



2023 ASSEMBLY BILL 853

December 22, 2023 - Introduced by Representatives GUNDRUM, MICHALSKI, C. ANDERSON, BODDEN, GOEBEN, MOSES, PLUMER and RETTINGER, cosponsored by Senators KNODL and TOMCZYK. Referred to Committee on Campaigns and Elections.

1 **AN ACT** *to repeal* 11.0101 (14); *to amend* 11.0101 (1) (a) 1., 11.0101 (1) (a) 2.,
2 11.0101 (34), 11.0102 (title), 11.0102 (2) (a), 11.0102 (2) (b), 11.0103 (1) (b),
3 11.0103 (3) (b), 11.0104 (1) (a), 11.0104 (1) (d), 11.0104 (2), 11.0105 (1) (a),
4 11.0202 (1) (a), 11.0203 (1) (c), 11.0204 (7), 11.0304 (7), 11.0404 (4), 11.1101 (1)
5 (h) 2., 11.1101 (2) (h) 2., 11.1101 (3) (k) 2., 11.1101 (4) (k) 2., 11.1106 (3), 11.1201,
6 11.1304 (1), 11.1304 (5), 11.1304 (6) (a), 202.12 (5) (a) 2., 755.01 (2) and 755.01
7 (4); *to repeal and recreate* 11.0102 (1) and 11.0102 (3); and *to create* 5.02 (4v)
8 of the statutes; **relating to:** local candidates filing campaign finance reports
9 and making an appropriation.

Analysis by the Legislative Reference Bureau

Current law requires committees that support or oppose candidates for elective state offices to register with, and submit campaign finance reports to, the Ethics Commission. Generally, those committees submit reports electronically to the commission by using the commission's campaign finance information system. Generally, campaign finance reports entered into CFIS are readily available for public inspection on the commission's website.

Under current law, committees that support or oppose candidates for elective local offices register with, and submit campaign finance reports to the appropriate

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local clerk and the local clerks are required to develop and maintain a filing, coding, and cross-indexing system for those reports.

This bill requires all committees, political parties, and conduits to register with, and submit campaign finance reports to, the Ethics Commission through, CFIS.

For further information see the state and local 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 (4v) of the statutes is created to read:

2 5.02 (4v) For purposes of chs. 5 to 10 and 12, “filing officer” means the following:

3 (a) For a candidate for state office, as defined in s. 5.02 (23), the elections
4 commission.

5 (b) For a candidate seeking local office, the clerk of the most populous
6 jurisdiction for which the candidate seeks office.

7 (c) For a candidate for municipal judge elected under s. 755.01 (4), the county
8 clerk or board of election commissioners of the county having the largest portion of
9 the population in the jurisdiction served by the judge.

10 (d) For a candidate for school board member, the school district clerk.

11 **SECTION 2.** 11.0101 (1) (a) 1. of the statutes is amended to read:

12 11.0101 (1) (a) 1. Files nomination papers with the appropriate filing officer,
13 as determined under s. 5.02 (4v).

14 **SECTION 3.** 11.0101 (1) (a) 2. of the statutes is amended to read:

15 11.0101 (1) (a) 2. Is nominated as a candidate for state or local office by a caucus
16 under s. 8.05 (1) or by a political party and the nomination is certified to the
17 appropriate filing officer, as determined under s. 5.02 (4v).

18 **SECTION 4.** 11.0101 (14) of the statutes is repealed.

19 **SECTION 5.** 11.0101 (34) of the statutes is amended to read:

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1 11.0101 (34) “Treasurer” means the individual who registers a committee with
2 a filing officer the commission and who makes reports on behalf of the committee.

3 **SECTION 6.** 11.0102 (title) of the statutes is amended to read:

4 **11.0102** (title) ~~Determination of filing officer and duty~~ **Duty to file; fees.**

5 **SECTION 7.** 11.0102 (1) of the statutes is repealed and recreated to read:

6 11.0102 (1) Each committee and conduit required to register and report under
7 this chapter shall have and shall file each registration statement and report required
8 under this chapter with the commission.

9 **SECTION 8.** 11.0102 (2) (a) of the statutes is amended to read:

10 11.0102 (2) (a) Except as provided in pars. (c) and (d), each committee that is
11 required to register and file with the commission ~~under sub. (1) (a)~~ shall annually pay
12 a filing fee of \$100 to the commission. The commission may accept payment under
13 this subsection by credit card, debit card, or other electronic payment mechanism,
14 and may charge a surcharge to that committee to recover the actual costs associated
15 with the acceptance of that electronic payment.

16 **SECTION 9.** 11.0102 (2) (b) of the statutes is amended to read:

17 11.0102 (2) (b) A committee ~~that is subject to par. (a)~~ shall pay the fee specified
18 in par. (a) together with the report filed by that committee on the 15th day of the
19 month of January in each year. If a committee that is subject to par. (a) registers
20 under this chapter or changes status so that par. (a) becomes applicable to the
21 committee during a calendar year, the committee shall pay the fee for that year with
22 the filing of the committee’s registration statement or at any time before the change
23 in status becomes effective.

24 **SECTION 10.** 11.0102 (3) of the statutes is repealed and recreated to read:

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1 11.0102 (3) A filing officer, as defined under s. 5.02 (4v) (b) to (d), shall notify
2 the commission, in writing, of any facts within the filing officer's knowledge or
3 evidence in the officer's possession that may be grounds for civil action or criminal
4 prosecution. The commission may transmit a copy of the notification submitted
5 under this paragraph to the district attorney.

6 **SECTION 11.** 11.0103 (1) (b) of the statutes is amended to read:

7 11.0103 (1) (b) Failure to receive a form or notice from a ~~filing officer~~ the
8 commission does not exempt a committee or conduit from a reporting requirement
9 under this chapter.

10 **SECTION 12.** 11.0103 (3) (b) of the statutes is amended to read:

11 11.0103 (3) (b) Each committee shall ensure that each report is filed with the
12 ~~appropriate filing officer~~ commission on the dates designated in this chapter. In the
13 event that any report is required to be filed under this chapter on a nonbusiness day,
14 a committee may file the report on the next business day thereafter.

15 **SECTION 13.** 11.0104 (1) (a) of the statutes is amended to read:

16 11.0104 (1) (a) Except as provided in par. (bm), any committee which does not
17 anticipate accepting or making contributions, making disbursements, or incurring
18 obligations, and any conduit which does not anticipate accepting or releasing
19 contributions, in an aggregate amount exceeding \$2,500 in a calendar year may
20 claim an exemption from filing campaign finance reports by filing a registration
21 statement or an amended registration statement with the ~~appropriate filing officer~~
22 commission indicating the necessary facts, as described in this paragraph, to claim
23 the exemption. The committee or conduit shall certify the registration statement or
24 amended registration statement in the manner required under s. 11.0103 (3) (c).

25 **SECTION 14.** 11.0104 (1) (d) of the statutes is amended to read:

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1 11.0104 (1) (d) If a ~~filing officer~~ the commission receives a registration
2 statement or amended registration statement seeking to claim the exemption under
3 par. (a) and the ~~filing officer~~ commission knows that the candidate committee is not
4 eligible for the exemption, the ~~filing officer~~ commission shall accept the registration
5 but notify the committee within 10 business days that it is not eligible for the
6 exemption for that calendar year. The notice shall also indicate that the committee
7 is required to file campaign finance reports.

8 **SECTION 15.** 11.0104 (2) of the statutes is amended to read:

9 11.0104 (2) Upon receipt of a properly executed registration statement or
10 amended registration statement by a committee or conduit, the ~~appropriate filing~~
11 ~~officer~~ commission shall suspend the requirement imposed upon that committee or
12 conduit by this chapter to file campaign finance reports. An exemption under this
13 section is effective as provided under sub. (1) (bm) unless the committee or conduit
14 alters its status by filing an amended registration statement before the end of such
15 year or by filing a termination report under s. 11.0105.

16 **SECTION 16.** 11.0105 (1) (a) of the statutes is amended to read:

17 11.0105 (1) (a) Except as provided in par. (b), whenever any committee or
18 conduit dissolves or determines that obligations will no longer be incurred,
19 contributions will no longer be received or, in the case of a conduit, accepted and
20 released, and disbursements will no longer be made during a calendar year, and the
21 committee has no outstanding incurred obligations, the committee or conduit shall
22 file with the ~~appropriate filing officer~~ commission a termination report that indicates
23 a cash balance of zero at the end of the reporting period. The committee or conduit
24 shall certify the termination report in the manner required under s. 11.0103 (3) (c)

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1 and the committee shall include the information required to be reported by that
2 committee on its continuing reports.

3 **SECTION 17.** 11.0202 (1) (a) of the statutes is amended to read:

4 11.0202 (1) (a) Each candidate, through his or her candidate committee, shall
5 file a registration statement with the ~~appropriate filing officer~~ commission giving the
6 information required under s. 11.0203 as soon as practicable after the individual
7 qualifies as a candidate under s. 11.0101 (1).

8 **SECTION 18.** 11.0203 (1) (c) of the statutes is amended to read:

9 11.0203 (1) (c) In the case of a candidate committee of an independent
10 candidate for partisan office or a candidate for nonpartisan county or municipal
11 office, a list of the members of the committee, in addition to those specified in par. (b),
12 if any, whom the ~~filing officer~~ commission shall recognize as eligible to fill a
13 nomination vacancy if the candidate dies before the election.

14 **SECTION 19.** 11.0204 (7) of the statutes is amended to read:

15 11.0204 (7) **REPORTS OF LATE CONTRIBUTIONS.** If any contribution or
16 contributions of \$1,000 or more cumulatively are received by a candidate committee
17 for a candidate for state office from a single contributor during the period beginning
18 on the day that is 14 days prior to a primary or election and ending on the day of the
19 primary or election, and the contribution or contributions are not included in the
20 preprimary or preelection report required of the committee under this chapter, the
21 treasurer of the committee or the individual receiving the contribution shall, within
22 72 hours of receipt, provide the ~~appropriate filing officer~~ commission with the
23 information required to be reported for contributions received by the committee
24 under this subchapter in such manner as the commission may prescribe. The
25 information shall also be included in the committee's next regular report.

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1 **SECTION 20.** 11.0304 (7) of the statutes is amended to read:

2 11.0304 (7) REPORTS OF LATE CONTRIBUTIONS. If any contribution or
3 contributions of \$1,000 or more cumulatively are received by a political party from
4 a single contributor during the period beginning on the day that is 14 days prior to
5 a primary or election and ending on the day of the primary or election, and the
6 contribution or contributions are not included in the preprimary or preelection
7 report required of the political party under this chapter, the treasurer of the political
8 party shall, within 72 hours of receipt, provide the ~~appropriate filing officer~~
9 commission with the information required to be reported for contributions received
10 by the political party under this subchapter in such manner as the commission may
11 prescribe. The information shall also be included in the political party's next regular
12 report.

13 **SECTION 21.** 11.0404 (4) of the statutes is amended to read:

14 11.0404 (4) REPORTS OF LATE CONTRIBUTIONS. If any contribution or
15 contributions of \$1,000 or more cumulatively are received by a legislative campaign
16 committee from a single contributor during the period beginning on the day that is
17 14 days prior to a primary or election and ending on the day of the primary or election
18 and the contribution or contributions are not included in the preprimary or
19 preelection report required of the committee under this chapter, the treasurer of the
20 committee shall, within 72 hours of receipt, provide the ~~appropriate filing officer~~
21 commission with the information required to be reported for contributions received
22 by the committee under this subchapter in such manner as the commission may
23 prescribe. The information shall also be included in the committee's next regular
24 report.

25 **SECTION 22.** 11.1101 (1) (h) 2. of the statutes is amended to read:

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1 11.1101 (1) (h) 2. Two cents times the number of inhabitants of the jurisdiction
2 or district, according to the latest federal census or the census information on which
3 the district is based, as certified by the appropriate filing officer, as defined under s.
4 5.02 (4v) (b) to (d), but not more than \$6,000.

5 **SECTION 23.** 11.1101 (2) (h) 2. of the statutes is amended to read:

6 11.1101 (2) (h) 2. Two cents times the number of inhabitants of the jurisdiction
7 or district, according to the latest federal census or the census information on which
8 the district is based, as certified by the appropriate filing officer, as defined under s.
9 5.02 (4v) (b) to (d), but not more than \$6,000.

10 **SECTION 24.** 11.1101 (3) (k) 2. of the statutes is amended to read:

11 11.1101 (3) (k) 2. Two cents times the number of inhabitants of the jurisdiction
12 or district, according to the latest federal census or the census information on which
13 the district is based, as certified by the appropriate filing officer, as defined under s.
14 5.02 (4v) (b) to (d), but not more than \$5,000.

15 **SECTION 25.** 11.1101 (4) (k) 2. of the statutes is amended to read:

16 11.1101 (4) (k) 2. Two cents times the number of inhabitants of the jurisdiction
17 or district, according to the latest federal census or the census information on which
18 the district is based, as certified by the appropriate filing officer, as defined under s.
19 5.02 (4v) (b) to (d), but not more than \$5,000.

20 **SECTION 26.** 11.1106 (3) of the statutes is amended to read:

21 11.1106 (3) ~~Each filing officer~~ The commission shall place a copy of any report
22 received under s. 11.0704 in the file of the conduit and the file of the recipient.

23 **SECTION 27.** 11.1201 of the statutes is amended to read:

24 **11.1201 False reports and statements.** No person may prepare or submit
25 a false report or statement to a ~~filing officer~~ the commission under this chapter.

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1 **SECTION 28.** 11.1304 (1) of the statutes is amended to read:

2 11.1304 (1) Prescribe forms for making the reports, statements, and notices
3 required by this chapter. The commission shall make the forms available free of
4 charge on the commission's Internet site and shall distribute or arrange for the
5 distribution of all forms for use by other filing officers website.

6 **SECTION 29.** 11.1304 (5) of the statutes is amended to read:

7 11.1304 (5) Assign an identification number to each committee ~~for whom the~~
8 ~~commission acts as a filing officer under s. 11.0102 (1)~~ and to each conduit.

9 **SECTION 30.** 11.1304 (6) (a) of the statutes is amended to read:

10 11.1304 (6) (a) Except as provided in par. (b), require each committee ~~for whom~~
11 ~~the commission serves as filing officer under s. 11.0102 (1)~~ to file each campaign
12 finance report that is required to be filed under this chapter in an electronic format.
13 The commission shall permit an authorized individual to provide at the time of filing
14 an electronic signature, as defined in s. 137.11 (8), that is subject to a security
15 procedure, as defined in s. 137.11 (13). A committee that files a report under this
16 subsection in an electronic format may file with the commission that portion of the
17 report signed by an authorized individual rather than submit the electronic
18 signature of that individual. The commission shall provide complete instructions to
19 any committee that files a report under this subsection.

20 **SECTION 31.** 202.12 (5) (a) 2. of the statutes is amended to read:

21 202.12 (5) (a) 2. A candidate for national, state, or local office or a political party
22 or other committee or group required to file financial information with the federal
23 elections commission or a ~~filing officer under s. 11.0102 (1)~~ with the ethics
24 commission.

25 **SECTION 32.** 755.01 (2) of the statutes is amended to read:

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1 755.01 (2) The governing body may by ordinance or bylaw abolish the
2 municipal court as part of a consolidation under s. 66.0229 or at the end of any term
3 for which the judge has been elected or appointed, but only if the ordinance or bylaw
4 abolishing the court is submitted to the appropriate filing office under s. 11.0102 (1)
5 (e) under s. 5.02 (4v) (c) or to the ethics commission, and to the director of state courts
6 prior to October 1 of the year preceding the end of the term for which the judge has
7 been elected or appointed. The governing body may not abolish the municipal court
8 while an agreement under sub. (4) is in effect.

9 **SECTION 33.** 755.01 (4) of the statutes is amended to read:

10 755.01 (4) Two or more cities, towns or villages of this state may enter into an
11 agreement under s. 66.0301 for the joint exercise of the power granted under sub. (1),
12 except that for purposes of this subsection, any agreement under s. 66.0301 shall be
13 effected by the enactment of identical ordinances by each affected city, town or
14 village. Electors of each municipality entering into the agreement shall be eligible
15 to vote for the judge of the municipal court so established. If a municipality enters
16 into an agreement with a municipality that already has a municipal court, the
17 municipalities may provide by ordinance or resolution that the judge for the existing
18 municipal court shall serve as the judge for the joint court until the end of the term
19 or until a special election is held under s. 8.50 (4) (fm). Each municipality shall adopt
20 an ordinance or bylaw under sub. (1) prior to entering into the agreement. The
21 contracting municipalities need not be contiguous and need not all be in the same
22 county. Upon entering into or discontinuing such an agreement, the contracting
23 municipalities shall each transmit a certified copy of the ordinance or bylaw effecting
24 or discontinuing the agreement to the appropriate filing officer under s. 11.0102 (1)
25 (e) under s. 5.02 (4v) (c) or to the ethics commission. Any court formed under this

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1 subsection, including the formation of a new court by a change in the municipalities
2 that have entered into an agreement under s. 66.0301, shall become operative and
3 function when the requirements under this subsection are met, the court receives a
4 certification from the chief judge of the judicial administrative district that the court
5 meets the requirements under ss. 755.09, 755.10, 755.11, and 755.17, and the court
6 provides written notification to the director of state courts. Discontinuation of an
7 agreement under this subsection shall be effective at the end of the term for which
8 the judge has been elected or appointed but only if the ordinance or bylaw
9 discontinuing the agreement is submitted to the appropriate filing office under ~~s.~~
10 ~~11.0102 (1) (e)~~ under s. 5.02 (4v) (c) or to the ethics commission and to the director
11 of state courts prior to October 1 of the year preceding the end of the term for which
12 the judge has been elected or appointed. When a municipal judge is elected under
13 this subsection, candidates shall be nominated by filing nomination papers under s.
14 8.10 (6) (bm), and shall register with the filing officer specified in ~~s. 11.0102 (1) (e)~~
15 under s. 5.02 (4v) (c) or to the ethics commission.

SECTION 34. Fiscal changes.

17 (1) ONETIME EXPENDITURE. In the schedule under s. 20.005 (3) for the
18 appropriation to the ethics commission under s. 20.521 (1) (a), the dollar amount for
19 fiscal year 2024-25 is increased by \$80,000 to expand and furnish office space.

20 (2) POSITION AUTHORIZATION AND RENT INCREASE.

21 (a) In the schedule under s. 20.005 (3) for the appropriation to the ethics
22 commission under s. 20.521 (1) (a), the dollar amount for fiscal year 2024-25 is
23 increased by \$164,808 to increase the authorized FTE positions for the commission
24 by 2.0 GPR ethics specialist positions and to fund an increase in rent from office
25 expansion.

