

1999 ASSEMBLY BILL 256

March 30, 1999 – Introduced by Representatives MEYER, CARPENTER, TURNER, RILEY, RYBA, TRAVIS, J. LEHMAN, BOYLE, BERCEAU, SCHOOFF and HASENOHRL, cosponsored by Senators ROBSON, MOEN and RUDE. Referred to Committee on Campaigns and Elections.

1 **AN ACT to repeal** 11.01 (12s), 11.05 (3) (o), 11.06 (3m), 11.06 (3r), 11.06 (3w),
2 11.265, 11.31 (2m), 11.31 (3m) and 11.31 (4); **to renumber** 11.50 (3) (a) 3.; **to**
3 **renumber and amend** 11.50 (9); **to amend** 5.02 (13), 7.08 (2) (c), 7.08 (2) (cm),
4 8.35 (4) (b) and (c), 10.02 (3) (b) 2m., 11.05 (2r), 11.05 (3) (c), 11.05 (9) (b), 11.06
5 (1) (intro.), 11.06 (1) (a), 11.06 (2), 11.06 (4) (b), 11.06 (7m) (a), 11.06 (7m) (c),
6 11.06 (11) (a), 11.09 (3), 11.12 (3), 11.12 (4), 11.14 (1), 11.16 (5), 11.19 (2), 11.20
7 (1), 11.20 (7), 11.21 (15), 11.23 (4), 11.25 (2) (b), 11.26 (1) (intro.), 11.26 (2)
8 (intro.), 11.26 (2) (a), 11.26 (2) (b) and (c), 11.26 (4), 11.26 (8), 11.26 (9) (a) and
9 (b), 11.26 (9) (c), 11.26 (10), 11.31 (1) (intro.), 11.31 (1) (a), (b), (c) and (d), 11.31
10 (1) (e) and (f), 11.31 (2), 11.31 (3), 11.31 (7) (a), 11.31 (7) (c) and (d), 11.38 (1) (a)
11 2., 11.50 (title), 11.50 (1) (b), 11.50 (2) (a), 11.50 (2) (b) 5., 11.50 (2) (g), 11.50 (2)
12 (i), 11.50 (3) (a) 1., 11.50 (3) (a) 2., 11.50 (4) (b) (intro.), 11.50 (8), 11.50 (10m)
13 (title), 11.50 (11) (d), 11.50 (11) (e), 11.60 (1) to (3), 11.61 (1), 14.58 (20), 15.61,
14 19.42 (10) (a), 20.510 (1) (q), 20.855 (4) (b), 25.17 (1) (ys), 25.42 and 71.10 (3) (a);

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1 and **to create** 5.05 (10), 5.065, 11.065, 11.16 (2e), (2m) and (2s), 11.21 (17), 11.21
2 (18), 11.21 (19), 11.24 (1s), 11.24 (1t), 11.25 (2) (am), 11.25 (4), 11.26 (2) (ae), (am)
3 and (as), 11.26 (7), 11.26 (8e), 11.26 (8m), 11.26 (9m), 11.26 (10m), 11.26 (17) (g),
4 11.31 (1) (de), 11.31 (2e), 11.31 (3n), 11.31 (9), 11.50 (3) (a) 3m., 11.50 (4) (bm),
5 11.50 (9) (a) 1. to 7., 11.50 (9a), 11.51, 13.90 (1) (m), 14.019 (6), 227.03 (6m) and
6 227.52 (8) of the statutes; **relating to:** various changes in the campaign finance
7 law, the composition of the elections board, issuance of certain rulings by the
8 division of hearings and appeals of the department of administration, providing
9 an exemption from emergency rule procedures, granting rule-making
10 authority and providing penalties.

Analysis by the Legislative Reference Bureau

This bill makes various changes in the campaign finance law, alters the composition of the state elections board and provides for the issuance of rulings by the division of hearings and appeals of the department of administration concerning application of the election laws. The provisions include:

Reporting by certain federal and nonresident registrants

Currently, with certain exceptions, a registrant who or which is required to register with a filing officer in this state must file regular reports identifying contributions received and disbursements made and providing certain other information. However, a committee of a candidate for the U.S. senate or house of representatives or a national political party committee need not file reports for any period covered in a report filed by the committee with the federal elections commission. In addition, a state political party committee which is registered with the federal elections commission and which makes contributions to candidates for national office, as well as contributions to other state political party committees, need not file reports for any period covered by a report filed by the committee with the federal elections commission if the elections board receives a copy of that report and the committee makes no contributions to any individual who or organization which is required to register with a filing officer under Wisconsin law. This bill deletes these exceptions to state reporting requirements.

Reporting by candidates for certain state offices

Currently, the candidate or personal campaign committee of a candidate for any office who or which does not anticipate accepting contributions, making

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disbursements or incurring obligations exceeding \$1,000 within a calendar year and who or which does not accept any contribution or contributions from a single contributor, other than personal contributions of the candidate, exceeding \$100 may be granted an exemption from reporting requirements upon request. This bill deletes this exemption as applied to candidates for statewide and legislative offices.

Mass media and telephoning activities

Currently, individuals who or organizations which make or accept contributions, 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. This bill requires each individual who or organization which receives donations or other income and makes expenditures which, in the aggregate, exceed \$1,000 within a calendar year in amount or value for the purpose of publishing, broadcasting or disseminating a communication which includes the name or likeness of a candidate for state or local office at a primary or other election within 30 days of that election, by means of one or more communications media or through a telephone bank operator, to register and file reports with the appropriate filing officer identifying the donations or other income received and expenditures made to the same extent as currently required for individuals who or organizations which attempt to influence elections. If expenditures made by such an individual or organization with respect to one or more candidates for state office exceed \$20,000 within a two-year period, they must be reported electronically.

The bill also provides that if one or more individuals or organizations make expenditures which, in the aggregate, exceed 5% of a candidate's disbursement limitation in either the primary or the election campaign period, calculated separately, for the purpose of publishing, broadcasting or disseminating communications which include the name or likeness of that candidate or any opponent of that candidate through one or more communications media or through a telephone bank operator, the disbursement limitation and self-contribution limitation otherwise applicable to that candidate do not apply after the date on which those expenditures exceed that level. In addition, the limitations on contributions by individuals and committees to that candidate and his or her opponents are doubled and the limitations on contributions by political party committees to that candidate and his or her opponents are removed after the date on which those expenditures exceed that level.

Disbursement levels and 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 declines to accept one.

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The bill 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	\$3,500,000
Lieutenant governor	323,475	1,125,000
Attorney general	539,000	750,000
Secretary of state	215,625	350,000
State treasurer	215,625	350,000
Supreme court justice	215,625	400,000
State superintendent	215,625	350,000
State senator	34,500	140,000
Representative to the assembly	17,250	60,000

The bill also creates a biennial adjustment which causes the statutory disbursement levels to be adjusted biennially, beginning in 2001, in accordance with the rate of increase or decrease in the “consumer price index” determined by the federal department of labor, with the result in turn adjusted by the rate of increase or decrease in the voting age population of this state, as determined by the federal election commission.

Currently, no candidate for state or local office may accept contributions from sources other than individuals which, in the aggregate, total more than 65% of the disbursement level specified for the office which the candidate seeks. This bill provides, in addition, that of the total disbursements made by a candidate for state or local office, not more than 65% may be derived from sources other than contributions received by the candidate from individuals.

Contribution limitations

The bill changes contribution limitations applicable to committees making contributions to candidates for the office of governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent of public instruction, justice of the supreme court, state senator or representative to the assembly per campaign, as follows:

<i>Office</i>	<i>Current Limit</i>	<i>Proposed Limit</i>
Governor	\$ 43,128	\$ 45,000
Lieutenant governor	12,939	13,000
Attorney general	21,560	22,000
Justice of the supreme court, secretary of state, state treasurer or superintendent of public instruction	8,625	9,000

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State senator	1,000	2,000
Representative to the assembly	500	1,000

The bill also prohibits any special interest (“political action”) committee from making a contribution to any other special interest committee exceeding \$100 during a biennial period beginning on January 1 of any odd-numbered year, and similarly prohibits any conduit (intermediary) from transferring a contribution to any special interest committee exceeding \$100 during a biennial period beginning on January 1 of any odd-numbered year. In addition, the bill prohibits a candidate or his or her personal campaign committee from making a contribution to another candidate or personal campaign committee or to a political party, except a contribution not exceeding \$100 that is utilized for the purpose of financing the actual costs of an event. Currently, there are no similar limitations.

Currently, each contribution received by a candidate who is a candidate in successive elections must be charged against the contribution limitation applicable to the contributor for the previous campaign of that candidate or the future campaign of that candidate, in accordance with a methodology specified by law. A candidate may, however, end a campaign with a surplus of money legally contributed to the candidate during that campaign and apply that surplus towards a future campaign for office. Under this bill, if a candidate ends a campaign with a surplus of money in his or her campaign depository account, and the candidate thereafter becomes a candidate at a future election, the unencumbered moneys in his or her campaign depository account at the end of the previous campaign, less any earnings, are allocated to the contribution limitations applicable to the candidate’s campaign in the future election in the inverse order in which they were received by the candidate.

Form of contributions made by negotiable instruments

Currently, each contribution of money exceeding \$50 must be made by check or other negotiable instrument or evidenced by an itemized credit card receipt bearing on the face the name of the remitter. Contributions may be collected by an intermediary and transferred to a recipient at the same time (a practice referred to as “bundling”). The recipient must report the amount of each contribution and the date on which the contribution is received by the recipient. If the contributor is subject to a registration requirement, the contributor must also report this information. If the contributor determines the amount of the contribution and the recipient, the contribution is considered to be made by the contributor; if the intermediary determines the amount of the contribution or the recipient, the contribution is considered to be made by the intermediary.

This bill requires each contribution made by means of a check or other negotiable instrument that is transferred from the contributor to the recipient by another person, together with one or more additional contributions made by negotiable instruments, to show on the face of the instrument the date that the contribution is made, the amount of the contribution and the name of the intended recipient. Under the bill, this information must be entered by the contributor at the time that the instrument is transferred. The bill prohibits any person from entering

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or changing a date that such a contribution is made so as to indicate a date other than the date of that transfer.

Conduit contribution procedure

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 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 which is necessary for the recipient to file its campaign finance reports.

This bill requires each person who transfers a contribution of money to a conduit to make a written direction, on a form prescribed by the elections board, specifying clearly the name of the intended recipient, the amount of the contribution and the date on which the contribution is made. Each item of information on the form must be entered by the contributor. A conduit receiving a form must retain the form with its records for three years after the date of the election in connection with which the contribution identified on the form is made. The bill prohibits any person from entering or changing a date that a contribution is made on such a form so as to indicate a date that a contribution is made other than the actual date.

Currently, the recipient of a contribution of money must deposit the contribution in the recipient’s campaign depository account no later than five business days after receipt of the contribution. A conduit who or which deposits a contribution of money is considered to receive and accept the contribution. A contribution must be reported by the recipient as received and accepted on the date received unless it is returned to the contributor or donated within 15 days of receipt.

This bill provides that each conduit who or which receives a contribution of money must transfer the contribution to the recipient specified by the contributor within five days of the date on which the contribution is received by the conduit. Under the bill, the contribution must be deposited no later than the time it is transferred.

Transfer of campaign surpluses for use in campaigns for different offices

Currently, a candidate, personal campaign committee of a candidate, former candidate or former personal campaign committee may make a contribution or disbursement for any political purpose not prohibited by law, and specifically may transfer money or property to another candidate or personal campaign committee, subject to applicable contribution limitations. If a candidate for one office becomes a candidate for another office, that candidate or his or her personal campaign committee may use money or property received on his or her behalf when the candidate was a candidate for the first office, without limitation. In addition, if the

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personal campaign committee of a former candidate files an oath affirming its independence from any candidate, the committee may make disbursements in an unlimited amount to advocate the election or defeat of any candidate.

This bill provides that no candidate, personal campaign committee, former candidate or personal campaign committee of a former candidate may make a contribution to another candidate or personal campaign committee. The bill also provides that no individual who is a candidate for any office, personal campaign committee of such a candidate, former candidate or former personal campaign committee of a candidate may make a disbursement for the purpose of influencing the election or nomination to election of that candidate or any other individual who is a candidate for any office from money or property that was received by or on behalf of the candidate or former candidate when he or she was a candidate for another office. In addition, the bill prohibits the former personal campaign committee of a candidate which files an oath affirming its independence of any candidate from making a contribution or disbursement to advocate the election or defeat of a candidate that is derived in whole or in part from contributions received by that committee prior to the date on which the committee files that oath.

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.

The 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.

Public grants

Under current law, public financing from the Wisconsin election campaign fund is available to finance certain campaign expenses of 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 at the general election. In order to qualify for a grant from the Wisconsin election campaign fund, a candidate for state office at the general election must, in addition to other requirements, receive at least 6% of the total vote cast for the office which the candidate seeks at the September primary. Currently, the maximum amount of the grant that a candidate for state office may receive from the Wisconsin election campaign fund is that amount which, when added to the total amount or value of contributions received by the candidate from sources other than individuals or political party committees, equals 45% of the disbursement level applicable to candidates for the office which the candidate seeks,

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provided that there are sufficient moneys in the Wisconsin election campaign fund to make payment of the full amounts of the grants for which candidates qualify.

This bill renames the Wisconsin election campaign fund to be the “Wisconsin clean election system fund”. In lieu of the current formula for determining maximum grant amounts, the bill establishes fixed maximum initial grant amounts. The bill also provides that a candidate who accepts a grant may receive an increased grant from moneys that were allocated for other candidates who could have qualified for grants but who decline to accept them. Under the bill, the maximum initial amount of the grant that a candidate for state office may receive from the Wisconsin clean election system fund is as follows:

<i>Office</i>	<i>Maximum initial amount of grant</i>
Governor	\$ 875,000
Lieutenant governor	281,250
Attorney general	187,500
Supreme court justice	100,000
Superintendent of public instruction	87,500
Secretary of state	87,500
State treasurer	87,500
State senator	35,000
Representative to the assembly	15,000

Under the bill, if a candidate is bound by a disbursement limitation and by a limitation on the total contributions which the candidate may accept from political party committees, the total amount of the grant that the candidate may receive may not exceed that amount which, when added to the total contributions accepted by the candidate from all sources other than individuals, equals 65% of the candidate’s disbursement limitation.

The bill also creates a biennial adjustment which causes the statutory maximum initial grant amounts to be adjusted biennially, beginning in 2002, in accordance with the rate of increase or decrease in the “consumer price index”, as determined by the federal department of labor, with the result in turn adjusted by the rate of increase or decrease in the voting age population of this state, as determined by the federal election commission.

Currently, if a candidate for a partisan state office accepts a public grant and has an opponent who also could have qualified to receive a grant but declines to accept one, the candidate is not bound by his or her disbursement limitation. Similarly, if a candidate for a nonpartisan state office accepts a grant and has an opponent who declines to accept a grant, that candidate is not bound by his or her disbursement limitation. However, in either case, if each opponent who declines to accept a grant files with the elections board an affidavit of voluntary compliance with the disbursement limitation applicable to candidates for the office which the

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candidate seeks, the disbursement limitation for the candidate who accepts a grant continues to apply. This bill deletes the exception which retains the disbursement limitation of a candidate if an affidavit is filed by each of his or her opponents.

Currently, if a candidate who could have qualified to receive a public grant fails to qualify, the grant moneys otherwise available to that candidate become available to other qualifying candidates for the same office as the office sought by the nonqualifying candidate. This bill provides that if a candidate for a partisan executive state office (governor, lieutenant governor, attorney general, secretary of state or state treasurer) could have qualified to receive a grant but fails to qualify, the moneys otherwise available to that candidate are redistributed to all qualifying candidates for partisan state executive offices, in addition to the maximum initial grant amounts, in the same proportion as the initial amounts of their grants bear to the total amount of grants distributed to all qualifying candidates for partisan state executive offices, subject to applicable aggregate contribution and disbursement limitations. The bill also provides that each candidate for a nonpartisan state office receives only 50% of the moneys available to finance grants for that office, regardless of whether his or her opponent qualifies to receive a grant, but provides for 50% of the moneys otherwise available to nonqualifying candidates for nonpartisan state offices (justice of the supreme court and superintendent of public instruction) to be redistributed to all qualifying candidates for nonpartisan state offices, in addition to the maximum initial grant amounts, in the same proportion as the initial amounts of their grants bear to the total amount of grants distributed to all qualifying candidates for nonpartisan state offices. Under the bill, the maximum total grant which a candidate may receive, when added to the total contributions received by the candidate from sources other than individuals, may not exceed 65% of the disbursement level applicable to candidates for the office which the candidate seeks, provided that there are sufficient moneys in the Wisconsin clean election system fund to make payment of the full amounts of the grants for which candidates qualify.

Currently, any grant moneys that are not encumbered by a candidate on the day after an election in which the candidate participates revert to the state. In addition, any deposits and refunds derived from grant moneys that are received by a candidate after the date of an election in which the candidate participates revert to the state. This bill provides, instead, that all unencumbered moneys in the campaign depository account of a candidate who receives a grant on the day after an election in which the candidate participates plus all deposits and refunds received by such a candidate after that date, revert to the state to the extent that the unencumbered moneys, together with the deposits and refunds, do not exceed the amount of the grant received by that candidate.

Penalties for violations

Currently, any person who violates any provision of the campaign finance law, except a contribution prohibition, is subject to a forfeiture (civil penalty) of not more than \$500 for each violation. This bill increases this amount to \$1,500. In addition, currently, any person who is delinquent in filing a report is subject to a forfeiture of not more than \$50 or 1% of the annual salary of the office for which a candidate is

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being supported or opposed, whichever is greater, for each day of delinquency. This bill increases these amounts to a maximum of \$150 or 3% of the annual salary, whichever is greater. Currently, any person who makes an unlawful contribution is subject to a forfeiture of treble the amount of the unlawful contribution. This bill increases this amount to nine times 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 three years, or both, if the violation exceeds \$100 in amount or value. This bill increases these amounts to a maximum fine of \$3,000 or imprisonment for not more than one year, or both, if the violation does not exceed \$100 in amount or value, and a maximum fine of \$30,000 or imprisonment for not more than nine years, or both, if the violation exceeds \$100 in amount or value.

Public funding of campaigns for county and 1st class city offices

The bill permits counties and 1st class cities to provide by ordinance for appropriations to pay for lawful campaign expenses of candidates for county and city offices, subject to reasonable qualifications and agreements by candidates to adhere to disbursement and self-contribution limitations. Under the bill, any such ordinance may prescribe civil penalties for violations of the ordinance or an agreement entered into under the ordinance not exceeding the amount that would apply to a violation of the state campaign finance law. The bill also directs the elections board to review the operation of any such ordinance and provide its recommendations, if any, concerning extension of a similar system of public funding to other campaigns for local elective offices in this state to the appropriate legislative standing committees.

Currently, counties have no such authority. Cities may have such authority under constitutional home rule powers if an enactment of this nature is considered to be a “local affair”.

Composition of the elections board

Currently, the elections board consists of eight members appointed by the governor for two-year terms without senate confirmation. One member is selected by the governor and one member each is designated by the chief justice of the supreme court, the speaker of the assembly, the senate majority leader, the minority leader in each house of the legislature, and the chief officer of each political party qualifying for a separate ballot or column on the ballot whose candidate for governor received at least 10% of the vote in the most recent gubernatorial election.

The bill recreates the board to consist of eight members appointed by the governor for staggered four-year terms. One member is selected by the governor and one member each is designated by the speaker of the assembly, the senate majority

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leader and the minority leader in each house of the legislature. Three additional nonpartisan members are appointed by the governor, subject to senate confirmation. Under the bill, no nonpartisan member may hold any other office or employment in the government of this state or any political subdivision thereof or in any department of state government. In addition, no nonpartisan member, for one year immediately prior to the date of appointment, may have been, or while serving on the board may become, a member of a political party, an officer or member of a committee in any partisan political club or organization or a candidate for any partisan elective public office. Under the bill, the members of the current board serve until all of the members of the board who are appointed under the bill qualify for office, at which time the current members are replaced.

Determinations concerning application of election laws

Currently, any interested person may request a written opinion from the elections board concerning the person's authority or responsibilities under the election laws. The board may provide the opinion. No person acting in good faith upon such an opinion is subject to prosecution for so acting, if the material facts are as stated in the opinion request. Also, currently, any interested person may petition the elections board under the state administrative procedure act for a "declaratory ruling" concerning the applicability to any person, property or facts of any election law or rule of the board. The board may issue the ruling, and is thereafter bound by its decision if the facts are as stated in the petition. The declaratory ruling may be reviewed in court. In addition, currently, any elector of a jurisdiction may contest before the elections board the decision of any election official of that jurisdiction with respect to certain specified matters or the board may, on its own motion, investigate and determine whether an election official is acting in conformity with the law concerning one of those specified matters. The decision of the board may be reviewed in court.

This bill establishes, in addition to these procedures, a new procedure whereby any person may file a petition requesting a ruling concerning the application of the election laws or rules of the elections board to a particular person or set of facts described in the petition. The bill directs the board to employ an election examiner to rule upon the petition. If the petition concerns a question as to whether an election official or a private person is acting in conformity with the law or rules of the board, that official or private person must be made a party to the proceeding. The election examiner must issue a decision, unless the examiner decides, upon motion of an opposing party, that the petition is clearly without merit. The election examiner may order an election official or private person to act in conformity with the election laws or rules of the board, but may not impose a penalty for an alleged violation. The decision of the election examiner may be appealed to the board. In deciding the appeal, the board is not bound by any findings of fact or conclusions of law made by the examiner with respect to the matter. The procedure does not apply to any matter in which the action or inaction of the board or its executive director is contested, nor to any matter arising in connection with a recount. The bill directs the elections

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board to periodically examine and review decisions issued under the procedure with a view to clarifying and improving the administration of the election laws.

Biennial review of campaign finance practices

The bill directs the elections board to conduct a biennial review of campaign finance practices in this state. The review must include an assessment of the continued appropriateness of the contribution limitations prescribed by law and any other important problems that require the attention of the legislature, as well as an assessment of whether a bipartisan committee should be created to provide for additional study of issues and recommendations for possible additional legislative changes. If the board concludes that any contribution limitations should be increased or that any other action should be taken as a result of its review, the board is directed to transmit its conclusions and recommendations to the appropriate standing committees of the legislature, together with any information supporting the board's conclusions.

Study of campaign finance law enforcement

The bill requests the joint legislative council to review the process for detecting and penalizing violations of the state campaign finance law, with a view to detecting violations quickly and punishing violators firmly, and to report its findings, conclusions and recommendations, together with any proposed legislation, to the 2001 legislature when it convenes.

Future study of campaign finance reform

Currently, the governor may create nonstatutory committees to provide advice concerning policy formation. The bill directs the governor, in cooperation with the legislature, to exercise this existing authority to create a committee to study campaign finance reform whenever changing electoral dynamics and campaign finance technology demand such action. The bill further directs the joint committee on legislative organization, in cooperation with the governor, to propose the creation of such a committee whenever those conditions arise.

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 and organized exclusively for political purposes under whose name

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1 candidates appear on a ballot at any election, and all county, congressional,
2 legislative, local and other affiliated committees authorized to operate under the
3 same name. For purposes of ch. 11, the term does not include a legislative campaign
4 committee or a committee filing an oath under s. 11.06 (7).

5 **SECTION 2.** 5.05 (10) of the statutes is created to read:

6 **5.05 (10) ELECTION EXAMINER.** The board shall employ an election examiner to
7 conduct hearings and issue decisions under s. 5.065.

8 **SECTION 3.** 5.065 of the statutes is created to read:

9 **5.065 Determinations concerning application of election laws. (1)** In
10 this section, “election official” includes the board and any board of election
11 commissioners under s. 7.20.

12 **(2)** Any person may file a petition with the board requesting that the election
13 examiner issue a decision concerning the application of the election laws or rules of
14 the board to a particular person or particular set of facts described in the petition.
15 The election examiner shall issue a decision based upon any facts described without
16 regard to the correctness of those facts. A decision of the election examiner applies
17 only with respect to the material facts described in the petition requesting the
18 decision.

19 **(3)** If the petition concerns a question as to whether an election official or a
20 private person is acting in conformity with the law or rules of the board, the matter
21 shall be treated as a contested case, the petitioner shall serve a copy of the petition
22 upon that official or private person and that official or private person shall be a party
23 to the case. An election official or private person may move to dismiss the petition
24 if it is clearly without merit. If the election examiner finds, in response to a motion,
25 that a petition is clearly without merit, the examiner shall dismiss the petition.

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1 **(4)** In every contested case, the election examiner shall make findings of fact
2 and conclusions of law. The election examiner may order an election official or a
3 private person to act in conformity with the election laws or rules of the board, but
4 may not impose a penalty for an alleged violation.

5 **(5)** The petitioner or any election official or private person who is a party to a
6 contested case under this section may appeal the decision of the election examiner
7 to the board, which may review the decision without regard to any findings of fact
8 or conclusions of law made by the election examiner.

9 **(6)** A person who is not a party to a case under this section is not bound by any
10 decision in that case. The decision of the election examiner in any contested case
11 arising under this section is subject to review as provided in s. 227.57.

12 **(7)** (a) This section does not apply to any matter in which the action or inaction
13 of the board or its executive director is contested.

14 (b) This section does not apply to any matter arising in connection with a
15 recount under s. 9.01.

16 **(8)** The board shall periodically examine and review decisions of the election
17 examiner under this section with a view to clarifying and improving the
18 administration of the election laws of this state.

19 **SECTION 4.** 7.08 (2) (c) of the statutes is amended to read:

20 7.08 **(2)** (c) As soon as possible after the canvass of the spring and September
21 primary votes, but no later than the first Tuesday in March and the 4th Tuesday in
22 September, transmit to the state treasurer a certified list of all eligible candidates
23 for state office who have filed applications under s. 11.50 (2) and whom the board
24 determines to be eligible to receive payments from the Wisconsin clean election
25 campaign system fund. The list shall contain each candidate's name, the mailing

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1 address indicated upon the candidate's registration form, the office for which the
2 individual is a candidate and the party or principle which he or she represents, if any.

3 **SECTION 5.** 7.08 (2) (cm) of the statutes is amended to read:

4 7.08 (2) (cm) As soon as possible after the canvass of a special primary, or the
5 date that the primary would be held, if required, transmit to the state treasurer a
6 certified list of all eligible candidates for state office who have filed applications
7 under s. 11.50 (2) and whom the board determines to be eligible to receive a grant
8 from the Wisconsin clean election campaign system fund prior to the election. The
9 board shall also transmit a similar list of candidates, if any, who have filed
10 applications under s. 11.50 (2) and whom the board determines to be eligible to
11 receive a grant under s. 11.50 (1) (a) 2. after the special election. The list shall contain
12 each candidate's name, the mailing address indicated upon the candidate's
13 registration form, the office for which the individual is a candidate and the party or
14 principle which he or she represents, if any.

15 **SECTION 6.** 8.35 (4) (b) and (c) of the statutes are amended to read:

16 8.35 (4) (b) Notwithstanding par. (a), if the former candidate received a grant
17 from the Wisconsin clean election system fund, any unspent and unencumbered
18 moneys received by a in the campaign depository account of that candidate from the
19 Wisconsin election campaign fund, up to the amount of the grant received, shall be
20 immediately transferred to any candidate who is appointed to replace such
21 candidate, upon filing of a proper and approval of an application therefor for a grant
22 by the replacement candidate under s. 11.50 (2). If there is no candidate appointed
23 or if no proper application is filed and approved within 7 days of the date on which
24 the vacancy occurs, such moneys shall revert to the state as provided in s. 11.50 (8).

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1 (c) The transfer under par. (b) shall be made and reported to the appropriate
2 filing officer ~~in a special report submitted~~ by the former candidate's campaign
3 treasurer. If the former candidate is deceased and was serving as his or her own
4 campaign treasurer, the former candidate's petitioner or personal representative
5 shall ~~file the report and~~ make the transfer required by par. (b), ~~if any~~ and file the
6 report. The report shall be made at the appropriate interval under s. 11.20 (2) or (4)
7 and shall include a complete statement of all contributions, disbursements and
8 incurred obligations pursuant to s. 11.06 (1) covering the period from the day after
9 the last date covered on the former candidate's most recent report to the date of
10 disposition.

11 **SECTION 7.** 10.02 (3) (b) 2m. of the statutes is amended to read:

12 10.02 **(3)** (b) 2m. At the September primary, the elector shall select the party
13 ballot of his or her choice or the ballot containing the names of the independent
14 candidates for state office, and make a cross (8) in the square at the right of or depress
15 the lever or button next to the candidate's name for each office for whom the elector
16 intends to vote or insert or write in the name of the elector's choice for a party
17 candidate, if any. In order to qualify for participation in the Wisconsin clean election
18 campaign system fund, a candidate for state office at the September primary, other
19 than a candidate for district attorney, must receive at least 6% of all votes cast on all
20 ballots for the office for which he or she is a candidate, in addition to other
21 requirements.

22 **SECTION 8.** 11.01 (12s) of the statutes is repealed.

23 **SECTION 9.** 11.05 (2r) of the statutes is amended to read:

24 11.05 **(2r)** GENERAL REPORTING EXEMPTIONS. Any person, committee or group,
25 other than a candidate for a statewide or legislative office or the personal campaign

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1 committee of such a candidate or a committee or individual required to file an oath
2 under s. 11.06 (7), who or which does not anticipate accepting contributions, making
3 disbursements or incurring obligations in an aggregate amount in excess of \$1,000
4 in a calendar year and does not anticipate accepting any contribution or
5 contributions from a single source, other than contributions made by a candidate to
6 his or her own campaign, exceeding \$100 in that year may indicate on its registration
7 statement that the person, committee or group will not accept contributions, incur
8 obligations or make disbursements in the aggregate in excess of \$1,000 in any
9 calendar year and will not accept any contribution or contributions from a single
10 source, other than contributions made by a candidate to his or her own campaign,
11 exceeding \$100 in such year. Any registrant making such an indication is not subject
12 to any filing requirement if the statement is true. The registrant need not file a
13 termination report. A registrant not making such an indication on a registration
14 statement is subject to a filing requirement. The indication may be revoked and the
15 registrant is then subject to a filing requirement as of the date of revocation, or the
16 date that aggregate contributions, disbursements or obligations for the calendar
17 year exceed \$1,000, or the date on which the registrant accepts any contribution or
18 contributions exceeding \$100 from a single source, other than contributions made by
19 a candidate to his or her own campaign, during that year, whichever is earlier. If the
20 revocation is not timely, the registrant violates s. 11.27 (1).

21 **SECTION 10.** 11.05 (3) (c) of the statutes is amended to read:

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

ASSEMBLY BILL 256**SECTION 11**

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

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

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

9 **SECTION 13.** 11.06 (1) (intro.) of the statutes is amended to read:

10 11.06 **(1)** CONTENTS OF REPORT. (intro.) Except as provided in subs. (2), and (3)
11 ~~and (3m)~~ and ss. 11.05 (2r) and 11.19 (2), each registrant under s. 11.05 shall make
12 full reports, upon a form prescribed by the board and signed by the appropriate
13 individual under sub. (5), of all contributions received, contributions or
14 disbursements made, and obligations incurred. Each report shall contain the
15 following information, covering the period since the last date covered on the previous
16 report, unless otherwise provided:

17 **SECTION 14.** 11.06 (1) (a) of the statutes is amended to read:

18 11.06 **(1)** (a) An itemized statement giving the date, full name and street
19 address of each contributor who has made a contribution in excess of \$20, or whose
20 contribution if \$20 or less aggregates more than \$20 for the calendar year, together
21 with the amount of the contribution ~~and~~, the cumulative total contributions made by
22 that contributor for the calendar year and any allocation of all or part of that
23 contribution which is required to be made under s. 11.26 (17) (a).

24 **SECTION 15.** 11.06 (2) of the statutes is amended 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, and the disbursement does not constitute a contribution to any candidate
5 or other individual, committee or group, the disbursement or obligation is required
6 to be reported only if the purpose is to expressly advocate the election or defeat of a
7 clearly identified candidate or the adoption or rejection of a referendum. The
8 exemption provided by this subsection shall in no case be construed to apply to a
9 political party, ~~legislative campaign~~, personal campaign or support committee.

10 **SECTION 16.** 11.06 (3m) of the statutes is repealed.

11 **SECTION 17.** 11.06 (3r) of the statutes is repealed.

12 **SECTION 18.** 11.06 (3w) of the statutes is repealed.

13 **SECTION 19.** 11.06 (4) (b) of the statutes is amended to read:

14 11.06 (4) (b) ~~Unless~~ The recipient of any contribution other than a conduit shall
15 report the contribution as received and accepted on the date received, unless it is
16 returned or donated within 15 days of receipt, a contribution must be reported as
17 received and accepted on the date received. A conduit who or which receives a
18 contribution shall report the contribution as received and accepted no later than the
19 date on which the conduit transfers the contribution to the recipient specified by the
20 contributor under s. 11.16 (4) (a) unless the conduit returns the contribution to the
21 contributor on or before that date. This subsection ~~paragraph~~ applies
22 notwithstanding the fact that the contribution is not deposited in ~~the~~ a campaign
23 depository account by the closing date for the reporting period as provided in s. 11.20
24 (8).

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

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1 11.06 (7m) (a) If a committee which was registered under s. 11.05 as a political
2 party committee ~~or legislative campaign committee~~ supporting candidates of a
3 political party files an oath under sub. (7) affirming that it does not act in cooperation
4 or consultation with any candidate who is nominated to appear on the party ballot
5 of the party at a general or special election, that the committee does not act in concert
6 with, or at the request or suggestion of, such a candidate, that the committee does
7 not act in cooperation or consultation with such a candidate or agent or authorized
8 committee of such a candidate who benefits from a disbursement made in opposition
9 to another candidate, and that the committee does not act in concert with, or at the
10 request or suggestion of, such a candidate or agent or authorized committee of such
11 a candidate who benefits from a disbursement made in opposition to another
12 candidate, the committee filing the oath may not make any contributions in support
13 of any candidate of the party at the general or special election or in opposition to any
14 such candidate's opponents exceeding the amounts specified in s. 11.26 (2), except as
15 authorized in par. (c).

16 **SECTION 21.** 11.06 (7m) (c) of the statutes is amended to read:

17 11.06 (7m) (c) A committee filing an oath under sub. (7) which desires to change
18 its status to a political party committee ~~or legislative campaign committee~~ may do
19 so as of December 31 of any even-numbered year. Section 11.26 does not apply to
20 contributions received by such a committee prior to the date of the change. Such a
21 committee may change its status at other times only by filing a termination
22 statement under s. 11.19 (1) and reregistering as a newly organized committee
23 under s. 11.05.

24 **SECTION 22.** 11.06 (11) (a) of the statutes is amended to read:

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1 11.06 (11) (a) A conduit transferring a contribution of money shall, in writing,
2 identify itself to the transferee as a conduit and report to the transferee of each
3 contribution transferred by it the information about the original contributor
4 required for reporting purposes under sub. (1) (a) and (b) at the time the contribution
5 is transferred. The conduit shall include the information in its any report filed by
6 the conduit under s. 11.12 (5) ~~or~~, 11.20 or 11.21 (16) for the date on which the
7 contribution is received and transferred.

8 **SECTION 23.** 11.065 of the statutes is created to read:

9 **11.065 Registration and reports by certain individuals and**
10 **organizations. (1)** (a) “Mass mailing” means the distribution of 50 or more pieces
11 of substantially identical material.

12 (b) “Organization” means any person, other than an individual, and any
13 combination of 2 or more persons.

14 (c) “Telephone bank operator” means any person who places or directs the
15 placement of telephone calls to individuals.

16 **(2)** Any individual who or organization which receives one or more donations
17 and makes one or more expenditures from those donations or other income for the
18 purpose of publishing, broadcasting or disseminating a communication which
19 includes the name or likeness of a candidate for state or local office at a primary or
20 other election within 30 days of that election by means of one or more
21 communications media or a mass mailing or through a telephone bank operator,
22 prior to receiving any donations or making expenditures, which, in the aggregate,
23 exceed \$1,000 within a calendar year in amount or value for that purpose, shall
24 register with the filing officer of the candidate whose name or likeness is used. The
25 registration shall include the name of each candidate whose name or likeness is

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1 included in any communication made by the individual or organization. If, after the
2 date of registration, the individual or organization determines to make a
3 communication which includes the name or likeness of a candidate for state or local
4 office who is not identified in the registration, and the communication would require
5 registration under this subsection, the individual or organization shall, before
6 making the communication, report the name of that candidate to the appropriate
7 filing officer.

8 (3) A registrant under sub. (2) shall file reports with each filing officer with
9 whom the individual or organization is registered identifying all of the following:

10 (a) Each donation received from a single source exceeding \$20 within a
11 calendar year, together with the amount of the donation, the date that the donation
12 was received and accepted, the name and address of the donor and, if the amount of
13 the donation exceeds \$100 cumulatively within a calendar year, the occupation and
14 principal place of employment of the donor.

15 (b) Each expenditure exceeding \$20 made, together with the amount of the
16 expenditure, the date that the expenditure was made, the name of the person to
17 whom the expenditure was made and the specific purpose for which the expenditure
18 was made.

19 (c) The total donations and other income received and accepted and total
20 expenditures made cumulatively for the calendar year.

21 (4) (a) If an individual or organization under sub. (2) receives income or makes
22 expenditures exceeding \$20,000 in amount or value within a campaign period, as
23 defined in s. 11.21 (16), for a purpose specified in sub. (2) with respect to one or more
24 candidates for state office, the individual or organization shall file reports with the
25 board under s. 11.21 (16) which include the information required under sub. (3)

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1 relating to that income or those expenditures at the times specified in s. 11.20 (2),
2 (2m) and (4). In addition, the individual or organization shall file reports recorded
3 on a medium specified by the board. The reports shall be signed by an authorized
4 individual and filed at the times specified in s. 11.20 (2), (2m) and (4).

5 (b) If an individual or organization under sub. (2) receives income or makes
6 expenditures with respect to one or more candidates for state office not exceeding
7 \$20,000 in amount or value within a calendar year, or if an individual or organization
8 under sub. (2) receives income or makes expenditures with respect to one or more
9 candidates for local office, for a purpose specified in sub. (2), the individual or
10 organization shall report to the appropriate filing officer the information required
11 under sub. (3) in the form prescribed by the board at the times specified in s. 11.20
12 (2), (2m) and (4) for filing of reports by each candidate who is identified in a
13 communication made by the individual or organization.

14 (c) Each report filed under this section shall include all income received and
15 accepted and all expenditures made as of the applicable dates specified in s. 11.20
16 (8).

17 (5) An individual who or organization which determines that it will no longer
18 accept donations or make expenditures for a purpose specified in sub. (2) may file a
19 notice of termination of its registration with any filing officer with whom the
20 individual or organization is registered. An individual who or organization which
21 files a notice of termination under this subsection is not subject to the filing
22 requirement under sub. (3) until such time as the individual or organization again
23 accepts a donation or makes an expenditure for a purpose specified in sub. (2).

24 **SECTION 24.** 11.09 (3) of the statutes is amended to read:

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1 11.09 (3) Each registrant whose filing officer is the board, who or which makes
2 disbursements in connection with elections for offices which serve or referenda
3 which affect only one county or portion thereof, except a candidate, personal
4 campaign committee, political party committee or other committee making
5 disbursements in support of or in opposition to a candidate for state senator,
6 representative to the assembly, court of appeals judge or circuit judge, shall file a
7 duplicate original of each financial report filed with the board with the county clerk
8 or board of election commissioners of the county in which the elections in which the
9 registrant participates are held. Such reports shall be filed no later than the dates
10 specified under s. 11.20 (2) and (4) for the filing of each report with the board. This
11 subsection does not apply to a registrant who or which files reports under s. 11.21
12 (16).

13 **SECTION 25.** 11.12 (3) of the statutes is amended to read:

14 11.12 (3) All contributions, disbursements and incurred obligations exceeding
15 \$10 shall be recorded by the campaign or committee treasurer or the individual
16 under s. 11.06 (7). He or she shall maintain such records in an organized and legible
17 manner, for not less than 3 years after the date of an election in which the registrant
18 participates. If a report is submitted under s. 11.19 (1), the records may be
19 transferred to a continuing committee or to the appropriate filing officer for
20 retention. Records shall include the information required under s. ~~ss.~~ 11.06 (1) and
21 11.16 (2s) (a).

22 **SECTION 26.** 11.12 (4) of the statutes is amended to read:

23 11.12 (4) Each registrant shall report contributions, disbursements and
24 incurred obligations in accordance with s. 11.20. Except as permitted under s. 11.06

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1 (2), and (3) ~~and (3m)~~, each report shall contain the information which is required
2 under s. 11.06 (1).

3 **SECTION 27.** 11.14 (1) of the statutes is amended to read:

4 11.14 (1) Except as authorized in sub. (3) and as required by s. 11.16 (5), all
5 ~~funds~~ moneys received by a campaign or committee treasurer, group treasurer,
6 candidate or other individual shall be deposited in a single separate campaign
7 depository account designated in accordance with s. 11.16 (3). Except as authorized
8 in sub. (3), the depository account shall be established by every candidate no later
9 than the time prescribed in s. 11.10 (1), and by every other individual or treasurer
10 no later than the 5th business day after becoming subject to a registration
11 requirement under s. 11.05 and before making any disbursement. The depository
12 account may be established with any financial institution as defined in s. 705.01 (3)
13 which is authorized to transact business in this state. The individual or treasurer
14 of each registrant other than a conduit shall deposit all funds moneys received in the
15 campaign depository account of the registrant no later than the 5th business day
16 commencing after receipt. A treasurer of a conduit shall deposit all moneys received
17 in the campaign depository account of the conduit no later than the 5th day
18 commencing after receipt. This subsection does not apply to a contributor committee
19 or group which is exempt from registration under s. 11.05 (8).

20 **SECTION 28.** 11.16 (2e), (2m) and (2s) of the statutes are created to read:

21 11.16 (2e) FORM OF CERTAIN NEGOTIABLE INSTRUMENTS. (a) Each contribution
22 made by negotiable instrument that is transferred from the contributor to the
23 recipient by another person, together with one or more additional contributions
24 made by means of negotiable instruments, shall have shown on the face of the
25 instrument the date that the contribution is made, the amount of the contribution

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1 and the name of the intended recipient. The contributor of each such contribution
2 shall personally enter the information required by this subsection at the time the
3 contributor transfers the contribution to the other person.

4 (b) No person may enter or change the date that a contribution specified in par.
5 (a) is made so as to indicate a date that the contribution is made other than the date
6 that the contribution is transferred by the contributor to the transferee under par.
7 (a).

8 **(2m)** TRANSFERS OF CERTAIN CONTRIBUTIONS BY CONDUITS. Each conduit who or
9 which receives a contribution of money shall transfer the contribution to the
10 recipient specified by the contributor within 5 days of the date on which the conduit
11 receives the contribution from the contributor.

12 **(2s)** CONDUIT CONTRIBUTION PROCEDURE. (a) Each contributor who transfers a
13 contribution of money to a conduit shall make a written direction to the conduit, on
14 a form prescribed by the board, specifying clearly the name of the intended recipient,
15 the amount of the contribution and the date on which the contribution is made. Each
16 item of information on the form shall be entered by the contributor.

17 (b) No conduit may accept a contribution that is not accompanied by the
18 information required under par. (a).

19 (c) A conduit receiving a form prescribed under par. (a) shall retain the form
20 with its records under s. 11.12 (3).

21 (d) No person may enter or change a date that a contribution is made on a form
22 prescribed under par. (a) so as to indicate a date that a contribution is made other
23 than the actual date.

24 **SECTION 29.** 11.16 (5) of the statutes is amended to read:

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

16 **SECTION 30.** 11.19 (2) of the statutes is amended to read:

17 11.19 (2) Notwithstanding sub. (1), any registrant other than a candidate for
18 statewide or legislative office or a personal campaign committee of such a candidate
19 who or which determines that obligations will no longer be incurred, contributions
20 will no longer be made or received or disbursements made during a calendar year in
21 an aggregate amount of more than \$1,000 may file a suspension report with the
22 appropriate filing officer. The report shall be filed and certified as were previous
23 reports and shall contain the information required under s. 11.06 (1). Upon receipt
24 of a properly executed report, the registrant shall be granted a suspension of the
25 filing requirement under s. 11.20 (9) by the appropriate filing officer. Such

ASSEMBLY BILL 256**SECTION 30**

1 suspension is effective only for the calendar year in which it is granted, unless the
2 registrant alters its status before the end of such year or files a termination report
3 under sub. (1).

4 **SECTION 31.** 11.20 (1) of the statutes is amended to read:

5 11.20 (1) All reports required by s. 11.06 which relate to activities which
6 promote or oppose candidates for state office or statewide referenda and all reports
7 under s. 11.08 shall be filed with the board. All reports required by s. 11.06 which
8 relate to activities which promote or oppose candidates for local office or local
9 referenda shall be filed with the appropriate filing officer under s. 11.02, except
10 reports filed under s. 11.08. Each registrant shall file the reports required by this
11 section. If the registrant is subject to a requirement under s. 11.21 (16) to report
12 electronically the same information that is reportable under this section, the
13 registrant shall, in addition, file the reports required by this section recorded on a
14 medium specified by the board.

15 **SECTION 32.** 11.20 (7) of the statutes is amended to read:

16 11.20 (7) In the event that any report is required to be filed under this section
17 chapter on a nonbusiness day, it may be filed on the next business day thereafter.

18 **SECTION 33.** 11.21 (15) of the statutes is amended to read:

19 11.21 (15) Inform each candidate who files an application to become eligible to
20 receive a grant from the Wisconsin clean election campaign system fund of the dollar
21 amount of the applicable disbursement limitation under s. 11.31 (1), adjusted as
22 provided in s. 11.31 (9), which applies to the office for which such person is a
23 candidate. Failure to receive the notice required by this subsection does not
24 constitute a defense to a violation of s. 11.27 (1) or 11.31.

25 **SECTION 34.** 11.21 (17) of the statutes is created to read:

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1 11.21 (17) No later than 24 hours after receiving any information electronically
2 under sub. (16), or if the information is received on a Saturday, Sunday or holiday
3 specified in s. 230.35 (4) (a), no later than 24 hours after the beginning of the first
4 business day after receiving such information, post the information electronically for
5 public inspection on the internet.

6 **SECTION 35.** 11.21 (18) of the statutes is created to read:

7 11.21 (18) Conduct a biennial review of campaign finance practices in this
8 state. The review shall include an assessment of the continued appropriateness of
9 the contribution limitations prescribed in s. 11.26 and any other important problems
10 that require the attention of the legislature, as well as an assessment of whether a
11 bipartisan committee should be created to provide for additional study of issues and
12 recommendations for possible additional legislative changes. If the board concludes
13 that any of the contribution limitations prescribed in s. 11.26 should be increased or
14 that any other action should be taken as a result of its review, the board shall
15 transmit its conclusions and recommendations to the appropriate standing
16 committees of each house of the legislature under s. 13.172 (3), together with
17 information supporting the board's conclusions, no later than January 1 of each
18 odd-numbered year.

19 **SECTION 36.** 11.21 (19) of the statutes is created to read:

20 11.21 (19) Review the operation of any system adopted by a county or 1st class
21 city to provide for public funding of campaigns for county or city offices and provide
22 its recommendations, if any, for extension of a similar system for financing
23 campaigns to other local offices to the appropriate standing committees of each house
24 of the legislature under s. 13.172 (3).

25 **SECTION 37.** 11.23 (4) of the statutes is amended to read:

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1 11.23 **(4)** Each group or individual shall file periodic reports as provided in ss.
2 11.06, 11.19 ~~and~~, 11.20 and 11.21 (16). Every individual acting for the purpose of
3 influencing the outcome of a referendum shall be deemed his or her own treasurer.
4 No disbursement may be made or obligation incurred by or on behalf of a group
5 without the authorization of the treasurer or the treasurer's designated agents. No
6 contribution may be accepted and no disbursement may be made or obligation
7 incurred by any group at a time when there is a vacancy in the office of treasurer.

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

9 11.24 **(1s)** Except as authorized in ss. 11.16 (5) and 11.26 (7), no candidate,
10 personal campaign committee, former candidate or former personal campaign
11 committee may make a contribution to another candidate or personal campaign
12 committee.

13 **SECTION 39.** 11.24 (1t) of the statutes is created to read:

14 11.24 **(1t)** If a candidate dies or ceases to be a candidate, and the candidate's
15 personal campaign committee thereafter files an oath under s. 11.06 (7) indicating
16 its intent to operate as an independent committee, the committee may not make any
17 contribution for the purpose of influencing the election of a candidate for national,
18 state or local office in an election that is derived in whole or in part from contributions
19 received by the committee prior to the date on which the committee files the oath
20 under s. 11.06 (7).

21 **SECTION 40.** 11.25 (2) (am) of the statutes is created to read:

22 11.25 **(2)** (am) No individual who is a candidate for any national, state or local
23 office, personal campaign committee of such a candidate, former candidate or former
24 personal campaign committee of a candidate or former candidate may make a
25 disbursement for the purpose of influencing the election or nomination to election of

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1 that candidate or any other individual who is a candidate for any national, state or
2 local office from money or property that was received by or on behalf of the candidate
3 or former candidate when he or she was a candidate for another office.

4 **SECTION 41.** 11.25 (2) (b) of the statutes is amended to read:

5 11.25 (2) (b) Notwithstanding par. (a), a registrant may accept contributions
6 and make disbursements from a campaign depository account for the purpose of
7 ~~making expenditures in connection with a campaign for national office; for payment~~
8 of civil penalties incurred by the registrant under this chapter; or for payment of the
9 expenses of nonpartisan campaigns to increase voter registration or participation.

10 Notwithstanding par. (a), a personal campaign committee or support committee may
11 accept contributions and make disbursements from a campaign depository account
12 for payment of inaugural expenses of an individual who is elected to state or local
13 office. If such expenses are paid from contributions made to the campaign depository
14 account, they are reportable under s. 11.06 (1) as disbursements. Otherwise, such
15 expenses are not reportable under s. 11.06 (1). If contributions from the campaign
16 depository account are used for such expenses, they are subject to s. 11.26.

17 **SECTION 42.** 11.25 (4) of the statutes is created to read:

18 11.25 (4) If a candidate dies or ceases to be a candidate, and the candidate's
19 personal campaign committee thereafter files an oath under s. 11.06 (7) indicating
20 its intent to operate as an independent committee, the committee may not make any
21 disbursement to advocate the election or defeat of a clearly identified candidate for
22 national, state or local office in an election that is derived in whole or in part from
23 contributions received by the committee prior to the date on which the committee
24 files the oath under s. 11.06 (7).

25 **SECTION 43.** 11.26 (1) (intro.) of the statutes is amended to read:

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1 11.26 (1) (intro.) ~~No Except as provided in sub. (9m), no individual may make~~
2 any contribution or contributions to a candidate for election or nomination to any of
3 the following offices and to any individual or committee under s. 11.06 (7) acting
4 solely in support of such a candidate or solely in opposition to the candidate's
5 opponent to the extent of more than a total of the amounts specified per candidate:

6 **SECTION 44.** 11.26 (2) (intro.) of the statutes is amended to read:

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

13 **SECTION 45.** 11.26 (2) (a) of the statutes is amended to read:

14 11.26 (2) (a) Candidates for governor, ~~lieutenant governor, secretary of state,~~
15 ~~state treasurer, attorney general, state superintendent or justice, 4% of the value of~~
16 ~~the disbursement level specified in the schedule under s. 11.31 (1), \$45,000.~~

17 **SECTION 46.** 11.26 (2) (ae), (am) and (as) of the statutes are created to read:

18 11.26 (2) (ae) Candidates for lieutenant governor, \$13,000.

19 (am) Candidates for attorney general, \$22,000.

20 (as) Candidates for justice, secretary of state, state treasurer or state
21 superintendent, \$9,000.

22 **SECTION 47.** 11.26 (2) (b) and (c) of the statutes are amended to read:

23 11.26 (2) (b) Candidates for state senator, ~~\$1,000~~ \$2,000.

24 (c) Candidates for representative to the assembly, ~~\$500~~ \$1,000.

25 **SECTION 48.** 11.26 (4) of the statutes is amended to read:

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1 11.26 (4) No individual may make any contribution or contributions to all
2 candidates for state and local offices and to any individuals who or committees which
3 are subject to a registration requirement under s. 11.05, including legislative
4 ~~campaign committees and~~ committees of a political party, to the extent of more than
5 a total of \$10,000 in any calendar year.

6 **SECTION 49.** 11.26 (7) of the statutes is created to read:

7 11.26 (7) Except as authorized in s. 11.16 (5), no candidate or his or her personal
8 campaign committee may make a contribution to another candidate or his or her
9 personal campaign committee, except a contribution in an amount not exceeding
10 \$100 in amount or value that is utilized for the purpose of financing the actual costs
11 of an event.

12 **SECTION 50.** 11.26 (8) of the statutes is amended to read:

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

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

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

25 **SECTION 51.** 11.26 (8e) of the statutes is created to read:

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1 11.26 **(8e)** No candidate or his or her personal campaign committee may make
2 any contribution to a political party, as defined in s. 5.02 (13), except a contribution
3 in an amount not exceeding \$100 in amount or value that is utilized for the purpose
4 of financing the actual costs of an event.

5 **SECTION 52.** 11.26 (8m) of the statutes is created to read:

6 11.26 **(8m)** (a) No committee may make any contribution or contributions to
7 any other committee except a political party, personal campaign or support
8 committee in a total amount or value exceeding \$100 during a biennium, as defined
9 in sub. (8) (a).

10 (b) No conduit may transfer any contribution or contributions to any committee
11 except a political party, personal campaign or support committee in a total amount
12 or value exceeding \$100 during a biennium, as defined in sub. (8) (a).

13 **SECTION 53.** 11.26 (9) (a) and (b) of the statutes are amended to read:

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

20 (b) No individual who is a candidate for state or local office may receive and
21 accept more than 45% of the value of the total disbursement level, as determined
22 under s. 11.31 (1) and adjusted as provided in s. 11.31 (9), for the office for which he
23 or she is a candidate during any primary and election campaign combined from all
24 committees other than political party ~~and legislative campaign~~ committees subject
25 to a filing requirement.

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1 **SECTION 54.** 11.26 (9) (c) of the statutes is amended to read:

2 11.26 **(9)** (c) For purposes of ~~pars. par.~~ par. (a) ~~and (b)~~, a “committee” includes the
3 Wisconsin clean election campaign system fund.

4 **SECTION 55.** 11.26 (9m) of the statutes is created to read:

5 11.26 **(9m)** (a) If any individual or organization makes expenditures that are
6 reportable under s. 11.065 which include the name or likeness of a candidate to whom
7 s. 11.31 (2) applies, or an opponent of such a candidate, and the total expenditures
8 for that purpose by all such individuals and organizations aggregate more than 5%
9 of the limitation prescribed under s. 11.31 (2), as adjusted under s. 11.31 (9),
10 applicable to that candidate during any campaign, as defined in s. 11.31 (7), on or
11 before the date of the primary election, or the date on which the primary election
12 would be held, if required, the limitations prescribed in subs. (1) and (2) applicable
13 to contributions made to that candidate in that campaign are 200% of the amounts
14 specified in subs. (1) and (2) and the limitation prescribed under sub. (9) (a) does not
15 apply to that candidate or to any opponent of that candidate after the date on which
16 those total expenditures exceed that amount.

17 (b) If any individual or organization makes expenditures that are reportable
18 under s. 11.065 which include the name or likeness of a candidate to whom s. 11.31
19 (2) applies, or an opponent of such a candidate, and the total expenditures for that
20 purpose by all such individuals and organizations aggregate more than 5% of the
21 limitation prescribed under s. 11.31 (2), as adjusted under s. 11.31 (9), applicable to
22 that candidate during any campaign, as defined in s. 11.31 (7), after the date of the
23 primary election, or the date on which the primary election would be held, if required,
24 and on or before the date of the election, the limitations prescribed in subs. (1) and
25 (2) applicable to contributions made to that candidate in that campaign are 200% of

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1 the amounts specified in subs. (1) and (2) and the limitation prescribed under sub.
2 (9) (a) does not apply to that candidate or to any opponent of that candidate after the
3 date on which those total expenditures exceed that amount.

4 **SECTION 56.** 11.26 (10) of the statutes is amended to read:

5 11.26 **(10)** No candidate for state office who files a sworn statement and
6 application to receive a grant from the Wisconsin clean election campaign system
7 fund may make contributions of more than 200% of the amounts specified in sub. (1)
8 to the candidate's own campaign from the candidate's personal funds or property or
9 the personal funds or property which are owned jointly or as marital property with
10 the candidate's spouse, unless the board determines that the candidate is not eligible
11 to receive a grant, the candidate withdraws his or her application under s. 11.50 (2)
12 (h), or sub. (10m) or s. 11.50 (2) (i) applies. For purposes of this subsection, any
13 contribution received by a candidate or his or her personal campaign committee from
14 a committee which is registered with the federal elections commission as the
15 authorized committee of the candidate under 2 USC 432 (e) shall be treated as a
16 contribution made by the candidate to his or her own campaign. The contribution
17 limit of sub. (4) applies to amounts contributed by such a candidate personally to the
18 candidate's own campaign and to other campaigns, except that a candidate may
19 exceed the limitation if authorized under this subsection to contribute more than the
20 amount specified to the candidate's own campaign, up to the amount of the
21 limitation.

22 **SECTION 57.** 11.26 (10m) of the statutes is created to read:

23 11.26 **(10m)** (a) If any individual or organization makes expenditures that are
24 reportable under s. 11.065 which include the name or likeness of a candidate to whom
25 s. 11.31 (2) applies, or an opponent of such a candidate, and the total expenditures

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1 for that purpose by all such individuals and organizations in the aggregate exceed
2 an amount equal to 5% of the limitation prescribed under s. 11.31 (2), as adjusted
3 under s. 11.31 (9), applicable to that candidate during any campaign on or before the
4 date of the primary election, or the date on which the primary election would be held,
5 if required, the limitation prescribed under sub. (10) does not apply to that candidate
6 after the date on which those total expenditures exceed that amount.

7 (b) If any individual or organization makes expenditures that are reportable
8 under s. 11.065 which include the name or likeness of a candidate to whom s. 11.31
9 (2) applies, or an opponent of such a candidate, and the total expenditures for that
10 purpose by all such individuals and organizations in the aggregate exceed an amount
11 equal to 5% of the limitation prescribed under s. 11.31 (2), as adjusted under s. 11.31
12 (9), applicable to that candidate during any campaign after the date of the primary
13 election, or the date on which the primary election would be held, if required, and on
14 or before the date of the election, the limitation prescribed under sub. (10) does not
15 apply to that candidate after the date on which those total expenditures exceed that
16 amount.

17 **SECTION 58.** 11.26 (17) (g) of the statutes is created to read:

18 11.26 (17) (g) Notwithstanding pars. (b) to (e), if at the time that the campaign
19 of a candidate ends under this subsection, the candidate has unencumbered moneys
20 in his or her campaign depository account, and the candidate thereafter becomes a
21 candidate at a future election, the unencumbered moneys, less any earnings received
22 by the candidate on those moneys, are allocated to the contribution limitations
23 applicable to contributors to the candidate's campaign in the future election under
24 subs. (1), (2), (9) and (10), with the contributions most recently received by the
25 candidate allocated in the inverse order in which they were chronologically received

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1 until all such unencumbered moneys are so allocated. Within 10 days after a
2 candidate determines that he or she must allocate a contribution received in a
3 previous campaign pursuant to this subsection, but in no case later than 10 days
4 after the date on which that candidate becomes a candidate in a future election, the
5 candidate's campaign treasurer shall notify the contributor in writing of that
6 allocation and the amount thereof.

7 **SECTION 59.** 11.265 of the statutes is repealed.

8 **SECTION 60.** 11.31 (1) (intro.) of the statutes is amended to read:

9 11.31 **(1)** SCHEDULE. (intro.) The following levels of disbursements are
10 established with reference to the candidates listed below. Except as provided in sub-
11 subs. (2) and (2e), such levels do not operate to restrict the total amount of
12 disbursements which are made or authorized to be made by any candidate in any
13 primary or other election.

14 **SECTION 61.** 11.31 (1) (a), (b), (c) and (d) of the statutes are amended to read:

15 11.31 **(1)** (a) Candidates for governor, ~~\$1,078,200~~ \$3,500,000.

16 (b) Candidates for lieutenant governor, ~~\$323,475~~ \$1,125,000.

17 (c) Candidates for attorney general, ~~\$539,000~~ \$750,000.

18 (d) Candidates for secretary of state, state treasurer, ~~justice or state~~
19 superintendent, ~~\$215,625~~ \$350,000.

20 **SECTION 62.** 11.31 (1) (de) of the statutes is created to read:

21 11.31 **(1)** (de) Candidates for justice, \$400,000.

22 **SECTION 63.** 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~~ \$140,000.

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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 64.** 11.31 (2) of the statutes is amended to read:

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

20 **SECTION 65.** 11.31 (2e) of the statutes is created to read:

21 11.31 (2e) **LIMITATION ON DISBURSEMENTS FROM SOURCES OTHER THAN INDIVIDUAL**
22 **CONTRIBUTIONS.** No candidate may make or authorize total disbursements from his
23 or her campaign treasury in any campaign that are derived from sources other than
24 contributions received from individuals in an aggregate amount or value greater
25 than 65% of the disbursement level for the office which the candidate seeks, as

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1 prescribed under sub. (1) or as modified under sub. (3), and as adjusted under sub.
2 (9).

3 **SECTION 66.** 11.31 (2m) of the statutes is repealed.

4 **SECTION 67.** 11.31 (3) of the statutes is amended to read:

5 11.31 **(3)** GUBERNATORIAL CAMPAIGNS. For purposes of compliance with the
6 limitations imposed under sub. (2), candidates for governor and lieutenant governor
7 of the same political party who both accept grants from the Wisconsin clean election
8 campaign system fund may agree to combine disbursement levels under sub. (1) (a)
9 and (b), adjusted as provided under sub. (9), and reallocate the total level between
10 them. The candidates shall each inform the board of any such agreement.

11 **SECTION 68.** 11.31 (3m) of the statutes is repealed.

12 **SECTION 69.** 11.31 (3n) of the statutes is created to read:

13 11.31 **(3n)** MASS MAILING AND TELEPHONING ACTIVITIES; EXCEPTION. (a) If any
14 individual or organization makes expenditures that are reportable under s. 11.065
15 which include the name or likeness of a candidate to whom sub. (2) applies, or an
16 opponent of such a candidate, and the total expenditures for that purpose by all such
17 individuals and organizations in the aggregate exceed an amount equal to 5% of the
18 limitation prescribed under sub. (2), as adjusted under sub. (9), applicable to that
19 candidate during any campaign on or before the date of the primary election, or the
20 date on which the primary election would be held, if required, the limitation
21 prescribed under sub. (2) does not apply to that candidate after the date on which
22 those total expenditures exceed that amount.

23 (b) If any individual or organization makes expenditures that are reportable
24 under s. 11.065 which include the name or likeness of a candidate to whom sub. (2)
25 applies, or an opponent of such a candidate, and the total expenditures for that

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1 purpose by all such individuals and organizations in the aggregate exceed an amount
2 equal to 5% of the limitation prescribed under sub. (2), as adjusted under sub. (9),
3 applicable to that candidate during any campaign after the date of the primary
4 election, or the date on which the primary election would be held, if required, and on
5 or before the date of the election, the limitation prescribed under sub. (2) does not
6 apply to that candidate after the date on which those total expenditures exceed that
7 amount.

8 **SECTION 70.** 11.31 (4) of the statutes is repealed.

9 **SECTION 71.** 11.31 (7) (a) of the statutes is amended to read:

10 11.31 (7) (a) For purposes of this section, except as provided in pars. (b) and (c),
11 the “campaign” of a candidate extends from July 1 preceding the date on which the
12 spring primary or election occurs or January 1 preceding the date on which the
13 September primary or general election occurs for the office which the candidate
14 seeks, or from the date of the candidate’s public announcement, whichever is earlier,
15 through the last day of the month following the month in which ~~the an~~ election ~~or~~
16 primary is held at which a candidate seeks office. If a candidate seeks office at both
17 a primary election and at a general or spring election which follows that primary
18 election, the “campaign” of that candidate extends through the last day of the month
19 following the general or spring election. If a candidate seeks office at a primary
20 election but not at the general or spring election which follows that primary election,
21 the “campaign” of that candidate extends through the last day of the month following
22 the primary election.

23 **SECTION 72.** 11.31 (7) (c) and (d) of the statutes are amended to read:

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1 11.31 (7) (c) Disbursements which are made after ~~a campaign~~ the period
2 specified in par. (a) to retire a debt incurred in relation to a campaign are charged
3 against the disbursement limitation for that campaign.

4 (d) Disbursements which are made outside ~~a campaign~~ the period specified in
5 par. (a) and to which par. (b) or (c) does not apply are not subject to any disbursement
6 limitation. Such disbursements are subject to s. 11.25 (2).

7 **SECTION 73.** 11.31 (9) of the statutes is created to read:

8 11.31 (9) ADJUSTMENT OF DISBURSEMENT LEVELS. (a) In this subsection:

9 1. “Consumer price index” means the average of the consumer price index over
10 each 12-month period, all items, U.S. city average, as determined by the bureau of
11 labor statistics of the federal department of labor.

12 2. “Voting age population of this state” means the voting age population of this
13 state, as determined by the federal election commission in its most recent
14 determination prior to the date of any calculation under this subsection.

15 (b) The dollar amounts of all disbursement levels specified in sub. (1) shall be
16 subject to a biennial adjustment to be determined by rule of the board in accordance
17 with this subsection. To determine the adjustment, the board shall calculate the
18 percentage difference between the voting age population of this state on December
19 31 of each odd-numbered year and the voting age population of this state on
20 December 31, 1999. The board shall then calculate the percentage difference
21 between the consumer price index for the 12-month period ending on December 31
22 of each odd-numbered year and the consumer price index for the base period,
23 calendar year 1999. For each biennium, the board shall first multiply the
24 disbursement levels by the percentage difference in the voting age populations. The
25 board shall then multiply that product by the percentage difference in the consumer

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1 price indices. The board shall adjust the disbursement levels specified under sub.
2 (1) to substitute that result for the existing levels to the extent required to reflect any
3 difference, rounded to the nearest multiple of \$25 in the case of amounts of \$1 or
4 more, which amounts shall be in effect until a subsequent rule is promulgated under
5 this subsection. Notwithstanding s. 227.24 (1) (a), (2) (b) and (3), determinations
6 under this subsection may be promulgated as an emergency rule under s. 227.24
7 without providing evidence that the emergency rule is necessary for the public peace,
8 health, safety or welfare, and without a finding of emergency.

9 **SECTION 74.** 11.38 (1) (a) 2. of the statutes is amended to read:

10 11.38 (1) (a) 2. Notwithstanding subd. 1., any such corporation or association
11 may establish and administer a separate segregated fund and solicit contributions
12 from individuals to the fund to be utilized by such corporation or association, for the
13 purpose of supporting or opposing any candidate for state or local office but the
14 corporation or association may not make any contribution to the fund. The fund shall
15 appoint a treasurer and shall register as a political committee under s. 11.05. A
16 parent corporation or association engaging solely in this activity is not subject to
17 registration under s. 11.05, but shall register and file special reports on forms
18 prescribed by the board disclosing its administrative and solicitation expenses on
19 behalf of such fund. A corporation not domiciled in this state need report only its
20 expenses for administration and solicitation of contributions in this state together
21 with a statement indicating where information concerning other administration and
22 solicitation expenses of its fund may be obtained. The reports shall be filed with the
23 filing officer for the fund specified in s. 11.02 in the manner provided under s. 11.21
24 (16), if applicable, or otherwise in the manner in which continuing reports are filed
25 under s. 11.20 (4) and (8).

ASSEMBLY BILL 256**SECTION 75**

1 **SECTION 75.** 11.50 (title) of the statutes is amended to read:

2 **11.50** (title) **Wisconsin clean election campaign fund system.**

3 **SECTION 76.** 11.50 (1) (b) of the statutes is amended to read:

4 11.50 **(1)** (b) “Fund” means the Wisconsin clean election campaign system fund.

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

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

22 **SECTION 78.** 11.50 (2) (b) 5. of the statutes is amended to read:

23 11.50 **(2)** (b) 5. The financial reports filed by or on behalf of the candidate as
24 of the date of the spring or September primary, or the date that the special primary
25 is or would be held, if required, indicate that the candidate has received at least the

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

19 **SECTION 79.** 11.50 (2) (g) of the statutes is amended to read:

20 11.50 (2) (g) A candidate who voluntarily files an application to receive a grant
21 in accordance with this subsection accepts and agrees to comply with the
22 contribution limitations prescribed in s. 11.26 and the disbursement limitations
23 imposed under s. 11.31 (2), as adjusted under s. 11.31 (9), as binding upon himself
24 or herself and his or her agents during the campaign of that candidate as defined in
25 s. 11.31 (7), as a precondition to receipt of a grant under this section, ~~unless~~ except

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1 that the candidate is not required to comply with s. 11.26 (10) or 11.31 (2) if the board
2 determines that the candidate is not eligible to receive a grant, the candidate
3 withdraws the application under par. (h), or par. (i) or s. 11.31 (3n) applies.

4 **SECTION 80.** 11.50 (2) (i) of the statutes is amended to read:

5 11.50 (2) (i) Notwithstanding par. (g), if an eligible candidate at the spring
6 election or a special nonpartisan election who accepts a grant is opposed by one or
7 more candidates in the election, ~~or~~ if an eligible candidate for an office at the general
8 election ~~or a special partisan election~~ who accepts a grant is opposed by one or more
9 candidates in the election who ~~receive~~ received at least 6% of the vote cast for all
10 candidates for the same office on all ballots at the September primary or ~~a~~ if an
11 eligible candidate at a special partisan election who accepts a grant is opposed by one
12 or more candidates in the election who received at least 6% of the vote cast for all
13 candidates for the same office at the special partisan primary if a primary was held,
14 and in either case if any such opponent of the eligible candidate does not accept a
15 grant under this section in whole or in part, the eligible candidate is not bound by
16 the pledge made in his or her application to adhere to the contribution ~~limitations~~
17 limitation prescribed in s. 11.26 (10) and the disbursement limitation ~~prescribed~~
18 imposed under s. 11.31, ~~unless each such opponent files an affidavit of voluntary~~
19 compliance under s. 11.31 (2m) (2), as adjusted under s. 11.31 (9).

20 **SECTION 81.** 11.50 (3) (a) 1. of the statutes is amended to read:

21 11.50 (3) (a) 1. If an election for state superintendent is scheduled in the
22 following year, 8% of the fund shall be placed in a superintendency account. ~~From~~
23 ~~this account, an~~ A grant equal amount to 50% of the balance in this account shall be
24 disbursed by the state treasurer from this account to the campaign depository

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1 account of each eligible candidate ~~by the state treasurer~~ for the office of state
2 superintendent, except as provided in subd. 3m.

3 **SECTION 82.** 11.50 (3) (a) 2. of the statutes is amended to read:

4 11.50 (3) (a) 2. If an election for justice is scheduled in the following year, 8%
5 of the fund shall be placed in a supreme court account. ~~From this account, an A grant~~
6 equal amount to 50% of the balance in this account shall be disbursed by the state
7 treasurer from this account to the campaign depository account of each eligible
8 candidate by the state treasurer for the office of justice, except as provided in subd.
9 3m.

10 **SECTION 83.** 11.50 (3) (a) 3. of the statutes is renumbered 11.50 (3) (a) 4.

11 **SECTION 84.** 11.50 (3) (a) 3m. of the statutes is created to read:

12 11.50 (3) (a) 3m. If, at any election, after apportionment under subds. 1. and
13 2., there are remaining moneys in either account under subd. 1. or 2., 50% of the
14 remaining moneys shall be redistributed to all eligible candidates for the offices
15 specified in subds. 1. and 2. at that election, in the same proportion as the initial
16 amounts of their grants bear to the total amount of grants distributed to all eligible
17 candidates for the offices specified in subds. 1. and 2.

18 **SECTION 85.** 11.50 (4) (b) (intro.) of the statutes is amended to read:

19 11.50 (4) (b) (intro.) ~~The~~ Except as provided in par. (bm), the executive
20 campaign account shall be divided into accounts for each executive office as provided
21 in this paragraph. The apportionment of moneys in the executive campaign account
22 shall be made as follows:

23 **SECTION 86.** 11.50 (4) (bm) of the statutes is created to read:

24 11.50 (4) (bm) If, at any election, after apportionment under par. (b), there are
25 remaining moneys in any account under par. (b) 1. to 5., the remaining moneys shall

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1 be returned to the executive campaign account and shall be redistributed to all
2 eligible candidates for the offices specified in par. (b), in the same proportion as the
3 initial amounts of their grants bear to the total amount of grants distributed to all
4 eligible candidates for the offices specified in par. (b).

5 **SECTION 87.** 11.50 (8) of the statutes is amended to read:

6 11.50 **(8)** LAPSING GRANTS. All grants disbursed under sub. (5) remain the
7 property of the state until disbursed or encumbered for a lawful purpose. All grant
8 moneys and all other income received by a candidate that are unspent and
9 unencumbered by a the candidate on the day after the election in which the candidate
10 participates shall revert to the state, up to the total amount of the grant received by
11 that candidate. All deposits and refunds derived from grant moneys that are
12 received by a candidate at any time after the day of the election in which the
13 candidate participates shall revert to the state to the extent that the deposits and
14 refunds, when combined with other unencumbered moneys in the campaign
15 depository account of that candidate, do not exceed the amount of the grant received
16 by that candidate. All reversions shall be returned to the board by the candidate and
17 shall be deposited in the fund.

18 **SECTION 88.** 11.50 (9) of the statutes is renumbered 11.50 (9) (a) (intro.) and
19 amended to read:

20 11.50 **(9)** (a) (intro.) The total grant available to an eligible candidate may not
21 exceed ~~that amount which, when added to all other contributions accepted from~~
22 ~~sources other than individuals, political party committees and legislative campaign~~
23 ~~committees, is equal to 45% of the disbursement level specified for the applicable~~
24 ~~office under s. 11.31.~~ the following amount, plus any amount redistributed to the

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1 candidate under sub. (3) or (4), subject to applicable limitations under ss. 11.26 (9)
2 and 11.31 (2), as adjusted under s. 11.31 (9):

3 (b) The board shall scrutinize accounts and reports and records kept under this
4 chapter to assure that applicable limitations under ss. 11.26 (9) and 11.31 (2), as
5 adjusted under s. 11.31 (9), are not exceeded and any violation is reported. No
6 candidate or campaign treasurer may accept grants exceeding the amount
7 authorized by this subsection.

8 **SECTION 89.** 11.50 (9) (a) 1. to 7. of the statutes are created to read:

9 11.50 (9) (a) 1. For a candidate for the office of governor, \$875,000.

10 2. For a candidate for the office of lieutenant governor, \$281,250.

11 3. For a candidate for the office of attorney general, \$187,500.

12 4. For a candidate for the office of justice, \$100,000.

13 5. For a candidate for the office of state superintendent, secretary of state or
14 state treasurer, \$87,500.

15 6. For a candidate for the office of state senator, \$35,000.

16 7. For a candidate for the office of representative to the assembly, \$15,000.

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

18 11.50 (9a) ADJUSTMENT OF MAXIMUM INITIAL GRANT AMOUNTS. (a) In this
19 subsection:

20 1. “Consumer price index” means the average of the consumer price index over
21 each 12-month period, all items, U.S. city average, as determined by the bureau of
22 labor statistics of the federal department of labor.

23 2. “Voting age population of this state” means the voting age population of this
24 state, as determined by the federal election commission in its most recent
25 determination prior to the date of any calculation under this subsection.

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1 (b) The dollar amounts of all maximum initial grant amounts specified in sub.
2 (9) (a) 1. to 7. shall be subject to a biennial adjustment to be determined by rule of
3 the board in accordance with this subsection. To determine the adjustment, the
4 board shall calculate the percentage difference between the voting age population of
5 this state on December 31 of each odd-numbered year and the voting age population
6 of this state on December 31, 1999. The board shall then 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 the base
9 period, calendar year 1999. For each biennium, the board shall first multiply the
10 disbursement levels by the percentage difference in the voting age populations. The
11 board shall then multiply that product by the percentage difference in the consumer
12 price indices. The board shall adjust the maximum initial grant amounts specified
13 in sub. (9) to substitute that result for the existing amounts to the extent required
14 to reflect any difference, rounded to the nearest multiple of \$25, 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 91.** 11.50 (10m) (title) of the statutes is amended to read:

21 11.50 (**10m**) (title) RETURN OF GRANTS PRIOR TO ELECTION.

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

23 11.50 (**11**) (d) No person may expend, authorize the expenditure of or incur any
24 obligation to expend ~~a grant or other contribution~~ any moneys in the campaign

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1 depository account of a candidate after the date of any election where the moneys
2 ~~contained in such contribution~~ are returnable to the state under sub. (8).

3 **SECTION 93.** 11.50 (11) (e) of the statutes is amended to read:

4 11.50 (11) (e) No candidate may expend, authorize the expenditure of or incur
5 any obligation to expend any grant if he or she violates the pledge required under
6 sub. (2) (a) as a precondition to receipt of a grant, except as authorized in sub. (2) (h)
7 or (i) or s. 11.31 (3n).

8 **SECTION 94.** 11.51 of the statutes is created to read:

9 **11.51 Public grants to candidates for county and 1st class city offices.**

10 The board of supervisors of any county or the common council of any 1st class city
11 may, by ordinance, provide appropriations to pay for any lawful disbursements made
12 by a candidate for county or city office, respectively. The ordinance may impose
13 reasonable qualifications for candidates to receive funding from the county or city.
14 The ordinance may require any candidate, as a condition precedent to receipt of
15 funding, to make no disbursements or contributions to his or her own campaign for
16 office exceeding an aggregate amount or value specified in or under the ordinance.
17 The ordinance may provide for a civil penalty for any violation of the ordinance or
18 an agreement entered into under the ordinance not exceeding the penalty that would
19 apply for the same offense under s. 11.60.

20 **SECTION 95.** 11.60 (1) to (3) of the statutes are amended to read:

21 11.60 (1) Any person, including any committee or group, who violates this
22 chapter may be required to forfeit not more than \$500 \$1,500 for each violation.

23 (2) In addition to the penalty under sub. (1), any person, including any
24 committee or group, who is delinquent in filing a report required by this chapter may
25 be required to forfeit not more than \$50 \$150 or ~~one percent~~ 3% of the annual salary

ASSEMBLY BILL 256**SECTION 95**

1 of the office for which the candidate is being supported or opposed, whichever is
2 greater, for each day of delinquency.

3 **(3)** Notwithstanding sub. (1), any person, including any committee or group,
4 who makes any contribution in violation of this chapter may be required to forfeit
5 ~~treble 9 times~~ the amount of the contribution or portion thereof which is illegally
6 contributed.

7 **SECTION 96.** 11.61 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
8 is amended to read:

9 11.61 **(1)** (a) Whoever intentionally violates s. 11.05 (1), (2), (2g) or (2r), 11.07
10 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or 11.24 (1) may be fined not more than \$10,000
11 \$30,000 or imprisoned for not more than ~~4~~ 13 years and 6 months or both.

12 (b) Whoever intentionally violates s. 11.25, 11.26, 11.27 (1), 11.30 (1) or 11.38
13 where the intentional violation does not involve a specific figure, or where the
14 intentional violation concerns a figure which exceeds \$100 in amount or value may
15 be fined not more than \$10,000 \$30,000 or imprisoned for not more than ~~4~~ 13 years
16 and 6 months or both.

17 (c) Whoever intentionally violates any provision of this chapter other than
18 those provided in par. (a) and whoever intentionally violates any provision under par.

19 (b) where the intentional violation concerns a specific figure which does not exceed
20 \$100 in amount or value may be fined not more than ~~\$1,000~~ \$3,000 or imprisoned for
21 not more than 6 months one year in the county jail or both.

22 **SECTION 97.** 13.90 (1) (m) of the statutes is created to read:

23 13.90 **(1)** (m) In cooperation with the governor, propose the creation of a
24 bipartisan committee to study campaign finance reform whenever changing
25 electoral dynamics and campaign finance technology demand such action.

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1 **SECTION 98.** 14.019 (6) of the statutes is created to read:

2 14.019 (6) STUDY OF CAMPAIGN FINANCE REFORM. The governor shall, in
3 cooperation with the legislature, exercise his or her authority under sub. (1) to create
4 a bipartisan committee to study campaign finance reform whenever changing
5 electoral dynamics and campaign finance technology demand such action.

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

7 14.58 (20) ELECTION ~~CAMPAIGN SYSTEM~~ FUND. Make disbursements to each
8 candidate certified under s. 7.08 (2) (c) or (cm) by the elections board as eligible to
9 receive moneys from the Wisconsin clean election campaign system fund.

10 **SECTION 100.** 15.61 of the statutes is amended to read:

11 **15.61 Elections board; creation.** There is created an elections board
12 consisting of ~~persons who shall be 8 members~~ appointed by the governor for ~~2-year~~
13 4-year terms as follows: one member selected by the governor; one member each
14 designated by ~~the chief justice of the supreme court,~~ the speaker of the assembly, the
15 senate majority leader, and the minority leader in each house of the legislature, ~~and~~
16 ~~the chief officer of each political party qualifying for a separate ballot under s. 5.62~~
17 ~~(1) (b) or (2) whose candidate for governor received at least 10% of the vote in the most~~
18 ~~recent gubernatorial election and 3 nonpartisan members.~~ Each of the nonpartisan
19 members shall be nominated by the governor and with the advice and consent of the
20 senate appointed. No nonpartisan member may hold any other office or employment
21 in the government of this state or any political subdivision thereof. No nonpartisan
22 member, for one year immediately prior to the date of appointment, may have been,
23 or while serving on the board may become, a member of a political party, an officer
24 or member of a committee in any partisan political club or organization or a
25 candidate for any partisan elective public office.

ASSEMBLY BILL 256**SECTION 101**

1 **SECTION 101.** 19.42 (10) (a) of the statutes is amended to read:

2 19.42 **(10)** (a) A member of the elections board whose appointment is not
3 subject to confirmation by the senate.

4 **SECTION 102.** 20.510 (1) (q) of the statutes is amended to read:

5 20.510 **(1)** (q) *Wisconsin clean election campaign system fund.* As a continuing
6 appropriation, from the Wisconsin clean election campaign system fund, the moneys
7 determined under s. 11.50 to provide for payments to eligible candidates certified
8 under s. 7.08 (2) (c).

9 **SECTION 103.** 20.855 (4) (b) of the statutes is amended to read:

10 20.855 **(4)** (b) *Election campaign fund payments.* A sum sufficient equal to the
11 amounts determined under s. 71.10 (3) to be paid into the Wisconsin clean election
12 campaign system fund annually on August 15.

13 **SECTION 104.** 25.17 (1) (ys) of the statutes is amended to read:

14 25.17 **(1)** (ys) Wisconsin clean election campaign system fund (s. 25.42);

15 **SECTION 105.** 25.42 of the statutes is amended to read:

16 **25.42 Wisconsin clean election campaign system fund.** All moneys
17 appropriated under s. 20.855 (4) (b) together with all moneys reverting to the state
18 under s. 11.50 (8) and all gifts, bequests and devises received under s. 11.50 (13)
19 constitute the Wisconsin clean election campaign system fund, to be expended for the
20 purposes of s. 11.50. All moneys in the fund not disbursed by the state treasurer shall
21 continue to accumulate indefinitely.

22 **SECTION 106.** 71.10 (3) (a) of the statutes is amended to read:

23 71.10 **(3)** (a) Every individual filing an income tax return who has a tax liability
24 or is entitled to a tax refund may designate \$1 for the Wisconsin clean election
25 campaign system fund for the use of eligible candidates under s. 11.50. If the

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1 individuals filing a joint return have a tax liability or are entitled to a tax refund,
2 each individual may make a designation of \$1 under this subsection.

3 **SECTION 107.** 227.03 (6m) of the statutes is created to read:

4 227.03 **(6m)** Cases before an election examiner under s. 5.065 are not subject
5 to this chapter.

6 **SECTION 108.** 227.52 (8) of the statutes is created to read:

7 227.52 **(8)** The decisions of an election examiner under s. 5.065.

8 **SECTION 109. Nonstatutory provisions.**

9 (1) INITIAL TERMS OF OFFICE. Notwithstanding section 15.61, 1997 stats., and
10 section 15.61 of the statutes, as affected by this act, the members of the elections
11 board who are serving on the effective date of this subsection may continue to hold
12 office until all members of the elections board who are initially appointed under this
13 act are appointed and qualified, at which time the members who are serving on the
14 effective date of this subsection shall cease to hold office. Notwithstanding section
15 15.61 of the statutes, as affected by this act, of the members of the elections board
16 who are initially appointed under this act, the designees of the speaker of the
17 assembly and the assembly minority leader shall serve for terms expiring on May 1,
18 2001, the designees of the senate majority leader and the senate minority leader
19 shall serve for terms expiring on May 1, 2003, and the appointee of the governor shall
20 serve for a term expiring on May 1, 2001; and of the remaining members, the
21 governor shall designate one to serve for a term expiring on May 1, 2001, and 2 to
22 serve for terms expiring on May 1, 2003.

23 (2) STUDY OF CAMPAIGN FINANCE LAW ENFORCEMENT. The joint legislative council
24 is requested to review the process for detecting and penalizing violations of the state
25 campaign finance law, with a view to detecting violations quickly and punishing

ASSEMBLY BILL 256**SECTION 109**

1 violators firmly in order to promote full confidence in the election system of this state.
2 If the council undertakes such a review, the council is requested to report its findings,
3 conclusions and recommendations, together with any proposed legislation, to the
4 2001 legislature when it convenes.

5 **SECTION 110. Appropriation changes.**

6 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
7 to the elections board under section 20.510 (1) (a) of the statutes, as affected by the
8 acts of 1999, the dollar amount is increased by \$–0– for fiscal year 1999–00 and the
9 dollar amount is increased by \$–0– for fiscal year 2000–01 to increase the authorized
10 FTE positions for the elections board by 1.0 GPR position to serve as elections
11 examiner.

12 **SECTION 111. Initial applicability.**

13 (1) The treatment of sections 11.09 (3), 11.20 (1) and 11.38 (1) (a) 2. of the
14 statutes first applies with respect to campaign finance reports that are required to
15 be filed after June 30, 2001.

16 (2) The treatment of sections 11.31 (9) and 11.50 (9a) of the statutes first applies
17 to adjustment of disbursement limitations and maximum grant amounts for the
18 biennium beginning on January 1, 2002.

19 **SECTION 112. Effective dates.** This act takes effect on the day after
20 publication, except as follows:

21 (1) The treatment of section 11.61 (1) (a) and (b) of the statutes takes effect on
22 December 31, 1999.

23 **(END)**