making a disbursement or incurring an obligation for the
14 purpose of making a mass communication.

15 **SECTION 22.** 11.0904 (1) (a) 12. of the statutes is created to read:

16 11.0904 (1) (a) 12. In the case of a recall committee that has made a mass
17 communication, a report containing all of the following information with respect to
18 any obligation to make a disbursement incurred or any disbursement made for the
19 purpose of making such a communication:

20 a. The date on which the disbursement was made or the obligation was
21 incurred.

22 b. The amount of the disbursement or obligation.

23 c. The name and address of the person to whom the disbursement was made
24 or the obligation was incurred.

25 **SECTION 23.** 11.1002 of the statutes is created to read:

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1 **11.1002 Reporting; certain mass communications.** (1) Any person, other
2 than an individual, who makes an expenditure or a disbursement or incurs an
3 obligation of \$500 or more in the aggregate for the purpose of making a mass
4 communication shall, within 24 hours after making the disbursement or incurring
5 the obligation, report the disbursement or obligation to the appropriate filing officer.

6 (2) A person who makes a disbursement or incurs an obligation described in
7 sub. (1) shall include all of the following in the report:

8 (a) An itemized statement giving the date, full name, and street address of each
9 person who made a contribution to the person making the mass communication for
10 the purpose of making the mass communication, together with the amount of the
11 contribution.

12 (b) The occupation, if any, of each individual contributor whose cumulative
13 contributions to the person making the mass communication for the purpose
14 specified under par. (a) are in excess of \$200.

15 (c) An itemized statement of each contribution made anonymously to the
16 person making the mass communication. If the contribution exceeds \$10, the person
17 making the mass communication shall specify whether the person donated the
18 contribution to the common school fund or to a charitable organization, and shall
19 include the full name and mailing address of the donee.

20 (d) The date on which the disbursement was made or the obligation was
21 incurred.

22 (e) The amount of the disbursement or obligation.

23 (f) The name and address of the person to whom the disbursement was made
24 or the obligation was incurred.

25 **SECTION 24.** 11.1108 of the statutes is amended to read:

