

1999 DRAFTING REQUEST

Bill

Received: **02/16/99**

Received By: **kuesejt**

Wanted: **As time permits**

Identical to LRB:

For: **Michael Ellis (608) 266-0718**

By/Representing: **Bill Skewes**

This file may be shown to any legislator: **NO**

Drafter: **kuesejt**

May Contact:

Alt. Drafters:

Subject: **Elections - campaign finance**

Extra Copies: **RJM-1**

Pre Topic:

No specific pre topic given

Topic:

Campaign finance changes

Instructions:

(See attached)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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Handwritten signatures and dates:
3/24, 3/25

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MICHAEL G. ELLIS
SENATE REPUBLICAN LEADER



19TH SENATE DISTRICT

Wisconsin State Senate

ELLIS PROPOSES MAJOR CAMPAIGN FINANCE REFORM PACKAGE
Republican leader's plan dramatically limits spending, special interests in elections

FOR IMMEDIATE RELEASE
February 11, 1999

Contact: Senator Michael Ellis
(608) 266-0718

(Madison) - The Republican leader in the State Senate, Michael Ellis (R-Neenah) is proposing a major campaign finance reform measure. The "**CLEAN GOVERNMENT CAMPAIGN PLAN**" would restore power in elections to voters by drastically reducing the amount of money that can be spent on campaigns and limiting the influence of special interest groups.

"The kind of money that was spent in the last election cycle was obscene," said Ellis, "and was a clear message that something had to be done to make it stop. I believe this package does that."

The Legislative Fiscal Bureau analysis of the plan puts the cost at about 49 cents per Wisconsin resident, a little over \$2-million a year. Additional funding for the plan would come from a 10% assessment on billable lobbying hours.

"Every year, Wisconsin taxpayers send \$10-billion dollars to state government," said Ellis. "For an extra 49 cents, this plan protects the taxpayers from the special interests. Now when a legislator votes on a bill, that legislator will be doing so based on the merits of the legislation, not because of the huge amount of cash some special interest group dropped in the campaign coffers."

"My plan is fair, it treats everyone the same, and they'll all have to play by the same rules," said Ellis. "It's a direct response to the public outcry to get at the ridiculous spending, and once and for all put an end to one group or another literally buying an election."

The "**CLEAN GOVERNMENT PLAN**" sets voluntary campaign spending limits for the Legislature, Governor and Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, and State Superintendent. The limits are:

(more)

SENATE: \$150,000

ASSEMBLY: \$75,000

GOV/LT.GOV: \$2,000,000

ATTY GEN : \$400,000

SEC. OF STATE/STATE TREASURER/STATE SUPT: \$200,000

Candidates who agree to the limits would receive state grants in the following amounts:

SENATE: \$50,000

ASSEMBLY: \$25,000

GOV/LT.GOV: \$670,000

ATTY GEN: \$135,000

SEC. OF STATE/STATE TREASURER/STATE SUPT: \$67,000

To qualify for the grants, candidates would have to raise a certain amount of money in contributions of not more than \$100.

Candidates who do not agree to the limits would be subject to strict reporting guidelines. All candidates would be prohibited from accepting campaign donations within ten days of the election, regardless of whether they agree to the spending limits or not.

Under the "**CLEAN GOVERNMENT CAMPAIGN PLAN**" each candidate would receive, from the state, 100% of the amount to be spent on behalf of their opponents or against them by an independent expenditure, political action committee (PAC), or party. Candidates whose opponents do not agree to the limits would receive, from the state, 100% of the amount above the 24-hour reporting requirement.

Ellis' "**CLEAN GOVERNMENT CAMPAIGN PLAN**" would prohibit PAC's from contributing to a campaign which agrees to the limits.

Groups making Independent Expenditures would be required to notify the Elections Board 21 days in advance of an expenditure, with the amount and the candidate it supports or opposes.

The "**CLEAN GOVERNMENT CAMPAIGN PLAN**" defines issue advocacy ads, by prohibiting them from mentioning a candidate, a political party, or an elected office.

Important Dates

November 7:
Election Day 2000

October 28 (10 days):
No candidate can accept campaign contributions

October 17 (21 days):
Final reporting of conduits
Final reporting of PACs and parties
Final reporting of Independent Expenditures

November 17 (10 days after):
Post election campaign finance reports are due

Clean Government Campaign Plan

Campaign Financing

I) Legislature

- A) There would be a voluntary limit on campaign spending of \$150,000 for the Senate and \$75,000 for the Assembly. If a candidate agrees to the voluntary limit the candidate would receive:
- 1) State grant - \$50,000 Senate/\$25,000 Assembly
To qualify for the grant, a candidate would have to raise \$6,000 in contributions of not more than \$100 for Senate, \$3,000 for Assembly, all from within their district.
 - 2) Party/Campaign committees - \$25,000/Senate, \$12,500/ Assembly
 - 3) Individual/Conduit contributions – up to \$75,000/Senate, \$37,500/Assembly
- B) If a candidate does not agree to the voluntary limit, the candidate is subject to the following reporting requirements:
- 1) A campaign must file a campaign finance report to the state elections board within 24 hours of raising \$125,000/Senate, \$62,500/Assembly and/or \$25,000 Senate/12,500/Assembly from a party.
 - 2) After raising \$125,000 Senate/\$62,500 Assembly and/or \$25,000 Senate/12,500 Assembly from a party, a campaign must file, upon receipt of a contribution, a campaign finance report within 24 hours.
- C) Any campaign, regardless of whether or not it has agreed to the voluntary spending limit, cannot accept contributions to the campaign within ten days of the election.

II) Governor/Lieutenant Governor

- A) There would be a voluntary spending limit of \$2,000,000
- 1) State Grant: \$670,000 *To qualify for the grant, a candidate would have to raise \$80,400 in amounts of not more than \$100 within the state.*
 - 2) Party/Campaign committees: \$330,000
 - 3) Individual/Conduit contributions: \$1,000,000
- B) If a candidate does not agree to the voluntary limit, they are subject to the following reporting requirements:
- 1) A campaign must file a campaign finance report to the state elections board within 24 hours of raising \$1,670,000 and/or \$330,000 from a party.
 - 2) After raising \$1,670,000 and/or \$330,000 from a party, a campaign must file, upon receipt of a contribution, a campaign finance report within 24 hours.

III) Attorney General

- A) There would be a voluntary spending limit of \$400,000
- 1) State Grant: \$135,000 *To qualify for the grant, a candidate would have to raise \$16,200 in amounts of not more than \$100 within the state.*
 - 2) Party/Campaign committee: \$65,000
 - 3) Individual/Conduit contributions: \$200,000
- B) If a candidate does not agree to the voluntary limit, they are subject to the following reporting requirements:

- 1) A campaign must file a campaign finance report to the state elections board within 24 hours of raising \$200,000 and/or \$65,000 from a party.
 - 2) After raising \$200,000 and/or \$65,000 from a party, a campaign must file, upon receipt of a contribution, a campaign finance report within 24 hours.
- IV) Secretary of State/State Treasurer/State Superintendent/Supreme Court
- A) There would be a voluntary spending limit of \$200,000
 - 1) State Grant: \$67,000 *To qualify for the grant, a candidate would have to raise \$8,040 in amounts of not more than \$100 within the state.*
 - 2) Party/Campaign committee: \$33,000
 - 3) Individual/Conduit Contributions: \$100,000
 - B) If a candidate does not agree to the voluntary limit, they are subject to the following reporting requirements:
 - 1) A campaign must file a campaign finance report to the state elections board within 24 hours of raising \$100,000 and/or \$33,000 from a party.
 - 2) After raising \$100,000 and/or \$33,000 from a party, a campaign must file, upon receipt of a contribution, a campaign finance report within 24 hours.

Public Financing

- A) Each candidate who signs up for the plan, would receive from the clean government fund, 100% of the amount to be spent on behalf of their opponent or against them by an IE or PAC.
- B) Each candidate whose opponent does not agree to the voluntary spending limit will receive from the clean government fund, 100% of the amount above the limits which trigger the 24 hour reporting requirement.
- C) Each candidate whose opponent does not agree to the voluntary spending limit will receive from the clean government fund, the amount above the party limit which trigger the 24 hour reporting requirement.

Independent Groups

- A) PACs cannot contribute to a campaign which agrees to the limit.
- B) Conduits must file reports 21, 42, and 63 days before the election. The reports must map out their contributions or expenditures for the next 21 days. Conduits can contribute to a campaign until Election Day.
- C) PACs must file reports 21, 42, and 63 days before the election. The reports must map out their contributions or expenditures for the next 21 days. PACS can contribute to a campaign or make expenditures until Election Day.
- D) Independent Expenditures
 - 1) Groups making Independent Expenditures must notify the elections board 21 days in advance of an expenditure (either for or against a candidate). The notification must include the amount, and the candidate it supports or opposes.

Issue Advocacy (60 days from election)

- A) Issue advocacy ads cannot mention a candidate for office
- B) Issue advocacy ads cannot mention a political party
- C) Issue advocacy ads cannot mention an office

Funding the Clean Government Fund

- A) 10% of billable lobby hours as reported to the State Ethics Board (above what is spent on lobbying, paid for by organization hiring lobbyist)
 - B) Sum-Sufficient Appropriation from Budget.
- According to the Legislative Fiscal Bureau analysis of the plan (attached), the yearly cost per taxpayer would be \$0.49. This does not include the amount needed for matching grants of candidates who do not take public financing.



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

February 10, 1999

TO: Senator Michael Ellis
Room 202 South, State Capitol

FROM: David Worzala, Fiscal Analyst

SUBJECT: Fiscal Information Relative to Campaign Finance Proposal

You requested that this office provide you with certain fiscal information relative to portions of a campaign finance proposal that you have outlined. Specifically, you requested that we provide you with estimates of the cost of two campaign finance election grant expenditure items in that proposal and an estimate of the amount of revenue that would be generated by a revenue raising item in that proposal. The estimates we have developed in response to each of your questions are provided below.

Expenditure Component Questions

Revised General Grant Amounts. You asked, based on the proposed increased maximum grant level listed in the attachment, what would be the estimated maximum level of grant expenditures from Wisconsin Election Campaign Fund (WECF) in a four-year election cycle, assuming all candidates qualify for and accept a grant?

In addition to the assumptions posed in your question, to develop our estimate we made the following additional assumptions: (1) that no proration of grants would be required due to insufficient revenues in the Fund to fully fund the grants; (2) that a four-year election cycle would encompass one general election for state-wide candidates (excluding justices of the Supreme Court), two general elections for the state Legislature and an assumed election in two of the four years for a Supreme Court justice; and (3) that two grants per race would be provided to candidates in all races where candidates may be eligible for grants from the WECF.

Based on the above assumptions, we estimate that maximum grant expenditures for a four-year election cycle would total \$15,480,000.

Independent Expenditures. You also asked what would be the estimated amount of additional WECF grant expenditures provided in a four-year election cycle if each candidate eligible for funding from the WECF were, in addition to the basic WECF grant, to receive additional grant funds in an amount equal to 100% of the amount spent on reported independent expenditures on behalf of their opponent or in opposition to their candidacy?

To develop our estimate, we assumed a four-year election cycle of reported independent expenditures based on the records of the Elections Board. Reports of independent expenditures, which are required to be reported to the Elections Board, are compiled on a two calendar year basis (from January 1 of one odd-numbered year to December 31 of the next even-numbered year). However, data for the most recent 1997-98 period has not yet been officially compiled and audited. Final figures for this period are not likely to be available until at least late spring. Given this limitation, to develop a figure for independent expenditures a four-year election cycle, we have assumed that the level of independent expenditures that occurred in the 1995-96 reporting period will approximate the 1997-1998 experience. This does not appear unreasonable since reported independent expenditures in the 1993-94 and 1995-96 two-year periods were within \$61,000 of each other.

It should also be noted that the Elections Board summary data appears to include a small amount of independent expenditures relative to candidates for local offices, such as district court and school board. These candidates would not be eligible for WECF grants. Thus, our estimate may be slightly on the high side since no adjustment has been made for these expenditures because the Election Board indicates that the amounts for these years could not easily be disaggregated from the reported totals. A total of \$1,148,986 in independent expenditures was reported to the Elections Board during the 1995-96 reporting period.

Based on the above assumptions, we estimate that the new grant proposal, based on past average independent expenditures for opposing candidates, would result in supplemental grants totaling \$2,298,000 over a four-year election cycle.

Revenue Component Question

Assessment on Lobbying Expenditures. You also asked for an estimate of what amount of revenue would be raised by establishing an annual assessment on principals who are required to file reports of lobbying expenditures under the state lobby law. Specifically, you asked what would be the estimated level of revenues received during a four-year election cycle if an assessment based on 10% of each principal's annual reported lobbying expenditures were established?

To develop our estimate, we assumed that all individuals and organizations (referred to in the lobby law statutes as principals) that are required to report lobbying expenditures to the Ethics Board would pay the assessment and that the assessment would be based on those reported expenditures. Organizations that spend more than \$500 are required to report their lobbying expenses to the Ethics Board every six months. The amounts reported include both in-house lobbying costs of organizations as well as contract lobbying expenses. Our estimate is based upon

reported data for a four-year election cycle and uses data reported to the Ethics Board for a four-year calendar period, the 1995-98 time-period. Similar to the data on reported independent expenditures, part of this amount is an estimate because a portion of 1998 Ethics Board expenditure data is not finalized. We assumed that the amount reported for the final six months of calendar year 1998 will be in an amount equal to the same percentage of the report period total as the previous final six months of the 1995-1996 report period was to the total reported for the 1995-1996 report period.

Based on the above assumptions, we estimate that \$7,795,700 would be collected in a four-year election cycle from a 10% assessment on principals' lobbying expenditures as reported to the State Ethics Board.

In summary, the two expenditure items outlined above would involve total estimated expenditures of \$17,778,000 over a four-year election cycle and the proposed lobbying expenditures assessment would raise estimated revenues of \$7,795,700 over a four-year election cycle, based on the assumptions discussed above. Additional revenues of \$9,982,300 over a four-year election cycle would be necessary to fully fund the estimated level of the spending under the two expenditure items.

DW/dls
Attachment

ATTACHMENT

**WECF
Maximum Grant Levels**

<u>Office</u>	<u>Current Law</u>	<u>Proposed</u>
Assembly	\$7,763	\$25,000
Senate	15,525	50,000
Secretary of State	97,031	67,000
State Treasurer	97,031	67,000
State Superintendent	97,031	67,000
Supreme Court Justice	97,031	67,000
Attorney General	242,595	135,000
Lieutenant Governor	145,564	0*
Governor	485,564	670,000*

* Under current law, the Governor and Lieutenant Governor are each eligible for separate grants. The proposal would provide a single total grant of \$670,000 for the candidates for the two offices.

Individual Contributions

\$588,360

Mistele: \$156,173

Erpenbach: \$146,144

Nus: \$92,288

Sodemann: \$84,859

Robson: \$78,975

Baumgart: \$29,921

Independent Expenditures

\$818,147

**Made on
behalf or against:**

Erpenbach

Robson

Baumgart

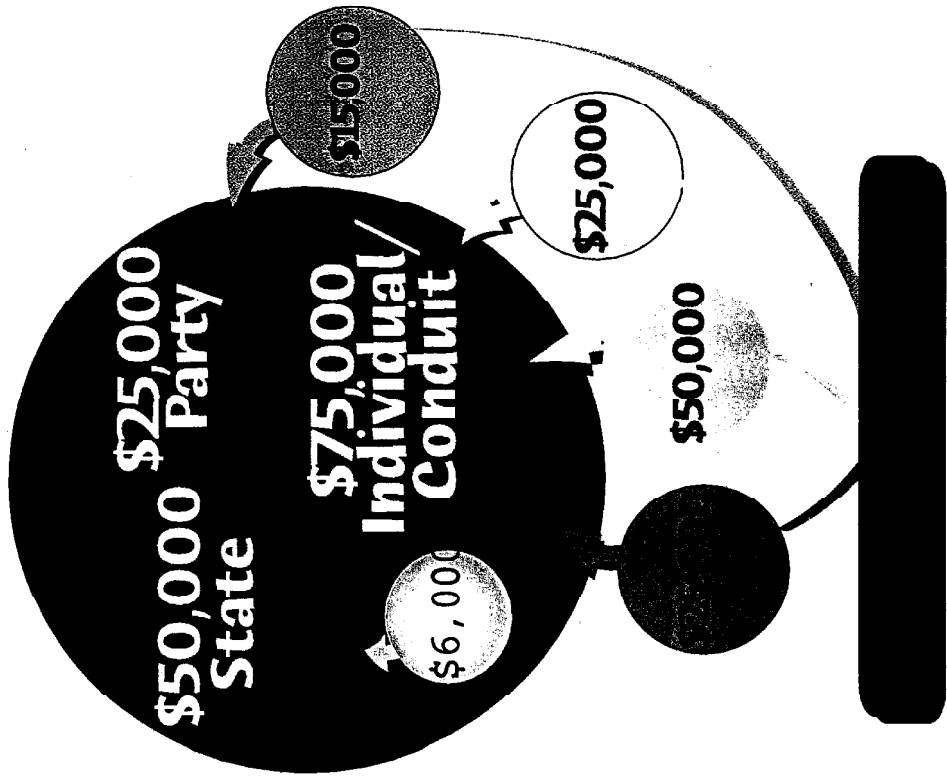
Mistele

Nus

Sodemann

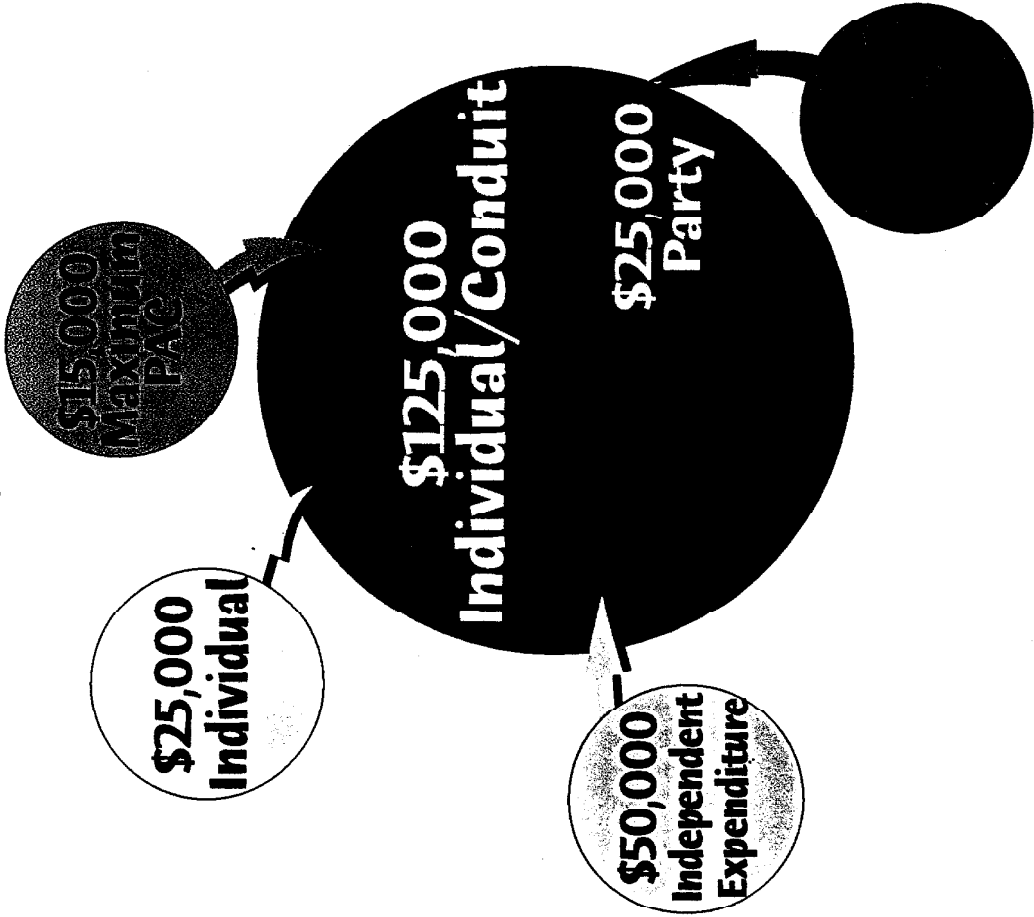
Candidate A

(Agrees to Clean Government Fund)



Candidate B

(Rejects Limits)



LRB 2225 file

Oral instructions and clarifications:

1. Special penalties apply to:

- a) Over/under reporting or nonreporting by a candidate or personal campaign committee or by any other individual or committee accepting contributions, making disbursements or incurring obligations on behalf of a candidate or in opposition to a candidate's opponent.
- b) Making or accepting contributions or making or authorizing disbursements exceeding an applicable limit.
- c) Analogous activity by individuals and organizations engaging in issue advocacy.

If the amount exceeds the amount reported or the amount of the limit:

a) by less than 5% cumulatively, there is no penalty, other than the current civil forfeiture penalty of not more than \$500 for each violation.

b) by at least 5% but not more than 10% cumulatively, the penalty is a civil forfeiture of 4 times the excess amount.

c) by at least 10% but not more than 15% cumulatively, the penalty is a civil forfeiture of 6 times the excess amount.

d) by 15% or more cumulatively, but the impact was not sufficient to have affected the result of the election, the penalty is a civil forfeiture of 8 times the excess amount.

e) by 15% or more cumulatively, and the impact was sufficient to have affected the result of the election, a court may nullify the election and order a new election.

The elections board or the district attorney for the county where a violation occurs may file suit to enforce the law. Under e) above, a candidate who is adversely affected may file suit. If a candidate does not file suit, the board or district attorney must give at least 30 days' notice of any proposed settlement to any candidate who is adversely affected by an alleged violation under e). The candidate may then file suit within 30 days after such notice is given, and in such case no settlement may be entered into after suit is filed. The circuit court makes the initial decision, subject to appeal to the court of appeals, and finally to the supreme court if that court agrees to hear the appeal.

In addition to the above, failure to register or file reports will be punishable by a civil forfeiture of not more than \$500 *for each day of violation*. A new class E felony will be created for failing to register or file a report with intent to conceal or deceive.

2. Lobbying expenditure tax will be based on lobbying expenditures, as defined in s. 13.62 (10r), stats., that are reportable to the ethics board.

3. Post-election reports by candidates, personal campaign committees and other individuals and committees making disbursements in connection with an election will be added to the current reporting requirements. These reports will be due on the 10th day after the election.

4. The provisions of the bill will be nonseverable; i.e., if any provision is declared unconstitutional, the entire act will be void.

5. The special treatment accorded to legislative campaign committees under current law will be discontinued. If these committees are continued, they will be treated like PAC's.

6. Once thresholds are crossed and 24-hour reporting requirements are triggered, there will be one report aggregating all activity for each 24-hour period, regardless of amount. Itemization is required to the same extent as currently provided.

7. Additional public financing would be provided on a dollar-for-dollar basis to match independent disbursements made against a candidate or for an opponent of a candidate who qualifies for that financing. This additional financing could bring a candidate over the disbursement limit without penalty.

8. Independent committees and individuals would be required to report proposed obligations, as well as proposed disbursements, 21 days in advance of incurring those obligations.

9. Disbursement limitations and grant amounts would be indexed to increases in the cost of living, as determined by the U.S. Department of Labor.

1999

Date (time) needed

DN57E
Tue 3/16 PM

LRB -

2225

01

BILL

JAC+JK
:cmf:

Use the appropriate components and routines developed for bills.

AN ACT ... [generate catalog] *to repeal ... ; to renumber ... ; to consolidate and renumber ... ; to renumber and amend ... ; to consolidate, renumber and amend ... ; to amend ... ; to repeal and recreate ... ; and to create ...* of the

statutes; relating to: *campaign financing, imposition of a lobbying expenditure tax, granting rule-making authority, making appropriations and providing penalties.*

provide exemptions from emergency rule procedures,

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

For the 3 titles used in an analysis, in the component bar:

For the main heading [old =M], execute: create → anal: → title: → head

For the subheading [old =S], execute: create → anal: → title: → sub

For the sub-subheading [old =P], execute: create → anal: → title: → sub-sub

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

SECTION #.

~~LRB 180111~~

Analysis by the Legislative Reference Bureau

This bill makes numerous changes in the campaign finance law changes include:

and imposes a tax on lobbying expenditures
Significant

BILL

3. Provides that, if a candidate for state office who accepts a grant from the Wisconsin election campaign fund is opposed by one or more candidates who do not agree to abide by the contribution and disbursement limitations for the office, the total grant available to the candidate who accepts a grant is increased by the amount of the maximum grant for the office (50% of the statutorily specified disbursement level for the office). In connection with this change and the preceding change, the bill waives the contribution limitation that applies to cumulative contributions received by a candidate from political party committees and the Wisconsin election campaign fund to enable a candidate to accept the full amount of his or her grants.

FILING OF CAMPAIGN FINANCE REPORTS

Currently, with certain exceptions, registrants under the campaign finance law are required to file periodic reports with the appropriate filing officer or agency. Candidates for state office or their personal campaign or authorized support committees and other individuals, committees and groups supporting or opposing candidates for state office or statewide ballot questions file their reports with the state elections board. A candidate or a committee or individual making disbursements or incurring obligations in support of or opposition to a candidate is generally required to file a report no later than the 8th day before a primary or election at which the candidate seeks nomination or election to office.

Currently, where a requirement is imposed under the campaign finance law for filing of a report by a specified date, the requirement may be satisfied by depositing the report with the U.S. postal service no later than the date provided by law for receipt of the report.

The bill requires each registrant for whom the elections board serves as a filing agency and who or which accepts contributions in a total amount or value of \$20,000 or more during a campaign period, or a biennial period for registrants other than candidates and personal campaign or support committees, to file reports with the board electronically. The bill directs the board to make available to registrants software that is designed to facilitate complete electronic filing of campaign finance reports at a price that may not exceed cost. Under the bill, any registrant who or which files a report electronically must also file a copy of the report recorded on a medium prescribed by the board. The bill directs the board to provide complete instructions to any registrant who files reports electronically under the bill.

The bill also requires each candidate at the general election, and each committee or individual making disbursements or incurring obligations in support of or in opposition to a candidate at the general election, to file an additional report on the 14th day after the general election, or a special

In addition, the bill permits satisfaction of the filing requirement only by actual receipt of a report by the board on or before the date provided by law for receipt of the report or by depositing the report with the U.S. postal service no later than the 3rd day before that date.

SOLICITATION FROM CAMPAIGN FINANCE REPORTS

Currently, no person may sell or utilize any information derived from a campaign finance report or statement for the purpose of soliciting contributions from

(9)

(expenditures)
FNS 8A
FNS 8B

10th

eightth

making contributions of a candidate or other individual or committee accepting contributions

The report must disclose contributions made or accepted, disbursements made and obligations incurred through the 14th day prior to the primary or election.

~~1677/1~~

sub sub

RP

Mass media ~~and electronic~~ activities accept contributions, or ~~and~~

and individuals
or
organizations
that

9) Currently, individuals who ~~or~~ organizations ~~which~~ ^{that} 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 makes a communication by means of a newspaper, periodical, commercial billboard or radio or television station, other than a communication by a corporation, cooperative or nonpolitical voluntary association limited to its members, shareholders or subscribers, during the period beginning on the 60th day preceding ~~an election~~ an election and ending on the date of that election and that includes a reference to a candidate at that election, an office to be filled at that election or a political party to register with the appropriate filing officer and to file financial reports with that officer to the same extent as currently required of individuals who and organizations that engage in activity for the purpose of influencing elections.

BILL

sub b **DISBURSEMENT LIMITATIONS**

9) 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 who declines to accept one and declines to file an affidavit of voluntary compliance with disbursement and contribution limitations. Additionally, the disbursement levels for candidates for the offices of state senator and representative to the assembly are subdivided between the primary and election campaign periods in such a way that only about 60% of the total applicable disbursement level for either office may be allocated by a candidate to either the primary or the election campaign period.

This bill:

9) 1. Eliminates disbursement levels and limitations applicable to candidates for state office, except for offices of court of appeals judge, circuit judge and district attorney, on or before the date of the primary election for those offices.

~~1801/1~~

(2)

2. Revises the current disbursement levels applicable to candidates for the offices shown in the following chart:

Office	Current Level <i>(Primary and election)</i>	Proposed Level <i>(Election only)</i>
Governor	\$1,078,200	1,200,000 <i>2,000,000 for both offices</i>
Lieutenant governor	323,475	
Attorney general	539,000	400,000
Secretary of state	215,625	200,000
State treasurer	215,625	200,000
Supreme court justice	215,625	200,000
State superintendent	215,625	200,000
State senator	34,500	150,000
Representative to the assembly	17,250	75,000

(3)

3. Creates a biennial cost-of-living adjustment that causes the statutory disbursement levels to be adjusted biennially, beginning in ~~1990~~, in accordance with a formula tied to the "consumer price index" determined by the U.S. 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.

(4)

4. Deletes current law that permits a candidate who does not accept a grant to continue to bind an opponent to disbursement and contribution limitations by filing an affidavit of voluntary compliance.

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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, 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 ^{that} ~~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 result in turn adjusted by}

subsub

**TREATMENT OF LEGISLATIVE
CAMPAIGN COMMITTEES**

91

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.

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This 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.

subsub

OTHER CONTRIBUTION RESTRICTIONS

~~1801~~

sub **CONTRIBUTION LIMITATIONS**

91 Current law specifies limitations on the maximum amount of contributions which may be given to and accepted by a candidate for state or local office. Current law also limits the total contributions that a candidate for state or local office may accept from all political committees, including political party and legislative campaign committees, and from the Wisconsin election campaign fund to 65% of the value of the statutory disbursement level specified for the office ~~which~~ the candidate seeks. The total amount that a candidate may accept from committees other than political party and legislative campaign committees and from the Wisconsin election campaign fund is limited to 45% of that disbursement level.

This bill

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(5)

**WISCONSIN ELECTION CAMPAIGN FUND:
I. SOURCES AND USES OF FUNDS**

(9)

Under current law, the Wisconsin election campaign fund is financed through an individual income tax "checkoff". Every individual filing a state income tax return who has a tax liability or is entitled to a tax refund may direct that \$1 of general purpose revenue be transferred to the fund. Individuals filing a joint return may separately choose whether to direct that the \$1 transfer be made. All moneys transferred to the fund are placed in accounts for specified state offices, and candidates for those offices at the general or a special election may qualify for grants from the fund to be used for specified campaign expenses. No moneys in the fund may be used for any other purpose. Grants at special elections are funded by reallocating moneys set aside to provide grants to candidates at the general election, to the extent that moneys are available.

(9) This bill changes the name of the Wisconsin election campaign fund to the "Clean Government Fund". The bill deletes the checkoff procedure and provides, instead, for revenue to the fund to be raised by levying a tax on lobbying expenditures (see below), with the balance to be transferred to the clean government fund, as needed, from general purpose revenue.

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**II. GRANT ELIGIBILITY
REQUIREMENTS AND AMOUNTS**

Under current law, public financing from the Wisconsin election campaign fund is available to 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. To receive a grant, a candidate must file an application with the state elections board no later than the deadline for filing nomination papers. Following the primary election or the date on which a primary would be held, if required, the board determines whether a candidate who applies for a grant meets the following eligibility requirements:

1. If the candidate seeks a ^{six percent} partisan state office at a general election, the candidate must have received at least ~~9%~~ ^{six} of the total votes cast in the primary and won the primary. If the candidate seeks a partisan state office at a special election, the candidate must either: a) appear on the ballot or in the column of a political party whose candidate for the same office at the preceding general election received at least ~~9%~~ ^{six} of the vote; or b) receive at least ~~9%~~ ^{six} of the votes cast at the special election.

2. The candidate must have an opponent in the election.

3. The candidate must receive, during a specified time period, a specified amount through contributions from individuals of \$100 or less. For a candidate for the office of governor, lieutenant governor, secretary of state, state treasurer, attorney general, justice of the supreme court or superintendent of public instruction, the amount is ~~5%~~ ^{five percent} of the authorized disbursement level for the office which the candidate seeks. For a candidate for the office of state senator or representative to the assembly, the amount is ~~4%~~ ^{ten percent} of the authorized disbursement level for the office ^{that} the candidate seeks.

Under current law, a candidate for any office who accepts a grant must comply with statutorily prescribed contribution and disbursement limitations, unless one or more of the candidate's opponents who receive at least ~~5%~~ ^{six percent} of the votes cast for all candidates for that office at a partisan primary, if a primary was held, do not accept a grant and do not voluntarily comply with the contribution and disbursement limitations for that office.

^{NOFF} The maximum grant that a candidate may receive is that amount ^{that} which, when added to all other contributions accepted from sources other than individuals, political party committees and legislative campaign committees, is equal to 45% of the authorized disbursement level for the office ^{that} which the candidate seeks, if there are sufficient moneys in the Wisconsin election campaign fund to finance the full amount of grants for which candidates qualify.

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PENALTIES For Violations

currently, of the Campaign Finance Law
Violators are subject to a forfeiture (civil penalty) of not more than \$500 for each violation, except that violators of contribution limitations are subject to a forfeiture of not more than treble the amount unlawfully contributed. ~~In addition, intentional violators are guilty of a misdemeanor and are subject to a fine of not more than \$1,000 or imprisonment for not more than six months, or both.~~

~~- 1677/~~

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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 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.

three percent

Ⓟ 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



1999 BILL

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 Non severability
 Currently, if any part of an act is found by a court to be invalid, those parts that are valid are severed from the invalid part and the severed parts continue in force. This bill provides that if any part of the bill is found by a court to be invalid, then all parts of the bill are void.

1 **AN ACT to amend** 25.42 and chapter 77 (title), and **to create** 20.855 (4) (ba) and
 2 subchapter XIII of chapter 77 [precedes 77.997] of the statutes; **relating to:**
 3 imposition of a lobbying expenditure tax and making an appropriation.

Analysis by the Legislative Reference Bureau

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LOBBYING EXPENDITURE TAX

This bill imposes a tax on lobbying principals (persons who employ lobbyists) at the rate of 10% on lobbying expenditures that are reportable to the ethics board. The tax is payable to the department of revenue semiannually.

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:

4 **SECTION 1.** 20.855 (4) (ba) of the statutes is created to read:
 5 20.855 (4) (ba) *Election fund annual supplement.* A sum sufficient equal to the
 6 amounts determined by the secretary of revenue under s. 77.9973, to be transferred
 7 from the general fund to the Wisconsin election campaign fund annually on
 8 September 16.

Section #. 5.02 (13) of the statutes is amended to read:

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

History: 1971 c. 211; 1971 c. 304 ss. 2, 29 (2); 1973 c. 280, 334; 1975 c. 93; 1977 c. 107, 187, 394; 1977 c. 427 ss. 3 to 14; 1977 c. 449; 1979 c. 32, 89, 221; 1979 c. 260 ss. 1m, 73 to 75; 1979 c. 311, 328; 1981 c. 4, 391; 1983 a. 484 ss. 5, 5c, 124m, 128; 1985 a. 303; 1985 a. 304 ss. 1m, 2, 155; 1987 a. 391 ss. 1 to 1r, 66w; 1989 a. 31; 1991 a. 5; 1993 a. 140, 184; 1995 a. 16 s. 2; 1995 a. 27 s. 9145 (1); 1995 a. 219; 1997 a. 35.

Section #. 5.02 (18) of the statutes is amended to read:

5.02 (18) "September primary" means the primary held the 2nd Tuesday in September to nominate candidates to be voted for at the general election, and to determine which candidates for state offices other than district attorney may participate in the Wisconsin election campaign fund.

History: 1971 c. 211; 1971 c. 304 ss. 2, 29 (2); 1973 c. 280, 334; 1975 c. 93; 1977 c. 107, 187, 394, 1977 c. 427 ss. 3 to 14; 1977 c. 449; 1979 c. 32, 89, 221; 1979 c. 260 ss. 1m, 73 to 75; 1979 c. 311, 328; 1981 c. 4, 391; 1983 a. 484 ss. 5, 5c, 124m, 128; 1985 a. 303; 1985 a. 304 ss. 1m, 2, 155; 1987 a. 391 ss. 1 to 1r, 66w; 1989 a. 31; 1991 a. 5; 1993 a. 140, 184; 1995 a. 16 s. 2; 1995 a. 27 s. 9145 (1); 1995 a. 219; 1997 a. 35.

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witnesses to be taken in the manner prescribed for taking depositions in civil actions in circuit court.

SECTION 3. 5.05 (10) of the statutes is created to read:

5.05 (10) PREELECTION MEETINGS. The board shall meet at noon on the Tuesday and the Thursday preceding the September primary, and on the first and 2nd Tuesdays and the first and 2nd Thursdays preceding the general election. Any member of the board may participate in a meeting required under this subsection via teleconference, but not via telephone.

SECTION 4. 7.08 (2) (c) and (cm) of the statutes are amended to read:

7.08 (2) (c) As soon as possible after the canvass of the spring and September primary votes, but no later than the first Tuesday in March and the 4th Tuesday in September, transmit to the state treasurer a certified list of all eligible candidates for state office who have filed applications under s. 11.50 (2) and whom who the board determines to be eligible to receive payments from the Wisconsin ^{Clean Government} election campaign fund. The board shall also transmit a similar list of candidates who the board determines to be eligible to receive a ~~supplementary~~ grant under s. 11.50 ~~1.~~ ^{any} ~~qualifies~~ ^{or (b) 3.} (9) (b) within ~~30~~ days after the candidates ~~qualify~~ to receive the grants. Each list shall contain each candidate's name, the mailing address indicated upon the candidate's registration form, the office for which the individual is a candidate and the party or principle which he or she represents, if any, and, for a candidate whose application is approved under s. 11.50 (2) (bm) 1., an indication that the candidate is eligible for 50% of the amount that would have been available to the candidate if his or her application had been approved under s. 11.50 (2) (b). As soon as possible after receiving supplemental reports under s. 11.50 (2) (bm) 2., but no later than 28 days after the date specified in s. 11.50 (2) (b) 5., the board shall transmit to the state

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1 treasurer a certified list of all candidates who are eligible for supplemental payments
2 under s. 11.50 (2) (bm) 2. *plain period*

3 (cm) As soon as possible after the canvass of a special primary, or the date that
4 the primary would be held, if required, transmit to the state treasurer a certified list
5 of all eligible candidates for state office who have filed applications under s. 11.50 (2)
6 and ~~whom~~ *who* the board determines to be eligible to receive a grant from the
7 ~~Wisconsin election campaign~~ *clean government* fund prior to the election. The board shall also transmit
8 a similar list of candidates, if any, who have filed applications under s. 11.50 (2) and
9 ~~whom~~ *who* the board determines to be eligible to receive a ~~supplemental~~ grant
10 under s. 11.50 (1) (a) 2. after the special election. ~~The or a supplemental grant under~~
11 ~~s. 11.50 (4) (c) or (9) (b) within 15 days after the candidate~~ *any* ~~qualifies~~ *qualifies*
12 ~~grant.~~ Each list shall contain each candidate's name, the mailing address indicated
13 upon the candidate's registration form, the office for which the individual is a
14 candidate ~~and~~ *plain text* the party or principle which he or she represents, if any, ~~and, for a~~

15 candidate whose application is approved under s. 11.50 (2) (bm) 1. an indication that
16 the candidate is eligible for 50% of the amount that would have been available to the
17 candidate if his or her application had been approved under s. 11.50 (2) (b). As soon
18 as possible after receiving supplemental reports under s. 11.50 (2) (bm) 2., but not
19 later than 28 days after the date specified in s. 11.50 (2) (b) 5., the board shall
20 transmit to the state treasurer a certified list of all candidates who are eligible for
21 supplemental payments under s. 11.50 (2) (bm) 2. *plain period*

22 SECTION 5. 7.08 (2) (cn) of the statutes is created to read:

23 7.08 (2) (cn) No later than the 10th day after the September primary, the board
24 shall transmit to the state treasurer a list of political party committees which the
25 board has determined to be eligible to receive grants from the Wisconsin election

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Section #. 8.35 (4) (b) of the statutes is amended to read:

8.35 (4) (b) Notwithstanding par. (a), any unspent and unencumbered moneys received by a candidate from the ~~Wisconsin election campaign~~ ^{clean government} fund shall be immediately transferred to any candidate who is appointed to replace such candidate, upon filing of a proper application therefor under s. 11.50 (2). If there is no candidate appointed or if no proper application is filed within 7 days of the date on which the vacancy occurs, such moneys shall revert to the state as provided in s. 11.50 (8).

History: ~~1973 c. 334; 1975 c. 93; 1977 c. 107, 340; 1979 c. 110 s. 60 (11); 1979 c. 311; 1983 a. 484; 1985 a. 131 s. 3; 1985 a. 303 s. 88; 1985 a. 304; 1987 a. 391; 1993 a. 184; 1995 a. 225.~~

INSERT



Section #. 10.02 (3) (b) 2m. of the statutes is amended to read:

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

~~History: 1971 c. 304 s. 29 (2); 1973 c. 334 s. 57; 1975 c. 85, 199; 1977 c. 107, 427, 447; 1979 c. 311; 1981 c. 377; 1983 a. 484 ss. 119, 172 (3); 1985 a. 304; 1989 a. 31; 1997 a. 250.~~

Section #. 11.01 (5m) of the statutes is amended to read:

11.01 (5m) "Conduit" means an individual who or ~~an organization~~ which receives a contribution of money and transfers the contribution to another individual or ~~organization~~ without exercising discretion as to the amount which is transferred and the individual to whom or ~~organization~~ to which the transfer is made.

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History: 1973 c. 334; 1975 c. 93; 199: 1977 c. 187, 427; 1979 c. 260, 263; 1979 c. 328 ss. 12 to 28, 146; 1979 c. 355 s. 31; 1983 a. 484, 491; 1985 a. 303; 1987 a. 370, 391; 1989 a. 192; 1993 a. 112.

See Row # . RP; 11.01 (12s)



1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

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~~11~~ X
SECTION 1. 11.01 (16) (a) 3. of the statutes is created to read:

11.01 (16) (a) 3. A communication that is made by means of one or more communications media, other than a communication that is exempt from reporting under s. 11.29, that is made during the period beginning on the 60th day preceding an election and ending on the date of that election and that includes a reference to a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot at that election, an office to be filled at that election or a political party.

~~SECTION 2. 11.05 (3) (d) of the statutes is created to read:~~

11.05 (3) (d) An indication of whether the proposed registrant is a conduit.

SECTION 3. 11.12 (6) (b) and (c) of the statutes are created to read:

11.12 (6) (b) If any conduit intends to receive any contribution to be transferred to a candidate or personal campaign committee of a candidate for a state office specified in s. 11.31 (1) (a) to (e) at the general or a special election, the conduit shall report to the board at the times specified in s. 11.20 (2s) , in such manner as the board may prescribe, concerning the name of each candidate or personal campaign committee to whom the conduit intends to transfer one or more contributions during the 21-day period following the date on which the report is due to be filed and the amount to be transferred to that candidate or committee.

(c) If any committee identified under s. 11.05 (3) (c), other than a conduit, intends to receive any contribution, make any disbursement or incur any obligation to make a disbursement for the purpose of advocating the election or defeat of a clearly identified candidate specified in s. 11.31 (1) (a) to (e) at the general or a special election without cooperation or consultation with a candidate or agent or authorized

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Section #. 11.05 (3) (c) of the statutes is amended to read:

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

History: 1973 c. 334; 1975 c. 93, 199, 200; 1977 c. 427; 1979 c. 328; 1979 c. 355 s. 241; 1981 c. 314 s. 146; 1983 a. 484; 1985 a. 303 ss. 7 to 15r. 86; 1987 a. 370, 391, 403; 1989 a. 192.

X
SECTION 1. 11.05 (3) (d) of the statutes is created to read:

11.05 (3) (d) An indication of whether the proposed registrant is a conduit. ✓

~~SECTION 2. 11.12 (7) of the statutes is created to read:~~

~~11.12 (7) (a) If a candidate at the general or a special election for a state office specified in s. 11.31 (1) (a) to (d) does not enter into an agreement under s. 11.50 (2) (a), that candidate or personal campaign committee shall report to the board the information specified in s. 11.06 (1) pertaining to all contributions received no later than 24 hours after receipt of any contribution, in such manner as the board may prescribe, if the candidate or personal campaign committee receives, during the period beginning on the day after the date of the September primary or after the date that any special primary is held or would be held if a primary were required, and ending on the date of the election, total contributions that equal more than:~~

- ~~1. For candidates for the offices of governor and lieutenant governor jointly, \$330,000 from all political party committees or \$1,670,000 from all contributors.~~
- ~~2. For a candidate for the office of attorney general, \$65,000 from all political party committees or \$200,000 from all contributors.~~
- ~~3. For a candidate for the office of secretary of state or state treasurer, \$33,000 from all political party committees or \$100,000 from all contributors.~~
- ~~4. For a candidate for the office of justice or state superintendent, \$100,000 from all contributors.~~
- ~~5. For a candidate for the office of state senator, \$25,000 from all political party committees or \$62,500 from all contributors.~~

→ SECTION # . RP; 11.05 (3) (d) X

X
Section #. 11.05 (9) (b) of the statutes is amended to read:

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

~~History: 1973 c. 334; 1975 c. 93, 199, 200; 1977 c. 427; 1979 c. 328; 1979 c. 355 s. 241; 1981 c. 314 s. 146; 1983 a. 484; 1985 a. 303 ss. 7 to 15; 86; 1987 a. 370, 391, 403; 1989 a. 192.~~

Section #. 11.06 (2) of the statutes is amended to read:

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

History: 1973 c. 334; 1975 c. 93 ss. 47 to 53, 119 (2); 1975 c. 199; 1979 c. 263, 328; 1985 a. 303; 1987 a. 370; 1989 a. 192; 1995 a. 16 s. 2.

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or if the purpose is specified in s. 11.01 (16) (a) 3.

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Section #. 11.06 (7m) (a) of the statutes is amended to read:

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

~~History: 1973 c. 334; 1975 c. 93 ss. 47 to 53, 119 (2); 1975 c. 199; 1979 c. 263, 328; 1985 a. 303; 1987 a. 370; 1989 a. 192; 1995 a. 16 s. 2.~~

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Section #. 11.06 (7m) (c) of the statutes is amended to read:

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

~~History: 1973 c. 334; 1975 c. 93 ss. 47 to 53, 119 (2); 1975 c. 199; 1979 c. 263, 328; 1985 a. 303; 1987 a. 370; 1989 a. 192; 1995 a. 16 s. 2.~~

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1 (7) If a registrant with the board under sub. (2) receives and accepts donations
 2 exceeding the amount specified in s. 11.21 (16) within a period specified in s. 11.21
 3 (16), the registrant shall file reports with the board in the manner specified under
 4 s. 11.21 (16).

5 **SECTION 14.** 11.09^X(3) of the statutes is amended to read:

6 11.09 (3) Each registrant whose filing officer is the board, who or which makes
 7 disbursements in connection with elections for offices which serve or referenda
 8 which affect only one county or portion thereof, except a candidate, personal
 9 campaign committee, political party committee or other committee making
 10 disbursements in support of or in opposition to a candidate for state senator,
 11 representative to the assembly, court of appeals judge or circuit judge, shall file a
 12 duplicate original of each financial report filed with the board with the county clerk
 13 or board of election commissioners of the county in which the elections in which the
 14 registrant participates are held. Such reports shall be filed no later than the
 15 applicable dates specified under s. 11.20 (2), (2e) and (4) for the filing of each report
 16 with the board.

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17 **SECTION 15.** 11.095 of the statutes is created to read:

18 **11.095 Regulation of certain telephoning activities.** (1) In this section:
 19 (a) "Persuasive telephoning" means contacting, by telephone, potential voters
 20 for the purpose of presenting them with information or viewpoints which are
 21 designed to influence the attitudes of the voters toward candidates or referenda.
 22 "Persuasive telephoning" does not include any contacts that are limited solely to an
 23 attempt to identify potential voters, to urge potential voters to participate in an
 24 election or to offer assistance to potential voters to enable them to participate in an
 25 election, or questioning a random or representative sample of a universe of potential

Section #. 11.12 (5) of the statutes is amended to read:

Except as otherwise required under sub. (7), if
11.12 (5) ~~If~~ any contribution or contributions of \$500 or more cumulatively are received by a candidate for state office or by a committee or individual from a single contributor later than 15 days prior to a primary or election such that it is not included in the preprimary or preelection report submitted under s. 11.20 (3), the treasurer of the committee or the individual receiving the contribution shall within 24 hours of receipt inform the appropriate filing officer of the information required under s. 11.06 (1) in such manner as the board may prescribe. The information shall also be included in the treasurer's or individual's next regular report. For purposes of the reporting requirement under this subsection, only contributions received during the period beginning with the day after the last date covered on the preprimary or preelection report, and ending with the day before the primary or election need be reported.

~~History: 1973 c. 334; 1975 c. 93 ss. 59, 60; 119 (2); 1975 c. 199; 1979 c. 328 ss. 53, 69 to 71, 146; 1985 a. 303; 1987~~

a. 370

Section #. 11.12 (6) of the statutes is renumbered 11.12 (6) (a) and amended to read:

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Except as provided in ~~part (b)~~ (b), if

11.12 (6) (a) ~~If~~ any disbursement of more than \$20 cumulatively is made to advocate the election or defeat of a clearly identified candidate by an individual or committee later than 15 days prior to a primary or election in which the candidate's name appears on the ballot without cooperation or consultation with a candidate or agent or authorized committee of a candidate who is supported or opposed, and not in concert with or at the request or suggestion of such a candidate, agent or committee, the individual or treasurer of the committee shall, within 24 hours of making the disbursement, inform the appropriate filing officer of the information required under s. 11.06 (1) in such manner as the board may prescribe. ~~The information shall also be included in the next regular report of the individual or committee under s. 11.20.~~ For purposes of this ~~subsection~~ ^{✓ paragraph}, disbursements cumulate beginning with the day after the last date covered on the preprimary or preelection report and ending with the day before the primary or election. Upon receipt of a report under this ~~subsection~~ ^{✓ paragraph}, the filing officer shall, within 24 hours of receipt, mail a copy of the report to all candidates for any office in support of or opposition to one of whom a disbursement identified in the report is made.

~~History: 1973 c. 334; 1975 c. 93 ss. 59, 60; 119 (2); 1975 c. 199; 1979 c. 328 ss. 53, 69 to 71, 146; 1985 a. 303; 1987 a. 370.~~

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SECTION 1. 11.01 (16) (a) 3. of the statutes is created to read:

11.01 (16) (a) 3. A communication that is made by means of one or more communications media, other than a communication that is exempt from reporting under s. 11.29, that is made during the period beginning on the 60th day preceding an election and ending on the date of that election and that includes a reference to a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot at that election, an office to be filled at that election or a political party.

SECTION 2. 11.05 (3) (d) of the statutes is created to read:

~~11.05 (3) (d) An indication of whether the proposed registrant is a conduit.~~

SECTION 3. 11.12 (6) (b) ~~of the statutes~~ of the statutes are created to read:

11.12 (6) (b) If any conduit has accepted or intends to accept any contribution to be transferred to a candidate or personal campaign committee of a candidate for a state office specified in s. 11.31 (1) (a) to (e) at the general or a special election, or to any such candidate who seeks a nomination for such an office at a primary election, the conduit shall report to the board at the times specified in s. 11.20 (2s), in such manner as the board may prescribe, the name of each candidate or personal campaign committee to whom the conduit intends to transfer one or more contributions during the 21-day period following the date on which the report is due to be filed and the amount to be transferred to that candidate or committee.

(c) If any committee identified under s. 11.05 (3) (c), other than a conduit, intends to receive any contribution, make any disbursement or incur any obligation to make a disbursement for the purpose of advocating the election or defeat of a clearly identified candidate for a state office specified in s. 11.31 (1) (a) to (e) at the

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general or a special election, or any such candidate who seeks a nomination for such an office at a primary election, without cooperation or consultation with a candidate or agent or authorized committee of a candidate who is supported or whose opponent is opposed, and not in concert with or at the request or suggestion of such a candidate, agent or committee, the committee shall report to the board at the times specified in s. 11.20 (2s) in such manner as the board may prescribe, the name of each candidate who is supported or whose opponent is opposed and the total amount of contributions to be received, disbursements to be made and obligations to be incurred for such a purpose in support or opposition to that candidate during the 21-day period following the date on which the report is due to be filed. A committee which files a report under this paragraph concerning a disbursement is not required to file a report pertaining to the same disbursement under par. (a).

(d) All information reported by a registrant under this subsection shall also be included in the next regular report of the registrant under s. 11.20.

SECTION 4. 11.12 (7) of the statutes is created to read:

11.12 (7) (a) If a candidate at the general or a special election for a state office specified in s. 11.31 (1) (a) to (d) does not enter into an agreement under s. 11.50

that candidate or personal campaign committee shall report to the board the information specified in s. 11.06 (1) pertaining to all contributions received no later than 24 hours after receipt of any contribution, in such manner as the board may prescribe, if the candidate or personal campaign committee receives, during the period beginning on the day after the date of the September primary or after the date that any special primary is held or would be held if a primary were required, and ending on the date of the election, total contributions that equal more than

the following amount or value, as adjusted under Par. (c)

1. For candidates for the offices of governor and lieutenant governor jointly, \$330,000 from all political party committees or \$1,670,000 from all contributors.

2. For a candidate for the office of attorney general, \$65,000 from all political party committees or \$200,000 from all contributors.

3. For a candidate for the office of secretary of state or state treasurer, \$33,000 from all political party committees or \$100,000 from all contributors.

4. For a candidate for the office of justice or state superintendent, \$100,000 from all contributors.

5. For a candidate for the office of state senator, \$25,000 from all political party committees or \$62,500 from all contributors.

6. For a candidate for the office of representative to the assembly, \$12,500 from all political party committees or \$62,500 from all contributors.

(b) The first report filed by a candidate or personal campaign committee under par. (a) during any campaign shall include the information required under par. (a) for all contributions received since the closing date for the preceding report filed by that candidate or committee as provided in s. 11.20 (8).

~~SECTION 5. 11.20 (2s) of the statutes is created to read:~~

~~11.20 (2s) A registrant who is required to file reports under s. 11.12 (6) (b) or (c) with respect to a candidate at the general election shall file the reports on the 63rd, 42nd and 21st day prior to that election. A registrant who is required to file reports under s. 11.12 (6) (b) or (c) with respect to a special election shall file a report on the 21st day prior to that election.~~

~~SECTION 6. 11.26 (9) (a) 1. to 5. of the statutes is created to read:~~

~~11.26 (9) (a) 1. For candidates for the offices of governor and lieutenant governor jointly, \$330,000~~

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SECTION 1. 11.26 (9) (a) 1. to 5. of the statutes is created to read:

11.26 (9) (a) 1. For candidates for the offices of governor and lieutenant governor jointly, \$330,000.

2. For a candidate for the office of attorney general, \$65,000.

3. For a candidate for the office of secretary of state, state treasurer, justice or state superintendent, \$33,000.

4. For a candidate for the office of state senator, \$25,000.

5. For a candidate for the office of representative to the assembly, \$12,500.

SECTION 2. 11.26 (9) (am) of the statutes is created to read:

11.26 (9) (am) No individual who is a candidate for state or local office, other than an office specified in par. (a), may receive and accept more than 65% of the value of the total disbursement level determined under s. 11.30¹(1), as adjusted under s. 11.31 (9), for the office for which he or she is a candidate during any primary and election campaign combined from all committees subject to a filing requirement, including political party committees.

~~SECTION 3. 11.26 (9a) of the statutes is created to read:~~

(c) ~~11.26 (9a)~~ ^{Paragraph} In this subsection, "consumer price index" means the average of the consumer price index over each 12-month period, all items, U.S. city average, as determined by the bureau of labor statistics of the federal department of labor.

2. ^{the total contributions} The dollar amounts of ~~contributions~~ ^{Par. (a)} under sub. (9) (a) shall be subject to a biennial adjustment to be determined by rule of the board in accordance with this ^{subdivision} subsection. To determine the adjustment, the board shall calculate the percentage difference between the consumer price index for the 12-month period ending on

December 31 of each odd-numbered year and the consumer price index for the base period, calendar year ²⁰⁰¹ ~~1999~~. For each biennium, the board shall multiply the amount of each ~~limitation~~ ^{CONTRIBUTION AMOUNT} under ~~sub (9)~~ ^{par.} (a) by the percentage difference in the consumer price indices. The board shall adjust ^{each} ~~the~~ amount ~~of each limitation~~ to substitute that result for the existing amount to the extent required to reflect any difference, rounded to the nearest multiple of \$25. The amount so determined shall then be in effect until a subsequent rule is promulgated under this ~~subsection~~ ^{subdivision}. Notwithstanding s. 227.24 (1) (a), (2) ^(b) and (3), determinations under this ~~subsection~~ ^{subdivision} may be promulgated as an emergency rule under s. 227.24 without providing evidence that the emergency rule is necessary for the public peace, health, safety or welfare and without a finding of emergency.

~~SECTION 4. 11.50 (2) (b) 5 a to d of the statutes are created to read:~~

- ~~11.50 (2) (b) 5. a. For candidates for the offices of governor and lieutenant governor jointly, \$80,400.~~
- ~~b. For a candidate for the office of attorney general, \$16,200.~~
- ~~c. For a candidate for the office of secretary of state, state treasurer, justice or state superintendent, \$8,040.~~
- ~~d. For a candidate for the office of state senator, \$6,000.~~
- ~~e. For a candidate for the office of representative to the assembly, \$3,000.~~

~~SECTION 5. 20.855 (4) (b) of the statutes is created to read:~~

~~20.855 (4) (b) Election fund supplement. A sum sufficient equal to the amounts required to make full payment of grants which candidates qualify to receive from the Wisconsin election campaign fund, to be transferred from the general fund to the Wisconsin election campaign fund no later than the time required to make payments of grants under s. 11.50 (5).~~

X

Section #. 11.16 (5) of the statutes is amended to read:

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

~~History. 1973 c. 334; 1975 c. 93, 199: 1979 c. 328; 1985 a. 903.~~

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1 **SECTION 17.** 11.20 (2e) of the statutes is created to read:

2 11.20 (2e) Postelection reports under s. 11.06 (1) shall be received by the
3 appropriate filing officer no earlier than ⁴8 days after and no later than ¹⁰14 days after
4 each general election.

5 ~~**SECTION 18.** 11.20 (3) (b) of the statutes is amended to read:~~

6 ~~11.20 (3) (b) A candidate or personal campaign committee of a candidate at an
7 election shall file a preelection report. A candidate or personal campaign committee
8 of a candidate at the general election shall file a postelection report.~~

9 ~~**SECTION 19.** 11.20 (3) (d) of the statutes is amended to read:~~

10 ~~11.20 (3) (d) A registered committee or individual other than a candidate or
11 personal campaign committee making or accepting contributions, making
12 disbursements or incurring obligations in support of or in opposition to one or more
13 candidates for office at an election, or supporting or opposing other committees or
14 individuals who are engaging in such activities, shall file a preelection report. A
15 registered committee or individual other than a candidate or personal campaign
16 committee making or accepting contributions, making disbursements or incurring
17 obligations in support of or in opposition to one or more candidates for office at the
18 general election, or supporting or opposing other committees or individuals who are
19 engaging in such activities, shall file a postelection report.~~

20 ~~**SECTION 20.** 11.20 (3) (g) of the statutes is amended to read:~~

21 ~~11.20 (3) (g) A contribution, disbursement or obligation in support of or in
22 opposition to a candidate at an election which is made, accepted or incurred during
23 the period covered by the preelection report, or by the postelection report following
24 the general election, is considered to be made, accepted or incurred in support of or~~

6. For a candidate for the office of representative to the assembly, \$12,500 from all political party committees or \$62,500 from all contributors.

(b) The first report filed by a candidate or personal campaign committee under par. (a) during any campaign shall include the information required under par. (a) for all contributions received since the closing date for the preceding report filed by that candidate or committee as provided in s. 11.20 (8).

~~SECTION 4.~~ 11.20 (2s) of the statutes is created to read:

11.20 (2s) A registrant who is required to file reports under s. 11.12 (6) (b) or (c) with respect to a candidate at the general election shall file the reports on the 63rd, 42nd and 21st day prior to that election. A registrant who is required to file reports under s. 11.12 (6) (b) or (c) with respect to a special election shall file a report on the 21st day prior to that election.

~~SECTION 5.~~ 11.26 (9) (a) 1. to 5. of the statutes is created to read:

11.26 (9) (a) 1. For candidates for the offices of governor and lieutenant governor jointly, \$330,000.

2. For a candidate for the office of attorney general, \$65,000.

3. For a candidate for the office of secretary of state, state treasurer, justice or state superintendent, \$33,000.

4. For a candidate for the office of state senator, \$25,000.

5. For a candidate for the office of representative to the assembly, \$12,500.

~~SECTION 6.~~ 11.24 (1t) of the statutes is created to read:

11.24 (1t) No candidate or personal campaign committee at any election other than a primary election may receive and accept any contribution during the period beginning on the 10th day preceding that election and ending on the date of that election.

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SECTION 17

1 **SECTION 17. 11.20 (2e) of the statutes is created to read:**

2 11.20 (2e) Postelection reports under s. 11.06 (1) shall be received by the
3 appropriate filing officer no earlier than ⁴8 days after and no later than ¹⁰14 days after
4 each general election.

5 **SECTION 18. 11.20 (3) (b) of the statutes is amended to read:**

6 11.20 (3) (b) A candidate or personal campaign committee of a candidate at an
7 election shall file a preelection report. A candidate or personal campaign committee
8 of a candidate at the general election shall file a postelection report.

9 **SECTION 19. 11.20 (3) (d) of the statutes is amended to read:**

10 11.20 (3) (d) A registered committee or individual other than a candidate or
11 personal campaign committee making or accepting contributions, making
12 disbursements or incurring obligations in support of or in opposition to one or more
13 candidates for office at an election, or supporting or opposing other committees or
14 individuals who are engaging in such activities, shall file a preelection report. A
15 registered committee or individual other than a candidate or personal campaign
16 committee making or accepting contributions, making disbursements or incurring
17 obligations in support of or in opposition to one or more candidates for office at the
18 general election, or supporting or opposing other committees or individuals who are
19 engaging in such activities, shall file a postelection report.

20 **SECTION 20. 11.20 (3) (g) of the statutes is amended to read:**

21 11.20 (3) (g) A contribution, disbursement or obligation in support of or in
22 opposition to a candidate at an election which is made, accepted or incurred during
23 the period covered by the preelection report, or by the postelection report following
24 the general election, is considered to be made, accepted or incurred in support of or

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1 in opposition to that candidate at the election, regardless of whether the candidate
2 is opposed at the election.

3 **SECTION 21.** 11.20 (3) (L) of the statutes is amended to read:

4 11.20 (3) (L) A registered group or individual making or accepting
5 contributions, making disbursements or incurring obligations in support of or in
6 opposition to a referendum appearing on an election ballot shall file a preelection
7 report. A registered group or individual making or accepting contributions, making
8 disbursements or incurring obligations in support of or in opposition to referendum
9 appearing on a general election ballot shall file a postelection report.

10 **SECTION 22.** 11.20 (8) (intro.) of the statutes is amended to read:

11 11.20 (8) (intro.) Reports filed under subs. (2), (2e), (4) and (4m) shall include
12 all contributions received and transactions made as of the end of:

13 **SECTION 23.** 11.20 (8) (am) of the statutes is created to read:

14 11.20 (8) (am) The ^{3rd} day after the election in the case of the postelection
15 report ^{that} which follows the general election.

16 ~~**SECTION 24.** 11.20 (10) (a) of the statutes is amended to read:~~

17 ~~11.20 (10) (a) Where a requirement is imposed under this section for the filing
18 of a financial report which is to be received by the appropriate filing officer no later
19 than a certain date, the requirement may be satisfied either by actual receipt of the
20 report by the prescribed time for filing at the office of the filing officer, or by filing a
21 report with the U.S. postal service by first class mail with sufficient prepaid postage,
22 addressed to the appropriate filing officer, no later than the 3rd day before the date
23 provided by law for receipt of such report.~~

24 **SECTION 25.** 11.20 (12) of the statutes is amended to read:

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SECTION 25

1 11.20 (12) If a candidate is unopposed in a primary or election, the obligation
2 to file the reports required by this chapter does not cease. Except as provided in ss.
3 11.05 (2r) and 11.19 (2), a registrant who makes or receives no contributions, makes
4 no disbursements or incurs no obligations shall so report on the applicable dates
5 designated in subs. (2), (2e) and (4).

6 ~~SECTION 26. 11.21 (2) of the statutes is amended to read:~~

7 ~~11.21 (2) Furnish to each registrant prescribed forms for the making of reports~~
8 ~~and statements. Forms shall be sent by 1st class mail not earlier than 21 days and~~
9 ~~not later than 14 days prior to the applicable filing deadline under s. 11.20, and~~
10 ~~addressed to the attention of the treasurer or other person indicated on the~~
11 ~~registration statement. Forms need not be sent to a registrant who has made an~~
12 ~~indication that aggregate contributions, disbursements and obligations will not~~
13 ~~exceed the amount specified under s. 11.05 (2r) or to a registrant who has been~~
14 ~~granted a suspension under s. 11.19 (2). Forms for reports shall not be sent by the~~
15 ~~board to a registrant if the registrant is required to file reports with the board in an~~
16 ~~electronic format. Whenever any notice of filing requirements under this chapter is~~
17 ~~sent to a candidate's campaign treasurer, the board shall also send a notice to the~~
18 ~~candidate if he or she has appointed a separate treasurer. Failure to receive any form~~
19 ~~or notice does not exempt a registrant from compliance with this chapter.~~

20 ~~SECTION 27. 11.21 (9) of the statutes is amended to read:~~

21 ~~11.21 (9) Place a copy Maintain a duplicate record of any separate schedule~~
22 ~~under s. 11.06 (1) (j) received with the financial report of an individual or committee~~
23 ~~filing an oath under s. 11.06 (7) in the file together with the record of each candidate~~
24 ~~to whom it relates.~~

25 ~~SECTION 28. 11.21 (15) of the statutes is amended to read:~~

1 reports and shall contain the information required under s. 11.06 (1). Upon receipt
 2 of a properly executed report, the registrant shall be granted a suspension of the
 3 filing requirement under s. 11.20 (9) by the appropriate filing officer. Such
 4 suspension is effective only for the calendar year in which it is granted, unless the
 5 registrant alters its status before the end of such year or files a termination report
 6 under sub. (1).

7 **SECTION 35.** 11.20 (1) of the statutes is amended to read:

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

18 **SECTION 36.** 11.20 (7) of the statutes is amended to read:

19 11.20 (7) ~~In~~ Except as otherwise required under s. 11.21 (16), in the event that
 20 any report is required to be filed under this section chapter on a nonbusiness day, it
 21 may be filed on the next business day thereafter.

22 **SECTION 37.** 11.21 (15) of the statutes is amended to read:

23 11.21 (15) Inform each candidate who files an application to become eligible to
 24 receive a grant from the Wisconsin ~~election campaign system~~ clean government fund of the dollar
 25 amount of the applicable disbursement limitation under s. 11.31 (1), adjusted as

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1 provided in s. 11.31 (9), which applies to the office for which such person is a
2 candidate. Failure to receive the notice required by this subsection does not
3 constitute a defense to a violation of s. 11.27 (1) or 11.31.

4 ~~SECTION 38.~~ 11.21 (16) of the statutes is amended to read:

5 11.21 (16) Require each registrant for whom the board serves as filing officer
6 and who or which accepts contributions in a total amount or value of exceeding
7 \$20,000 or more during a campaign period within a calendar year, each individual
8 or organization who or which is required to register with the board under s. 11.065
9 and who or which makes expenditures in an amount or value exceeding \$20,000
10 within a calendar year and each candidate who applies for a grant from the
11 Wisconsin clean election system fund or that candidate's personal campaign
12 committee to file each campaign finance report that is required to be filed under this
13 chapter in an electronic format, and accept from any other registrant for whom the
14 board serves as a filing officer or any other individual or organization who or which
15 is required to register with the board under s. 11.065 any campaign finance report
16 that is required to be filed under this chapter in an electronic format. A registrant
17 An individual or organization who or which becomes subject to a requirement to file
18 reports in an electronic format under this subsection shall initially file the
19 registrant's report of the individual or organization in an electronic format for the
20 period which includes within 24 hours after the date on which the registrant
21 individual or organization becomes subject to the requirement. A candidate or
22 personal campaign committee of a candidate who applies for a grant from the
23 Wisconsin clean election system fund but whose application is not approved or who
24 does not accept a grant is not subject to the filing requirement under this subsection
25 solely as a result of filing an application for a grant. To facilitate implementation of

(b) The first report filed by a candidate or personal campaign committee under par. (a) during any campaign shall include the information required under par. (a) for all contributions received since the closing date for the preceding report filed by that candidate or committee as provided in s. 11.20 (8).

~~SECTION 2. 11.26 (9) (a) 1. to 5. of the statutes is created to read:~~

~~11.26 (9) (a) 1. For candidates for the offices of governor and lieutenant governor jointly, \$330,000.~~

~~2. For a candidate for the office of attorney general, \$65,000.~~

~~3. For a candidate for the office of secretary of state, state treasurer, justice or state superintendent, \$33,000.~~

~~4. For a candidate for the office of state senator, \$25,000.~~

~~5. For a candidate for the office of representative to the assembly, \$12,500.~~

SECTION 3. 11.24 (1t) of the statutes is created to read:

11.24 (1t) No candidate or personal campaign committee at any election other than a primary election may receive and accept any contribution during the period beginning on the 10th day preceding that election and ending on the date of that election.

No bow

SECTION 4. 11.24 (1w) of the statutes is created to read:

11.24 (1w) (a) No candidate or personal campaign committee of a candidate who accepts a grant under s. 11.50 may accept any contribution from a committee identified under s. 11.05 (3) (c) as a special interest committee.

(b) No committee identified under s. 11.05 (3) (c) as a special interest committee may intentionally make any contribution to a candidate or personal campaign committee of a candidate who has qualified to receive a grant under s. 11.50.

~~SECTION 5. 11.26 (9) (am) of the statutes is created to read:~~

X

Section #. 11.26 (2) (intro.) of the statutes is amended to read:

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

History: 1973 c. 334; 1975 c. 93 ss. 89 to 95, 119 (1); 1975 c. 200; 1977 c. 107, 187; 1977 c. 427 s. 132; 1979 c. 263, 328; 1979 c. 355 s. 32; 1983 a. 183, 186; 1985 a. 303 ss. 44 to 55m, 86; 1987 a. 27, 370; 1989 a. 31, 192; 1995 a. 27 s. 9145 (1); 1995 a. 219, 225.

X

Section #. 11.26 (2) (a) of the statutes is amended to read:

11.26 (2) (a) Candidates for governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent or justice, 4% of the value of the disbursement level specified in the schedule under s. 11.31 (1) *as adjusted under s. 11.31 (9)*

~~History: 1973 c. 334; 1975 c. 93 ss. 89 to 95, 119 (1); 1975 c. 200; 1977 c. 107, 187; 1977 c. 427 s. 132; 1979 c. 263, 328; 1979 c. 355 s. 32; 1983 a. 183, 186; 1985 a. 303 ss. 44 to 55m, 86; 1987 a. 27, 370; 1989 a. 31, 192; 1995 a. 27 s. 9145 (1); 1995 a. 219, 225.~~

Section #. 11.26 (4) of the statutes is amended to read:

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

plan space

History: 1973 c. 334; 1975 c. 93 ss. 89 to 95, 119 (1); 1975 c. 200; 1977 c. 107, 187; 1977 c. 427 s. 132; 1979 c. 263, 328; 1979 c. 355 s. 32; 1983 a. 183, 186; 1985 a. 303 ss. 44 to 55m, 86; 1987 a. 27, 370; 1989 a. 31, 192; 1995 a. 27 s. 9145 (1); 1995 a. 219, 225.

X
Section #. 11.26 (8) of the statutes is amended to read.

plain space

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

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

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

History: 1973 c. 334; 1975 c. ~~93 ss. 89 to 95~~, 119 (1); 1975 c. 200; 1977 c. 107, 187; 1977 c. 427 s. 132; 1979 c. 263, 328; 1979 c. 355 s. 32; 1983 a. 183, 186; 1985 a. 303 ss. 44 to 55m, 86; 1987 a. 27, 370; 1989 a. 31, 192; 1995 a. 27 s. 9145 (1); 1995 a. 219, 225.

(a) (intro.)

Section #. 11.26 (9) (a) of the statutes is renumbered 11.26 (9) and amended to read:

(a) (intro.)

a state office specified in this paragraph

11.26 (9) No individual who is a candidate for state or local office, may receive and accept more than 65% of the value of the total disbursement level determined under s. 11.51 for the office for which he or she is a candidate during any primary and election campaign combined from all committees subject to a filing requirement, including political party and legislative campaign committees.

History: 1973 c. 334; 1975 c. 93 ss. 89 to 95, 119 (1); 1975 c. 200; 1977 c. 107, 187; 1977 c. 427 s. 132; 1979 c. 263, 328; 1979 c. 355 s. 32; 1983 a. 183, 186; 1985 a. 303 ss. 44 to 55m, 86; 1987 a. 27, 370; 1989 a. 31, 192; 1995 a. 27 s. 9145 (1); 1995 a. 219, 225.

Except as provided in sub. (9a), the amount or value of contributions is:

no primary is held after the date that the primary would be held, if required,

underscore

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LRB-2225/lins
JTK.....

SECTION 1. 11.26 (9) (a) 1. to 5. of the statutes is created to read:

11.26 (9) (a) 1. For candidates for the offices of governor and lieutenant governor jointly, \$330,000.

2. For a candidate for the office of attorney general, \$65,000.

3. For a candidate for the office of secretary of state, state treasurer, justice or state superintendent, \$33,000.

4. For a candidate for the office of state senator, \$25,000.

5. For a candidate for the office of representative to the assembly, \$12,500.

SECTION 2. 11.26 (9) (am) of the statutes is created to read:

11.26 (9) (am) No individual who is a candidate for state or local office, other than an office specified in par. (a), may receive and accept more than 65% of the value of the total disbursement level determined under s. 11.31 (1), as adjusted under s. 11.31 (9), for the office for which he or she is a candidate during any primary and election campaign combined from all committees subject to a filing requirement, including political party committees.

~~SECTION 3. 11.26 (9a) of the statutes is created to read:~~

~~11.26 (9a) (a) In this subsection, "consumer price index" means the average of the consumer price index over each 12-month period, all items, U.S. city average, as determined by the bureau of labor statistics of the federal department of labor.~~

~~(b) The dollar amounts of the limitations under sub. (9) (a) shall be subject to a biennial adjustment to be determined by rule of the board in accordance with this subsection. To determine the adjustment, the board shall calculate the percentage difference between the consumer price index for the 12-month period ending on~~

Section #. 11.26 (9) (b) of the statutes is amended to read:

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

✓
par. (a)
other than an office specified in this paragraph
(1), as adjusted under s. 11.31 (9),
SET

History: 1973 c. 334; 1975 c. 93 ss. 89 to 95, 119 (1); 1975 c. 200; 1977 c. 107, 187; 1977 c. 427 s. 132; 1979 c. 263, 328; 1979 c. 355 s. 32; 1983 a. 183, 186; 1985 a. 303 ss. 44 to 55m, 86; 1987 a. 27, 370; 1989 a. 31, 192; 1995 a. 27 s. 9145 (1); 1995 a. 219, 225

Section #. RP; 11.26 (9) (c)

SECTION 1. 11.26 (9) (a) 1. to 5. of the statutes is created to read:

11.26 (9) (a) 1. For candidates for the offices of governor and lieutenant governor jointly, \$330,000.

2. For a candidate for the office of attorney general, \$65,000.

3. For a candidate for the office of secretary of state, state treasurer, justice or state superintendent, \$33,000.

4. For a candidate for the office of state senator, \$25,000.

5. For a candidate for the office of representative to the assembly, \$12,500.

SECTION 2. 11.26 (9) (am) of the statutes is created to read:

11.26 (9) (am) No individual who is a candidate for state or local office, other than an office specified in par. (a), may receive and accept more than 65% of the value of the total disbursement level determined under s. 11.30¹(1), as adjusted under s. 11.31 (9), for the office for which he or she is a candidate during any primary and election campaign combined from all committees subject to a filing requirement, including political party committees.

SECTION 3. 11.26 (9a) of the statutes is created to read:

11.26 (9a) (a) In this subsection, "consumer price index" means the average of the consumer price index over each 12-month period, all items, U.S. city average, as determined by the bureau of labor statistics of the federal department of labor.

(b) The dollar amounts of the limitations under sub. (9) (a) shall be subject to a biennial adjustment to be determined by rule of the board in accordance with this subsection. To determine the adjustment, the board shall calculate the percentage difference between the consumer price index for the 12-month period ending on

December 31 of each odd-numbered year and the consumer price index for the base period, calendar year ~~1999~~²⁰⁰¹. For each biennium, the board shall multiply the amount of each limitation under sub. (9) (a) by the percentage difference in the consumer price indices. The board shall adjust the amount of each limitation to substitute that result for the existing amount to the extent required to reflect any difference, rounded to the nearest multiple of \$25. The amount so determined shall then be in effect until a subsequent rule is promulgated under this subsection. Notwithstanding s. 227.24 (1) (a), (2) and (3), determinations under this subsection may be promulgated as an emergency rule under s. 227.24 without providing evidence that the emergency rule is necessary for the public peace, health, safety or welfare and without a finding of emergency.

~~SECTION 4. 11.50 (2) (b) 5. a. to d. of the statutes are created to read:~~

- ~~11.50 (2) (b) 5. a. For candidates for the offices of governor and lieutenant governor jointly, \$80,400.~~
- ~~b. For a candidate for the office of attorney general, \$16,200.~~
- ~~c. For a candidate for the office of secretary of state, state treasurer, justice or state superintendent, \$8,040.~~
- ~~d. For a candidate for the office of state senator, \$6,000.~~
- ~~e. For a candidate for the office of representative to the assembly, \$3,000.~~

~~SECTION 5. 20.855 (4) (b) of the statutes is created to read:~~

~~20.855 (4) (b) *Election fund supplement.* A sum sufficient equal to the amounts required to make full payment of grants which candidates qualify to receive from the Wisconsin election campaign fund, to be transferred from the general fund to the Wisconsin election campaign fund no later than the time required to make payments of grants under s. 11.50 (5).~~

Section #. 11.26 (10) of the statutes is amended to read:

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

History: 1973 c. 334; 1975 c. 93 ss. 89 to 95, 119 (1); 1975 c. 200; 1977 c. 107, 187; 1977 c. 427 s. 132; 1979 c. 263, 328; 1979 c. 355 s. 32; 1983 a. 183, 186; 1985 a. 303 ss. 44 to 55m, 86; 1987 a. 27, 370; 1989 a. 31, 192; 1995 a. 27 s. 9145 (1); 1995 a. 219, 225.

✓
Section # 11.26 (13) of the statutes is amended to read:

strike (circled)
11.26 (13) Except as provided in sub. (9), contributions received from the ~~Wisconsin election~~
~~campaign fund~~ *clean government* are not subject to limitation by this section. *strike* (with arrow pointing to ~~Wisconsin election~~)

History: ~~1973 c. 334; 1975 c. 93 ss. 89 to 95, 119 (1); 1975 c. 200; 1977 c. 107, 187; 1977 c. 427 s. 132; 1979 c. 263, 328; 1979 c. 355 s. 32; 1983 a. 183, 186; 1985 a. 303 ss. 44 to 55m, 86; 1987 a. 27, 370; 1989 a. 31, 192; 1995 a. 27 s. 9145 (1); 1995 a. 219, 225.~~

SECTION # RP: 11.265

Jointly

1 SECTION 65. 11.265 of the statutes is repealed.

2 SECTION 66. 11.31 (1) (intro.) of the statutes is amended to read:

3 11.31 (1) SCHEDULE. (intro.) The following levels of disbursements are
4 established with reference to the candidates listed below. Except as provided in sub-
5 subs. (2) and (2e), such levels do not operate to restrict the total amount of
6 disbursements which are made or authorized to be made by any candidate in any
7 primary or other election.

8 SECTION 67. 11.31 (1) (a) ~~of the statutes~~ ^{and lieutenant governor} of the statutes ~~are~~ amended to read:

9 11.31 (1) (a) Candidates for governor, ~~\$1,078,200~~ ^{\$2,000,000 in the election} ~~\$750,000~~.

10 ~~SECTION 67. R.P. 11.31 (1) (b)~~ ^{Strike comma} ~~Candidates for lieutenant governor, \$228,475~~ ~~\$1,225,000~~

11 11.31 (1) (c) Candidates for attorney general, ~~\$539,000~~ ^{\$400,000 in the election} ~~\$750,000~~.

12 (d) Candidates for secretary of state, state treasurer, ^{restore} justice or state
13 superintendent, ~~\$215,625~~ ^{\$200,000 in the election} ~~\$350,000~~.

14 SECTION 68. 11.31 (1) (de) of the statutes is created to read:

15 11.31 (1) (de) Candidates for justice, \$400,000.

16 SECTION 69. 11.31 (1) (e) and (f) of the statutes are amended to read:

17 11.31 (1) (e) Candidates for state senator, \$34,500 total in the primary and
18 election, with disbursements not exceeding \$21,575 for either the primary or the
19 election ~~\$140,000~~ ^{\$150,000 in the election}.

20 (f) Candidates for representative to the assembly, \$17,250 total in the primary
21 and election, with disbursements not exceeding \$10,775 for either the primary or the
22 election ~~\$60,000~~ ^{\$75,000 in the election}.

23 SECTION 70. 11.31 (2) of the statutes is amended to read:

24 11.31 (2) LIMITATION ^{restore} ~~IMPOSED ON TOTAL DISBURSEMENTS~~ No candidate for state
25 office at a spring or general election who files a sworn statement and application to

1 receive a grant from the Wisconsin ~~clean~~ ^{strike} election campaign ~~fund~~ ^{clean government} fund may make
 2 or authorize total disbursements from the campaign treasury in any campaign to the
 3 extent of more than the amount prescribed in sub. (1), adjusted as provided under
 4 sub. (9), unless the board determines that the candidate is not eligible to receive a
 5 grant, the candidate withdraws his or her application under s. 11.50 (2)(h), or s. 11.50
 6 (2) (i) applies. No candidate for state office at a special election who files a sworn ^{strike}
 7 statement and application to receive a grant from the Wisconsin ~~clean~~ ^{clean government} election
 8 campaign ~~fund~~ ^{clean government} fund may make or authorize total disbursements from the
 9 campaign treasury in any campaign to the extent of more than the amount
 10 prescribed under sub. (1), adjusted as provided under sub. (9), for the preceding
 11 spring or general election for the same office, unless the board determines that the
 12 candidate is not eligible to receive a grant, the candidate withdraws his or her
 13 application under s. 11.50 (2) (h), or sub. (3p) or s. 11.50 (2) (i) applies.

14 **SECTION 71.** 11.31 (2e) of the statutes is created to read:
 15 11.31 (2e) LIMITATION ON DISBURSEMENTS FROM SOURCES OTHER THAN INDIVIDUAL
 16 CONTRIBUTIONS. No candidate may make or authorize total disbursements from his
 17 or her campaign treasury in any campaign that are derived from sources other than
 18 contributions received from individuals in an aggregate amount or value greater
 19 than 65% of the disbursement level for the office which the candidate seeks, as
 20 prescribed under sub. (1) or as modified under sub. (3), and as adjusted under sub.
 21 (9).

22 **SECTION 72.** 11.31 (2m) of the statutes is repealed.

23 **SECTION 73.** 11.31 (3) of the statutes is amended to read:

24 **11.31 (3) GUBERNATORIAL CAMPAIGNS.** For purposes of compliance with the
 25 limitations imposed under sub. (2), candidates for governor and lieutenant governor

SRM RP; 11.31 (3m)

Intore to next

Section #. 11.31 (3) of the statutes is amended to read:

delete

11.31 (3) GUBERNATORIAL CAMPAIGNS. For purposes of compliance with the limitations imposed under sub. (2), candidates for governor and lieutenant governor of the same political party who both accept grants from the ~~Wisconsin election campaign~~ ^{election government} fund may agree to combine disbursement levels under sub. (1) (a) and (b) and reallocate the total level between them. The candidates shall each inform the board of any such agreement.

~~History: 1973 c. 334; 1975 c. 93 ss. 97 to 102, 119 (1), (2); 1975 c. 199, 422; 1977 c. 107, 187, 272, 449; 1979 c. 263, 328; 1981 c. 314; 1983 a. 51; 1985 a. 182 s. 57; 1985 a. 303; 1985 a. 332 s. 251 (1); 1987 a. 370; 1989 a. 192; 1993 a. 184; 1995 a. 225; 1997 c. 230.~~

insert text from previous page

~~11.26 (9a) (a) In this subsection, "consumer price index" means the average of the consumer price index over each 12-month period, all items, U.S. city average, as determined by the bureau of labor statistics of the federal department of labor.~~

~~(b) The dollar amounts of the limitations under sub. (9) (a) shall be subject to a biennial adjustment to be determined by rule of the board in accordance with this subsection. To determine the adjustment, the board shall calculate the percentage difference between the consumer price index for the 12-month period ending on December 31 of each odd-numbered year and the consumer price index for the base period, calendar year 1999. For each biennium, the board shall multiply the amount of each limitation under sub. (9) (a) by the percentage difference in the consumer price indices. The board shall adjust the amount of each limitation to substitute that result for the existing amount to the extent required to reflect any difference, rounded to the nearest multiple of \$25. The amount so determined shall then be in effect until a subsequent rule is promulgated under this subsection. Notwithstanding s. 227.24 (1) (a), (2) and (3), determinations under this subsection may be promulgated as an emergency rule under s. 227.24 without providing evidence that the emergency rule is necessary for the public peace, health, safety or welfare and without a finding of emergency.~~

~~X~~
SECTION 6. 11.31 (3p) of the statutes is created to read:

11.31 (3p) INDEPENDENT DISBURSEMENTS AND EXCESS CONTRIBUTIONS; EXCEPTION.
If a candidate receives a grant under s. 11.50 (9) (b) or (ba), the disbursement limitation of that candidate for the campaign in which the grant is received is increased by the amount of that grant.

~~SECTION 7. 11.50 (2) (b) 5. a to d of the statutes are created to read:~~

SECTION # RP; 11.31(4)

Section #. 11.31 (7) (a) of the statutes is amended to read:

1. The

11.31 (7) (a) For purposes of this section, the "campaign" of a candidate extends from July 1 preceding the date on which the spring primary or election occurs or January 1 preceding the date on which the September primary or general election occurs for the office which the candidate seeks, or from the date of the candidate's public announcement, whichever is earlier, through the last day of the month following the month in which the election or primary is held.

or election
at which that candidate seeks office

History: 1973 c. 334; 1975 c. 93 ss. 97 to 102, 119 (1), (2); 1975 c. 199, 422; 1977 c. 107, 187, 272, 449; 1979 c. 263, 328; 1981 c. 314; 1983 a. 51; 1985 a. 182 s. 57; 1985 a. 303; 1985 a. 532 s. 251 (1); 1987 a. 370; 1989 a. 192; 1993 a. 184; 1995 a. 225; 1997 a. 230.

for an office specified in sub. (1) (a) to (f) extends from the day after the date on which the spring or September primary occurs or the day after the date on which a special primary occurs or the date that a special primary would be held, if a primary were required, through the last day of the month following the month in which an election is held at which that candidate seeks office.

2. The "campaign" of a candidate for an office specified in sub. (1) (fm) to (h)

SECTION # CR: 11.31(9)

1 11.31 (9) ADJUSTMENT OF DISBURSEMENT LEVELS. (a) In this subsection,

2 ~~the~~ ^{NSP} ~~consumer price index~~ "consumer price index" means the average of the consumer price index over

3 each 12-month period, all items, U.S. city average, as determined by the bureau of

4 labor statistics of the federal department of labor.

5 2. "Voting age population of this state" means the voting age population of this

6 state, as determined by the federal election commission in its most recent

7 determination prior to the date of any calculation under this subsection.

8 (b) The dollar amounts of all disbursement levels specified in sub. (1) shall be

9 subject to a biennial adjustment to be determined by rule of the board in accordance

10 with this subsection. To determine the adjustment, the board shall calculate the

11 ~~percentage difference between the voting age population of this state on December~~

12 ~~31 of each odd-numbered year and the voting age population of this state on~~

13 ~~December 31, 1999.~~ The board shall then calculate the percentage difference

14 between the consumer price index for the 12-month period ending on December 31

15 of each odd-numbered year and the consumer price index for the base period,

16 calendar year ~~1999~~ ²⁰⁰¹. For each biennium, the board shall first multiply the

17 ~~disbursement levels by the percentage difference in the voting age populations. The~~

18 ~~board shall then multiply that~~ ^{result} ~~by the percentage difference in the consumer~~

19 price indices. The board shall adjust the disbursement levels specified under sub.

20 (1) to substitute that result for the existing levels to the extent required to reflect any

21 difference, rounded to the nearest multiple of \$25 in the case of amounts of \$1 or

22 more, which amounts shall be in effect until a subsequent rule is promulgated under

23 this subsection. Notwithstanding s. 227.24 (1) (a), (2) (b) and (3), determinations

24 under this subsection may be promulgated as an emergency rule under s. 227.24

1 without providing evidence that the emergency rule is necessary for the public peace,
2 health, safety or welfare, and without a finding of emergency.

3 ~~SECTION 80. 11.38 (1) (a) 2. of the statutes is amended to read:~~

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

20 ~~SECTION 81. 11.38 (8) (b) of the statutes is amended to read:~~

21 11.38 (8) (b) Except as authorized in s. 11.05 (12) (b) and (13), prior to making
22 any disbursement on behalf of a political group which is promoting or opposing a
23 particular vote at a referendum and prior to accepting any contribution or making
24 any disbursement to promote or oppose a particular vote at a referendum, a
25 corporation or association organized under ch. 185 shall register with the

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Section #. 11.50 (title) of the statutes is amended to read:

✓
11.50 (title) ~~Wisconsin election campaign fund.~~

Ⓟ
Clean government

History: 1977.c. 107, 272; 1979.c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75.

Section #. 11.50 (1) (b) of the statutes is amended to read:

11.50 (1) (b) "Fund" means the ~~Wisconsin election campaign~~ ^{clean government} fund.

~~History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75.~~



State of Wisconsin
1997 - 1998 LEGISLATURE

LRBa1014/1
JTK:jl:km

SENATE AMENDMENT,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 1997 SENATE BILL 7

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 4, line 17: after "(b)" insert or a grant under s. 11.50 (9) (bm).

3 2. Page 32, line 5: after that line insert:

4 ~~SECTION 73.11~~ 11.50 (2) (a) of the statutes is amended to read:

5 11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may

6 file an application with the board requesting approval to participate in the fund. The

7 ~~Except as authorized in s. 11.50 (9) (bm),~~ the application shall be filed no later than

8 the applicable deadline for filing nomination papers under s. 8.10 (2) (a), 8.15 (1),

9 8.20 (8) (a) or 8.50 (3) (a), no later than 4:30 p.m. on the 7th day after the primary

10 or date on which the primary would be held if required in the case of write-in

11 candidates, or no later than 4:30 p.m. on the 7th day after appointment in the case

12 of candidates appointed to fill vacancies. The Except as authorized in par. (g), the

Person
w/1
S.M.S.

Signature

People will start

score text
(1) as adjusted under s. 11.31(9)

1 application shall contain a sworn statement that the candidate and his or her
2 authorized agents have complied with the contribution limitations prescribed in s.
3 11.26 and the disbursement limitations prescribed under s. 11.31 at all times to
4 which such limitations have applied to his or her candidacy and will continue to
5 comply with the limitations at all times to which the limitations apply to his or her
6 candidacy for the office in contest, unless the board determines that the candidate
7 is not eligible to receive a grant, the candidate withdraws his or her application
8 under par. (h), or par. (i) ^{or s. 11.31(3p)} applies.

3. Page 34, line 23: after that line insert:

"SECTION 76m. 11.50 (2) (g) of the statutes is amended to read:

11.50 (2) (g) ~~A~~ Each candidate, except a candidate who receives a grant under sub. (9) (bm), who voluntarily files an application to receive a grant in accordance with this subsection accepts and agrees to comply with the contribution limitations prescribed in s. 11.26 and the disbursement limitations imposed under s. 11.31 as binding upon himself or herself and his or her agents during the campaign as defined in s. 11.31 (7), as a precondition to receipt of a grant under this section, unless the board determines that the candidate is not eligible to receive a grant, the candidate withdraws the application under par. (h), or par. (i) applies."

4. Page 41, line 22: after that line insert:

"SECTION 94m. 11.50 (9) (bm) of the statutes is created to read:

11.50 (9) (bm) If an eligible candidate who does not accept a grant is opposed by one or more eligible candidates in the election who accept a grant under this section, and if an obligation is incurred or a disbursement is made to advocate the election of the eligible candidate who accepts a grant or to oppose the eligible

Section #. 11.50 (2) (b) (intro.) of the statutes is amended to read:

11.50 (2) (b) (intro.) Except as provided in par. (b^m), the board shall approve the application of an eligible candidate for participation if:

~~History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75.~~

1 ~~is not required to comply with s. 11.26(16) or 11.31(2) if~~ the board determines that
2 the candidate is not eligible to receive a grant, the candidate withdraws his or her
3 application under par. (h), or par. (i) ~~of s. 11.31(3g) applies.~~

W.P.O. please fix component

4 **SECTION 85.** 11.50(2)(b) 5. of the statutes is ^{renumbered 11.50(2)(b) 5. (intro.) and} amended to read:
5 (intro.)

6 11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as
7 of the date of the spring or September primary, or the date that the special primary
8 is or would be held, if required, indicate that the candidate has received at least the
9 amount provided in this subdivision, from contributions of money, other than loans,
10 made by individuals, which have been received during the period ending on the date
11 of the spring primary and July 1 preceding such date in the case of candidates at the
12 spring election, or the date of the September primary and January 1 preceding such
13 date in the case of candidates at the general election, or the date that a special
14 primary will or would be held, if required, and 90 days preceding such date or the
15 date a special election is ordered, whichever is earlier, in the case of special election

underline

16 ~~In the case of a candidate for legislative office, the contributions shall be received from individuals~~
17 ~~which are fully identified and itemized as to the exact source thereof. A contribution~~
18 ~~received from a conduit which is identified by the conduit as originating from an~~
19 ~~individual shall be considered a contribution made by the individual. Only the first~~
20 ~~\$100 of an aggregate contribution of more than \$100 may be counted toward the~~
21 ~~required percentage. For a candidate at the spring or general election for an office~~
22 ~~identified in s. 11.26(1)(a) or a candidate at a special election, the required amount~~
23 ~~to qualify for a grant is 5% of the candidate's authorized disbursement limitation~~
24 ~~under s. 11.31(2) as adjusted under s. 11.31(4). For any other candidate at the~~
25 ~~general election, the required amount to qualify for a grant is 10% of the candidate's~~
26 ~~authorized disbursement limitation under s. 11.31(2) as adjusted under s. 11.31(4).~~

individuals who are residents of the district in which the candidate seeks office


Except as provided in sub. (9a),

The amount of contributions required under this subdivision is;

strike period

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2225/lins
JTK.....

 SECTION 1. 11.50 (2) (b) 5. a. to ^{fe} of the statutes are created to read:

11.50 (2) (b) 5. a. For candidates for the offices of governor and lieutenant governor jointly, \$80,400.

b. For a candidate for the office of attorney general, \$16,200.

c. For a candidate for the office of secretary of state, state treasurer, justice or state superintendent, \$8,040.

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

e. For a candidate ^{fd} for the office of representative to the assembly, \$3,000.

~~SECTION 2. 20.855 (4) (b) of the statutes is created to read:~~

~~20.855 (4) (b) *Election fund supplement*. A sum sufficient equal to the amounts required to make full payment of grants which candidates qualify to receive from the Wisconsin election campaign fund, to be transferred from the general fund to the Wisconsin election campaign fund no later than the time required to make payments of grants under s. 11.50 (5).~~

SECTION 3. Nonstatutory provisions.

(1) NONSEVERABILITY. Notwithstanding section 990.001 (11) of the statutes, if a court finds that any provision of this act is unconstitutional, the entire act is void.

~~e. For a candidate for the office of representative to the assembly, \$3,000.~~

~~SECTION 7. 11.50 (2) (bm) of the statutes is created to read:~~

~~11.50 (2) (bm) The board shall not approve the application of an eligible candidate for the office of governor or lieutenant governor of the same political party unless both candidates qualify to receive a grant under this subsection.~~

~~SECTION 8. 11.50 (3) of the statutes is repealed.~~

~~SECTION 9. 11.50 (4) of the statutes is repealed and recreated to read:~~

~~11.50 (4) AMOUNT OF GRANTS. Except as provided in sub. (9) (b), each eligible candidate for the same office who qualifies for grant under this section shall receive an equal amount.~~

~~SECTION 10. 20.855 (4) (bb) of the statutes is created to read:~~

~~20.855 (4) (bb) *Election fund supplement.* A sum sufficient equal to the amounts required to make full payment of grants which candidates qualify to receive from the Wisconsin election campaign fund, to be transferred from the general fund to the Wisconsin election campaign fund no later than the time required to make payments of grants under s. 11.50 (5).~~

~~SECTION 11. Nonstatutory provisions.~~

~~(1) NONSEVERABILITY. Notwithstanding section 990.001 (11) of the statutes, if a court finds that any provision of this act is unconstitutional, the entire act is void.~~

1 application shall contain a sworn statement that the candidate and his or her
 2 authorized agents have complied with the contribution limitations prescribed in s.
 3 11.26 and the disbursement limitations prescribed under s. 11.31 at all times to
 4 which such limitations have applied to his or her candidacy and will continue to
 5 comply with the limitations at all times to which the limitations apply to his or her
 6 candidacy for the office in contest, unless the board determines that the candidate
 7 is not eligible to receive a grant, the candidate withdraws his or her application
 8 under par. (h), or par. (i) applies.”

9 **3.** Page 34, line 23: after that line insert:

10 ~~SECTION 76m.~~ ^x 11.50 (2) (g) of the statutes is amended to read:

11 11.50 (2) (g) ~~A~~ ^{(b) or (ca)} Each candidate, except a candidate who receives a grant under
 12 sub. (9) ~~(b)~~, who voluntarily files an application to receive a grant in accordance
 13 with this subsection accepts and agrees to comply with the contribution limitations
 14 prescribed in s. 11.26 and the disbursement limitations imposed under s. 11.31 ^{(2), as adjusted under s. 11.31 (9)} as
 15 binding upon himself or herself and his or her agents during the campaign as defined
 16 in s. 11.31 (7), as a precondition to receipt of a grant under this section, unless the
 17 board determines that the candidate is not eligible to receive a grant, the candidate
 18 withdraws the application under par. (h), or par. (i) ~~applies~~ ^{OR S. 11.31 (3P)}

19 **4.** Page 41, line 22: after that line insert:

20 ~~SECTION 94m.~~ 11.50 (9) (hm) of the statutes is created to read:

21 11.50 (9) (hm) If an eligible candidate who does not accept a grant is opposed
 22 by one or more eligible candidates in the election who accept a grant under this
 23 section, and if an obligation is incurred or a disbursement is made to advocate the
 24 election of the eligible candidate who accepts a grant or to oppose the eligible

X

Section #. 11.50 (2) (i) of the statutes is amended to read:

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

~~History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 31; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75.~~

(i), as adjusted under s. 11.31 (9)

~~e. For a candidate for the office of representative to the assembly, \$3,000.~~

~~SECTION 7. 11.50 (3) of the statutes is repealed.~~

~~SECTION 8. 11.50 (4) of the statutes is repealed and recreated to read:~~

~~11.50 (4) AMOUNT OF GRANTS. Except as provided in sub. (9) (b), each eligible candidate for the same office who qualifies for grant under this section shall receive an equal amount.~~

~~SECTION 9. 20.855 (4) (bb) of the statutes is created to read:~~

~~20.855 (4) (bb) *Election fund supplement*. A sum sufficient equal to the amounts required to make full payment of grants which candidates qualify to receive from the Wisconsin election campaign fund, to be transferred from the general fund to the Wisconsin election campaign fund no later than the time required to make payments of grants under s. 11.50 (5).~~

~~SECTION 10. Nonstatutory provisions.~~

~~(1) NONSEVERABILITY. Notwithstanding section 990.001 (11) of the statutes, if a court finds that any provision of this act is unconstitutional, the entire act is void.~~

and (ba)
plain text

Section #. 11.50 (5) of the statutes is amended to read:

plain space

11.50 (5) TIME OF DISBURSEMENT/ The state treasurer shall make ~~the~~ disbursements to the campaign depository account of each eligible candidate ~~under subs. (3) and (4)~~ by the end of the 3rd business day following notice from the board under s. 7.08 (2) (c) or (cm). ~~Eligible candidates for~~

~~governor and lieutenant governor of the same political party may combine accounts if desired. The state treasurer shall make disbursements for eligible candidates for the office~~

~~History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391.~~

403; 1989 a. 31; 1989 a. 192, s. 75.

~~of governor and lieutenant governor to the campaign depository account of the candidate for governor.~~

91

SECTION #. RP, 11.50 (6)

3. 11.50 (6)

Section #. 11.50 (9) of the statutes is amended to read:

remembered 11.50 (9) (a) (intro.) and

(CS)
Amount of
11.50 (9) LIMITATION ON GRANTS

(a) (intro.)

parts (b) and (ba) and

Except as provided in sub. (9a), the total grant available to an eligible candidate may not exceed that amount which, when added to all other contributions accepted from sources other than individuals, political party committees and legislative campaign committees, is equal to 45% of the disbursement level specified for the applicable office under s. 11.34. The board shall scrutinize accounts and reports and records kept under this chapter to assure that applicable limitations under ss. 11.26 (9) and 11.31 are not exceeded and any violation is reported. No candidate or campaign treasurer may accept grants exceeding the amount authorized by this subsection.

History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75.

move title

is:
ACUM

Score text

Section #. 11.50 (a) (title) of the statutes is amended to read:

(9) 11.50 (a) (title)
(B)

~~11.50 (2) (b) 5. a. For candidates for the offices of governor and lieutenant governor jointly, \$80,400.~~

~~b. For a candidate for the office of attorney general, \$16,200.~~

~~c. For a candidate for the office of secretary of state, state treasurer, justice or state superintendent, \$8,040.~~

~~d. For a candidate for the office of state senator, \$6,000.~~

~~e. For a candidate for the office of representative to the assembly, \$3,000.~~

~~SECTION 13. 11.50 (2) (bm) of the statutes is created to read:~~

~~11.50 (2) (bm) The board shall not approve the application of an eligible candidate for the office of governor or lieutenant governor of the same political party unless both candidates qualify to receive a grant under this subsection.~~

~~SECTION 14. 11.50 (3) of the statutes is repealed.~~

~~SECTION 15. 11.50 (4) of the statutes is repealed and recreated to read:~~

~~11.50 (4) AMOUNT OF GRANTS. Except as provided in sub. (9) (b), each eligible candidate for the same office who qualifies for grant under this section shall receive an equal amount.~~

~~SECTION 16. 11.50 (9) (a) 1. to 5. of the statutes is ^{11.50} ~~is~~ ^{are} created to read:~~

11.50 (9) (a) 1. For candidates for the office of governor and lieutenant governor jointly, \$670,000.

2. For a candidate for the office of attorney general, \$135,000.

3. For a candidate for the office of secretary of state, state treasurer, superintendent or justice, \$67,000.

4. For a candidate for the office of state senator, \$50,000.

5. For a candidate for the office of representative to the assembly, \$25,000.

~~SECTION 17. 11.50 (9) (ba) of the statutes is created to read.~~

1 application shall contain a sworn statement that the candidate and his or her
 2 authorized agents have complied with the contribution limitations prescribed in s.
 3 11.26 and the disbursement limitations prescribed under s. 11.31 at all times to
 4 which such limitations have applied to his or her candidacy and will continue to
 5 comply with the limitations at all times to which the limitations apply to his or her
 6 candidacy for the office in contest, unless the board determines that the candidate
 7 is not eligible to receive a grant, the candidate withdraws his or her application
 8 under par. (h), or par. (i) applies.”

9 **3.** Page 34, line 23: after that line insert:

10 **“SECTION 76m.** 11.50 (2) (g) of the statutes is amended to read:

11 11.50 (2) (g) ~~A~~ Each candidate, except a candidate who receives a grant under
 12 sub. (9) (bm), who voluntarily files an application to receive a grant in accordance
 13 with this subsection accepts and agrees to comply with the contribution limitations
 14 prescribed in s. 11.26 and the disbursement limitations imposed under s. 11.31 as
 15 binding upon himself or herself and his or her agents during the campaign as defined
 16 in s. 11.31 (7), as a precondition to receipt of a grant under this section, unless the
 17 board determines that the candidate is not eligible to receive a grant, the candidate
 18 withdraws the application under par. (h), or par. (i) applies.”

19 **4.** Page 41, line 22: after that line insert:

20 ~~SECTION 94m.~~ [#] 11.50 (9) ^x ~~(b)~~ of the statutes is created to read:

21 11.50 (9) ^(b) ~~(bm)~~ If an eligible candidate ^{who accepts a grant} ~~who does not accept a grant~~ is opposed
 22 by one or more ~~eligible~~ ^{are certified under s. 7.05 (2) (a) or 8.50 (1) (d) to appear on the ballot} candidates in the election ^{a general or special election whose names} who accept a grant under this
 23 section, and if an obligation is incurred or a disbursement is made to ^{advocate} ~~advocate~~ the
 24 election of the eligible candidate who accepts a grant or to ^{oppose} ~~oppose the eligible~~ ^{support a certified}

1 ~~candidate who does not accept the grant without cooperation or consultation with the~~ *opponent of that candidate* *any*

2 ~~eligible candidate who accepts the grant or that candidate's agent or authorized~~ *certified opposing* *or such a*

3 ~~committee, and not in concert with, or at the request or suggestion of that candidate's~~ *any certified opposing*

4 ~~agent or authorized committee, then the eligible candidate who~~ *board shall make an additional grant to the* *accepts a*

5 ~~grant may thereafter immediately apply for and receive a grant in an amount equal~~ *does not accept a*

6 to the total amount of obligations and disbursements not previously reported as

7 obligations to advocate the election of the ~~eligible~~ *certified opposing* candidate who ~~accepts the grant~~

8 or to oppose the ~~election of the~~ *election of the* eligible candidate who ~~does not accept~~ *accepts* the grant.

OUT



e. For a candidate for the office of representative to the assembly, \$3,000.

~~SECTION 7. 11.50 (2) (bm) of the statutes is created to read:~~

~~11.50 (2) (bm) The board shall not approve the application of an eligible candidate for the office of governor or lieutenant governor of the same political party unless both candidates qualify to receive a grant under this subsection.~~

~~SECTION 8. 11.50 (3) of the statutes is repealed.~~

~~SECTION 9. 11.50 (4) of the statutes is repealed and recreated to read:~~

~~11.50 (4) AMOUNT OF GRANTS. Except as provided in sub. (9) (b), each eligible candidate for the same office who qualifies for grant under this section shall receive an equal amount.~~

✓
SECTION 10. 11.50 (9) (ba) of the statutes is created to read:

d. 11.50 (9) (ba) If an eligible candidate who accepts a grant is opposed by one or more candidates in a general or special election who are required, or whose personal campaign committees are required, to file a report under s. 11.12 (7), then the board shall make an additional grant to the eligible candidate who accepts a grant in an amount equal to the total amount or value of contributions accepted by the opposing candidate or candidates exceeding the amount specified for the office sought by the candidate or candidates under s. 11.12 (7) (a) for contributions from political party committees or from all contributors, or if both amounts specified in s. 11.12 (7) (a) are exceeded, an amount equal to the excess over both amounts specified. ⊗

~~SECTION 11. 20.855 (4) (bb) of the statutes is created to read:~~

~~20.855 (4) (bb) Election fund supplement. A sum sufficient equal to the amounts required to make full payment of grants which candidates qualify to receive from the Wisconsin election campaign fund, to be transferred from the general fund to the~~

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SECTION 235. 11.50 (9a) of the statutes is created to read:

11.50 (9a) ADJUSTMENT OF ~~MAXIMUM~~ GRANT AMOUNTS. (a) In this subsection

ADP

~~11.50~~ consumer price index" means the average of the consumer price index over each 12-month period, all items, U.S. city average, as determined by the bureau of labor statistics of the federal department of labor.

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

(b) The dollar amounts of all ~~maximum~~ grant amounts specified in sub. (9)

qualifying amounts specified in sub. (2)(b) 5. and all

~~shall~~ shall be subject to a biennial adjustment to be determined by rule of the board in accordance with this subsection. To determine the adjustment, the board shall calculate the percentage difference between the voting age population of this state on December 31 of each odd-numbered year and the voting age population of this state on December 31, 1997. The board shall then calculate the percentage difference between the consumer price index for the 12-month period ending on December 31 of each odd-numbered year and the consumer price index for the base period,

calendar year ~~1997~~ ¹⁹⁹⁹⁻²⁰⁰¹. For each biennium, the board shall ~~first~~ multiply the ~~disbursement levels by the percentage difference in the voting age populations. The~~ ^{qualifying amount and grant amount}

~~board shall then multiply that product by the percentage difference in the consumer price indices. The board shall adjust the maximum grant amounts specified in sub.~~ ^{each qualifying amount and grant amount}

~~(9) to substitute that result for the existing amounts to the extent required to reflect any difference, rounded to the nearest multiple of \$25,~~ ^{The} ~~which amounts shall be in effect until a subsequent rule is promulgated under this subsection.~~ ^{so determined then}

Notwithstanding s. 227.24(3), determinations under this subsection may be ~~promulgated as an emergency rule under s. 227.24 without a finding of emergency.~~ ^{Providing evidence that the emergency rule is necessary for the public peace, health, safety, welfare and}

with

committees or from all contributors, or if both amounts specified in s. 11.12 (7) (a) are exceeded, an amount equal to the excess over both amounts specified.

~~SECTION 17. 20.855 (4) (bb) of the statutes is created to read:~~

~~20.855 (4) (bb) Clean government fund supplement. A sum sufficient equal to the amounts required to make full payment of grants which candidates qualify to receive from the clean government fund, to be transferred from the general fund to the clean government fund no later than the time required to make payments of grants under s. 11.50 (5).~~

~~SECTION 18. 11.60 (3s) and (3t) of the statutes are created to read:~~

11.60 (3s) Notwithstanding sub. (1), if any candidate or other individual or committee, including a conduit, accepts or transfers a contribution, makes a disbursement or incurs an obligation to make a disbursement for the purpose of supporting or opposing a candidate for an office specified in s. 11.31 (1) (a) to (e) or for a purpose specified in s. 11.01 (16) (a) 3. without first registering under s. 11.05 (1), (2) and (2g) to the extent required under s. 11.05 (1), (2) and (2g), or without reporting the information required under s. 11.12 (6) (b) or (c) or (7) or 11.20 (3) or (4) with respect to that contribution, disbursement or obligation, to the extent required under s. 11.12 (6) (b) and (c) and (7) and 11.20 (3) and (4), the candidate or other individual or committee may be required to forfeit not more than \$500 per day for each day of continued violation.

(3t) Notwithstanding sub. (1), if any candidate or other individual or committee, including a conduit, accepts or transfers one or more contributions, makes one or more disbursements or incurs one or more obligations to make disbursements for the purpose of supporting or opposing a candidate for an office specified in s. 11.31 (1) (a) to (b) or for a purpose specified in s. 11.01 (16) (a) 3. in an

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amount or value that is more or less than the amount reported by that individual or committee under s. 11.20 (6) (b) or (c) or (7) or 11.20 (3) or (4):

(a) By ^{more than} ~~at least~~ 5% but not more than 10% cumulatively, the individual or committee shall forfeit 4 times the amount or value of the difference.

(b) By ^{more than} ~~at least~~ 10% but not more than 15% cumulatively, the individual or committee shall forfeit 6 times the amount or value of the difference.

(c) By ^{more than} ~~at least~~ 15% cumulatively, the individual or committee shall forfeit 8 times the amount of the difference.

~~SECTION 19. 11.61 (1) (d) of the statutes is created to read:~~

~~11.61 (1) (d) Whoever accepts or transfers a contribution, makes a disbursement or incurs an obligation to make a disbursement for the purpose of supporting or opposing a candidate for an office specified in s. 11.31 (1) (a) to (e) or for a purpose specified in s. 11.01 (16) (a) 3. without registering under s. 11.05 (1), (2) or (2g), to the extent required under s. 11.05 (1), (2) and (2g), or without reporting the information required under s. 11.12 (6) (b) or (c) or (7) or 11.20 (3) or (4) with respect to that contribution, disbursement or obligation, to the extent required under s. 11.12 (6) (b) or (c) or (7) or 11.20 (3) or (4), with intent to conceal or deceive, may be fined not more than \$10,000 or imprisoned for not more than 5 years, or both.~~

~~SECTION 20. 11.62 of the statutes is created to read:~~

~~**11.62 Nullification of election.** If one or more violations that are punishable under s. 11.60 (3t) (c) are of sufficient severity to have affected the result of an election, the board or the district attorney for any county where such a violation occurs, or any candidate who is adversely affected by the result of the election, may commence a civil action to obtain a judgment nullifying the election, vacating the office filled at the election and ordering a special election to be held to fill the office~~

Section #. 11.61 (1) (a) of the statutes is amended to read:

Except as provided in par. (d), whoever

11.61 (1) (a) ~~Whoever~~ intentionally violates s. 11.05 (1), (2), (2g) or (2r), 11.07 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or 11.24 (1) may be fined not more than \$10,000 or imprisoned not more than 3 years or both.

NOTE: Par. (a) is amended eff. 12-31-99 by 1997 Wis. Act 283, to read: SECTION 11.61 (1) (a), as affected by 1997 Wisconsin Act 283.

act not

11.61 (1)

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

} not Bow

~~History: 1973 c. 334; 1975 c. 93 ss. 117, 119 (1); 1977 c. 449; 1979 c. 328; 1983 a. 484; 1985 a. 303; 1997 a. 283.~~

Except as provided in par. (d), whoever

Section #. 11.61 (1) (b) of the statutes is amended to read:

Except as provided in par. (d), whoever

11.61 (1) (b) ~~Whoever~~ intentionally violates s. 11.25, 11.26, 11.27 (1), 11.30 (1) or 11.38 where the intentional violation does not involve a specific figure, or where the intentional violation concerns a figure which exceeds \$100 in amount or value may be fined not more than \$10,000 or imprisoned not more than 3 years or both.

author's

~~NOTE: Par. (b) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:~~

~~SECTION 2. Am. 11.61 (1)(b), as affected by 1997 Wisconsin Act 283,~~

11.61(1)
(b)

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

~~History: 1973 c. 334; 1975 c. 93 ss. 117, 119 (1); 1977 c. 449; 1979 c. 328; 1983 a. 484; 1985 a. 303; 1997 a. 283.~~

Except as provided in par. (d), whoever

✓
Section #. 11.61 (1) (c) of the statutes is amended to read:

except as provided in par. (d), whoever

11.61 (1) (c) ~~Whoever~~ intentionally violates any provision of this chapter other than those provided in par. (a) and whoever intentionally violates any provision under par. (b) where the intentional violation concerns a specific figure which does not exceed \$100 in amount or value may be fined not more than \$1,000 or imprisoned not more than 6 months or both.

~~History: 1973 c. 334; 1975 c. 93 ss. 117, 119 (1); 1977 c. 449; 1979 c. 328; 1983 a. 484; 1985 a. 303; 1997 a. 283.~~

amount or value that is more or less than the amount reported by that individual or committee under s. 11.20 (6) (b) or (c) or (7) or 11.20 (3) or (4):

(a) By at least 5% but not more than 10% cumulatively, the individual or committee shall forfeit 4 times the amount or value of the difference.

(b) By at least 10% but not more than 15% cumulatively, the individual or committee shall forfeit 6 times the amount or value of the difference.

(c) By at least 15% cumulatively, the individual or committee shall forfeit 8 times the amount of the difference.

SECTION 19. 11.61 (1) (d) of the statutes is created to read:

11.61 (1) (d) Whoever accepts or transfers a contribution, makes a disbursement or incurs an obligation to make a disbursement for the purpose of supporting or opposing a candidate for an office specified in s. 11.31 (1) (a) to (e) or for a purpose specified in s. 11.01 (16) (a) 3. without ^{first} registering under s. 11.05 (1), (2) or (2g), to the extent required under s. 11.05 (1), (2) and (2g), or without reporting the information required under s. 11.12 (6) (b) or (c) or (7) or 11.20 (3) or (4) with respect to that contribution, disbursement or obligation, to the extent required under s. 11.12 (6) (b) or (c) or (7) or 11.20 (3) or (4), with intent to conceal or deceive, may be fined not more than \$10,000 or imprisoned for not more than 5 years, or both.

SECTION 20. 11.62 of the statutes is created to read:

11.62 Nullification of election. If one or more violations that are punishable under s. 11.60 (3t) (c) are of sufficient severity to have affected the result of an election, the board or the district attorney for any county where such a violation occurs, or any candidate who is adversely affected by the result of the election, may commence a civil action to obtain a judgment nullifying the election, vacating the office filled at the election and ordering a special election to be held to fill the office

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vacated by the judgment. Notwithstanding s. 5.05 (1) (c), if a candidate is a party to an action commenced under this section, the action may not be compromised or settled without consent of the candidate. If an action under this section is commenced by the board or a district attorney and any unsuccessful candidate whose name appeared on the ballot at the election is not a party to the action, the board or district attorney shall provide at least 30 days' written notice to each such candidate of any intent of the board or district attorney to compromise and settle the action. Notwithstanding s. 5.05 (1) (c), during the 30-day period following service of notice, the board or district attorney shall not compromise and settle the action and any candidate upon whom notice is served may intervene in the action. If any such candidate intervenes in the action within the 30-day period following service of notice, the board or district attorney shall not compromise or settle the action. If no nonconsenting candidate who is adversely affected by the result of the election is a party to the action and no such candidate intervenes in the action within the 30-day period following service of notice, the party commencing the action may compromise and settle the action.

SECTION 21. ~~Nonstatutory provisions.~~

(1) NONSEVERABILITY. Notwithstanding section 990.001 (11) of the statutes, if a court finds that any provision of this act is unconstitutional, the entire act is void.

X
Section #. 14.58 (20) of the statutes is amended to read:

(CS)
CLEAN GOVERNMENT

14.58 (20) ~~ELECTION CAMPAIGN FUND~~. Make disbursements to each candidate certified under s. 7.08 (2) (c) or (cm) by the elections board as eligible to receive moneys from the Wisconsin ~~election campaign fund~~.
Clean government strike

History: 1971 c. 164 s. 90; 1973 c. 333; 1975 c. 180, 189, 198, 421; 1977 c. 107; 1977 c. 196 s. 131; 1979 c. 34, 221; 1981 c. 20; 1983 a. 27; 1983 a. 36 s. 96 (2); 1983 a. 51; 1983 a. 189 s. 329 (21); 1983 a. 368, 408, 524, 538; 1985 a. 29; 1989 a. 31; 1991 a. 39, 189, 299, 316; 1995 a. 201.

Section #. 20.510 (1) (q) of the statutes is amended to read:

(I)

Clean government

20.510 (1) (q) ~~Wisconsin election campaign~~ fund. As a continuing appropriation, from the ~~Wisconsin election campaign~~ fund, the ~~moneys~~ ^{Clean government} ~~determined~~ ^{amounts} under s. 11.50 to provide for payments to eligible candidates certified under s. 7.08 (2) (c) ~~and (cm)~~

History: 1973 c. 334 ss. 48, 50; 1975 c. 85; 1977 c. 29, 107; 1979 c. 260; 1983 a. 27, 484; 1985 a. 303; 1989 a. 31; 1995 a. 27; 1997 a. 27, 230; s. 13.93 (1) (b).

Section #. RP; 20.855 (4) (b)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2444/1

JTK&JK:wj:ijs

1999 BILL

1 AN ACT to amend 25.42 and chapter 77 (title); and to create 20.855 (4) (ba) and
2 subchapter XIII of chapter 77 [precedes 77.997] of the statutes; relating to:
3 imposition of a lobbying expenditure tax and making an appropriation.

Analysis by the Legislative Reference Bureau

LOBBYING EXPENDITURE TAX

This bill imposes a tax on lobbying principals (persons who employ lobbyists) at the rate of 10% on lobbying expenditures that are reportable to the ethics board. The tax is payable to the department of revenue semiannually.

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:

4 SECTION 1. 20.855 (4) (ba) of the statutes is created to read:
5 20.855 (4) (ba) ~~Election~~ ^{Clean government} fund annual supplement. A sum sufficient equal to the
6 amounts determined by the secretary of revenue under s. 77.9973, to be transferred
7 from the general fund to the ~~Wisconsin election campaign~~ ^{Clean government} fund annually on
8 September 16.

keep

committees or from all contributors, or if both amounts specified in s. 11.12 (7) (a) are exceeded, an amount equal to the excess over both amounts specified.

~~X~~
SECTION 17. 20.855 (4) (bb) of the statutes is created to read:

20.855 (4) (bb) *Clean government fund supplement.* A sum sufficient equal to the amounts required to make full payment of grants which candidates qualify to receive from the clean government fund, to be transferred from the general fund to the clean government fund no later than the time required to make payments of grants under s. 11.50 (5).

~~SECTION 18. 11.60 (3s) and (3t) of the statutes are created to read:~~

~~11.60 (3s) Notwithstanding sub. (1), if any candidate or other individual or committee, including a conduit, accepts or transfers a contribution, makes a disbursement or incurs an obligation to make a disbursement for the purpose of supporting or opposing a candidate for an office specified in s. 11.31 (1) (a) to (e) or for a purpose specified in s. 11.01 (16) (a) 3. without first registering under s. 11.05 (1), (2) and (2g) to the extent required under s. 11.05 (1), (2) or (2g), or without reporting the information required under s. 11.12 (6) (b) or (c) or (7) or 11.20 (3) or (4) with respect to that contribution, disbursement or obligation, to the extent required under s. 11.12 (6) (b) and (c) and (7) and 11.20 (3) and (4), the candidate or other individual or committee may be required to forfeit not more than \$500 per day for each day of continued violation.~~

~~(3t) Notwithstanding sub. (1), if any candidate or other individual or committee, including a conduit, accepts or transfers one or more contributions, makes one or more disbursements or incurs one or more obligations to make disbursements for the purpose of supporting or opposing a candidate for an office specified in s. 11.31 (1) (a) to (e) or for a purpose specified in s. 11.01 (16) (a) 3. in an~~

✓
Section #. 20.855 (4) (b) of the statutes is amended to read:

20.855 (4) (b) *Election campaign payments.* A sum sufficient equal to the amounts determined under s. 71.10 (3) to be paid into the ~~Wisconsin election campaign~~ ^{Clean government} fund annually on August 15.

~~History: 1971 c. 215; 1973 c. 26, 27, 90, 331; 1975 c. 39, 164; 1977 c. 29 ss. 367 to 374m, 1657 (50); 1977 c. 107, 272, 418; 1979 c. 34 s. 613, 643, 644 to 666m; 1979 c. 221; 1981 c. 1, 20; 70 Atty. Gen. 154; 1981 c. 93, 317, 346; 1983 a. 3; 1983 a. 27 ss. 475, 491 to 497, 525; 1983 a. 300; 1985 a. 29, 120; 1987 a. 27, 142; 1987 a. 312 s. 17; 1989 a. 31, 335; 1991 a. 39; 1993 a. 16, 496; 1995 a. 27, 404; 1997 a. 27, 63.~~

Section #. 25.17 (1) (ys) of the statutes is amended to read:

25.17 (1) (ys) ~~Wisconsin election campaign~~ ^{Clean Government} fund (s. 25.42);

~~History: 1971 c. 41 s. 12; 1971 c. 74; 1971 c. 100 s. 23; 1971 c. 125 s. 522 (1); 1971 c. 164; 1971 c. 214 s. 147; 1971 c. 260 s. 92 (3) to (5); 1973 c. 117, 137, 151; 1973 c. 208 s. 17; 1973 c. 209, 333, 336; 1975 c. 26, 27, 39, 118, 147, 164, 180, 189, 200, 422; 1977 c. 29 ss. 439 to 439f, 1654 (1); 1977 c. 31, 107, 377, 418, 423; 1979 c. 32; 1979 c. 34 ss. 705 to 707b, 2102 (56) (a); 1979 c. 102; 1979 c. 109 s. 16; 1979 c. 221; 1979 c. 318 ss. 1 to 3; 1979 c. 361 s. 113; 1981 c. 20, 86; 1981 c. 96 ss. 18 to 21, 67; 1981 c. 169, 386; 1983 a. 27; 1983 a. 36 ss. 31, 96 (4); 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 142, 189, 192, 368, 410; 1985 a. 25, 29, 53, 120; 1985 a. 332 s. 251 (1); 1987 a. 27, 38, 119, 186, 252, 399; 1989 a. 13, 31, 64, 187, 307, 335, 359, 366; 1991 a. 32, 38, 39, 152, 174, 221, 269, 315; 1993 a. 16, 112, 263, 477; 1995 a. 27 ss. 1394m to 1396, 9116 (5); 1995 a. 56, 213, 227, 274, 403; 1997 a. 27, 35, 191.~~

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SECTION #. RP, 71.10 (3)

x
Section #. 25.42 of the statutes is amended to read:

(B)

Clean government

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25.42 ~~Wisconsin election campaign~~ fund. All moneys appropriated under s. 20.855 (4) ~~(b)~~
~~(ba) and (bb)~~
together with all moneys reverting to the state under s. 11.50 (8) and all gifts, bequests and devises
received under s. 11.50 (13) constitute the ~~Wisconsin election campaign~~ Clean government fund, to be expended for
the purposes of s. 11.50. All moneys in the fund not disbursed by the state treasurer shall continue
to accumulate indefinitely.

History: ~~1977 c. 107; 1977 c. 418 s. 929 (55); 1979 c. 34 s. 2102 (58) (a); 1985 a. 303.~~

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71.10 (3)
(previous page)

BILL

SECTION 2

1 **SECTION 2.** 25.42 of the statutes is amended to read:

2 **25.42 Wisconsin election campaign fund.** All moneys appropriated under
 3 s. 20.855 (4) (b) ~~and (ba)~~ ^{and (b)} together with all moneys reverting to the state under s. 11.50
 4 (8) ~~and~~ all gifts, bequests and devises received under s. 11.50 (13) constitute the
 5 Wisconsin election campaign fund, to be expended for the purposes of s. 11.50. All
 6 moneys in the fund not disbursed by the state treasurer shall continue to accumulate
 7 indefinitely.

8 **SECTION 3.** Chapter 77 (title) of the statutes is amended to read:

9 **CHAPTER 77**

10 **TAXATION OF FOREST CROPLANDS;**

11 **REAL ESTATE TRANSFER FEES;**

12 **SALES AND USE TAXES; COUNTY**

13 **AND SPECIAL DISTRICT SALES**

14 **AND USE TAXES; MANAGED FOREST**

15 **LAND; TEMPORARY RECYCLING**

16 **SURCHARGE; LOCAL FOOD AND**

17 **BEVERAGE TAX; LOCAL RENTAL**

18 **CAR TAX; PREMIER RESORT AREA**

19 **TAXES; STATE RENTAL VEHICLE**

20 **FEE; DRY CLEANING FEES;**

21 **LOBBYING EXPENDITURE TAX**

22 **SECTION 4.** Subchapter XIII of chapter 77 [precedes 77.997] of the statutes is
 23 created to read:

24 **CHAPTER 77**

25 **SUBCHAPTER XIII**

BILL**LOBBYING EXPENDITURE TAX**

1
2 **77.997 Definition.** In this subchapter, "lobbying expenditure" has the
3 meaning given under s. 13.62 (10r).

4 **77.9971 Imposition.** A tax is imposed on every person, except an organization
5 described in section 501 (c) (3) of the Internal Revenue Code, that is exempt from
6 federal income taxation under section 501 (a) of the Internal Revenue Code and a
7 governmental unit, as defined in s. 281.65 (2) (am), at the rate of 10% on lobbying
8 expenditures that are reportable to the ethics board under s. 13.68 (1).

9 **77.9972 Administration.** (1) The department of revenue shall levy, enforce
10 and collect the tax under this subchapter.

11 (2) The tax under this subchapter and a completed return prescribed by the
12 department of revenue are due on March 1 and September 1.

13 (3) Sections 77.59 (1) to (6), (8) and (8m), 77.60 (1) to (7), (9) and (10), 77.61 (5)
14 and (12) to (14) and 77.62, as they apply to the taxes under subch. III, apply to the
15 tax under this subchapter.

16 **77.9973 Certification.** Annually no later than September 15, the secretary
17 of revenue shall certify to the secretary of administration the amount of taxes
18 collected under this subchapter for the preceding 12-month period ending on June
19 30.

SECTION 5. Initial applicability.

20
21 (1) The treatment of subchapter XIII of chapter 77 of the statutes first applies
22 to earnings received on January 1, 2001.

23 (END)

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SECTION 1. Nonstatutory provisions.

X

(1) NONSEVERABILITY. Notwithstanding section 990.001 (11) of the statutes, if a court finds that any provision of this act is unconstitutional, the entire act is void.

1 act are appointed and qualified, at which time the members who are serving on the
 2 effective date of this subsection shall cease to hold office. Notwithstanding section
 3 15.61 of the statutes, as affected by this act, of the members of the elections board
 4 who are initially appointed under this act, the designees of the speaker of the
 5 assembly and the assembly minority leader shall serve for terms expiring on May 1,
 6 2001, the designees of the senate majority leader and the senate minority leader
 7 shall serve for terms expiring on May 1, 2003, and the appointee of the governor shall
 8 serve for a term expiring on May 1, 2001; and of the remaining members, the
 9 governor shall designate one to serve for a term expiring on May 1, 2001, and 2 to
 10 serve for terms expiring on May 1, 2003.

11 (2) STUDY OF CAMPAIGN FINANCE LAW ENFORCEMENT. The joint legislative council
 12 is requested to review the process for detecting and penalizing violations of the state
 13 campaign finance law, with a view to detecting violations quickly and punishing
 14 violators firmly in order to promote full confidence in the election system of this state.
 15 If the council undertakes such a review, the council is requested to report its findings,
 16 conclusions and recommendations, together with any proposed legislation, to the
 17 2001 legislature when it convenes.

18 **SECTION 9314. Initial applicability, elections board.**

19 (1) FILING OF CAMPAIGN FINANCE REPORTS. The treatment of sections 8.35 (4) (d),
 20 11.05 (13), 11.06 (3m) (c), (3r) (c), (3w) (c), (4) (b) and (5), 11.09 (3), 11.12 (4), (5) and
 21 (6), 11.19 (1), 11.20 (1) and (7), 11.21 (16), 11.23 (4) and (6), 11.38 (1) (a) 2. and (8) (b)
 22 and 11.50 (2) (c) and (12) of the statutes first applies with respect to campaign finance
 23 reports that are required to be filed after June 30, 2001.

24 (1) (2) ADJUSTMENT OF DISBURSEMENT LIMITATIONS. The treatment of sections 11.31
 25 (9) and 11.50 (9a) of the statutes first applies to adjustments of disbursement

no title

✓
1112
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(7)(c)
1126
(9a)
✓

1 ~~limitations and maximum grant amounts~~ for the biennium beginning on January 1,
2 2002.

3 **SECTION 9414. Effective dates; elections board.**

4 ~~(1) CAMPAIGN FINANCE PENALTIES. The treatment of section 11.61 (1) (a) and (b)~~
5 ~~of the statutes takes effect on December 31, 1999~~

6

(END)

BILL

LOBBYING EXPENDITURE TAX

77.997 Definition. In this subchapter, "lobbying expenditure" has the meaning given under s. 13.62 (10r).

77.9971 Imposition. A tax is imposed on every person, except an organization described in section 501 (c) (3) of the Internal Revenue Code, that is exempt from federal income taxation under section 501 (a) of the Internal Revenue Code and a governmental unit, as defined in s. 281.65 (2) (am), at the rate of 10% on lobbying expenditures that are reportable to the ethics board under s. 13.68 (1).

77.9972 Administration. (1) The department of revenue shall levy, enforce and collect the tax under this subchapter.

(2) The tax under this subchapter and a completed return prescribed by the department of revenue are due on March 1 and September 1.

(3) Sections 77.59 (1) to (6), (8) and (8m), 77.60 (1) to (7), (9) and (10), 77.61 (5) and (12) to (14) and 77.62, as they apply to the taxes under subch. III, apply to the tax under this subchapter.

77.9973 Certification. Annually no later than September 15, the secretary of revenue shall certify to the secretary of administration the amount of taxes collected under this subchapter for the preceding 12-month period ending on June

30.

SECTION 5. Initial applicability.

(2) (1) The treatment of subchapter XIII of chapter 77 of the statutes first applies to lobbying expenditures made during the 6-month period ending on December 31, 2000 to earnings received on January 1, 2001.

(END)

1999

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EFFECTIVE DATE

1. In the component bar: For the action phrase, execute: ... **create** → **action:** → *NS: → **effdate**
For the text, execute: **create** → **text:** → *NS: → **effdateA**
2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, fill in " ___ " or "()" only if a "frozen" number is needed.

SECTION # . **Effective date.**

(#1) () This act takes effect on

1. In the component bar: For the action phrase, execute: .. **create** → **action:** → *NS: → **effdateE**
For the text, execute: **create** → **text:** → *NS: → **effdate**
2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, fill in " ___ " or "()" only if a "frozen" number is needed.

SECTION # 11 . **Effective dates**.....

..... This act takes effect on the day after publication, except as follows:

(#1) () The treatment of sections 11.61(1)(a) (by SECTION 94) and 11.61(1)(b) (by SECTION 94) of the statutes takes effect on December 31, 1999.

autorefs

1. In the component bar: For the budget action phrase, execute:..**create** → **action:** → *NS: → **94XX**
For the text, execute: **create** → **text:** → *NS: → **effdate**
2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, for the budget, fill in the **9400** department code; and fill in "()" only if a "frozen" number is needed.

SECTION 94 . **Effective dates**.....

(#1) () The treatment of sections of the statutes takes effect on

(end)

Present 8P

(a)

This bill requires a candidate for any office who desires to qualify for a grant from the clean government fund to receive contributions from individuals in amounts of \$100 or less in the following total amounts:

INS 2A

(a)

The bill also requires that in the case of a candidate for legislative office, the contributions must be received from individuals who reside in the district in which the candidate seeks office.

In addition, the bill requires a candidate who seeks a grant to agree not to accept any contributions from special interest ("political action") committees after the day of the primary election or the date that the primary election would be held, if a primary were required.

The bill revises grant amounts to the following:

INS 2B

(a)

Under the bill, qualifying amounts and grant amounts are subject to a biennial cost-of-living adjustment, beginning in 2001, in accordance with a formula tied to the "consumer price index" determined by the U.S. department of labor.

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INSERT 4A

9

5. Deletes current law that makes disbursement limitations inapplicable to a candidate who accepts a grant when the candidate has an opponent who could have qualified for a grant but declines to accept one, and who declines to file an affidavit of voluntary compliance with disbursement and self-contribution limitations. However, the bill increases the disbursement limitation of the candidate who accepts a grant by an amount equal to the amount of any independent disbursements that are made to oppose that candidate or to support that candidate's opponent and by the total amount of contributions accepted by opposing candidates above the level for which 24-hour reports are required (see below).

INSERT 4C:1

9

This bill imposes an aggregate contribution limitation on the total amount or value of contributions that a candidate who accepts a grant may accept from all committees, including political party committees, after the date of the primary election as follows:

Insert 4C:2

INSERT 4C:3

9

Under the bill, the aggregate contribution limitations are subject to a biennial cost-of-living adjustment, beginning in ~~2002~~ ²⁰⁰², in accordance with a formula tied to the "consumer price index" determined by the U.S. department of labor.

INSERT 4D

9

This bill prohibits every candidate for a major state office (governor, lieutenant governor, attorney general, secretary of state, state treasurer, superintendent of public instruction or justice of the supreme court) from accepting any contribution during the period beginning on the ~~20th~~ ^{tenth} day preceding any election other than a primary election and ending on the date of that election.

INSERT 7A

9

This bill provides that if any candidate or other individual or committee, including a conduit, accepts or transfers a contribution, makes a disbursement or incurs an obligation to make a disbursement for the purpose of supporting or opposing a candidate for a major state office (governor, lieutenant governor, attorney general, secretary of state, state treasurer, state superintendent of public instruction or justice of the supreme court) or for the purpose of making certain communications by means of communications media (see above) without first registering and reporting to the extent required under the bill, the offender is subject to a forfeiture (civil penalty) of not more than \$500 for each day of violation. The bill also provides that if any of these individuals or committees accepts or transfers one or more contributions, makes one or more disbursements or incurs one or more obligations

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RWS 2 A

~~SECTION 1. 11.50 (2) (b) 5. a. to d. of the statutes are created to read:~~

~~11.50 (2) (b) 5. a. For candidates for the offices of governor and lieutenant governor jointly, \$80,400.~~

91 ~~b. For a candidate for the office of attorney general, \$16,200.~~

91 ~~c. For a candidate for the office of secretary of state, state treasurer, justice or state superintendent, \$8,040.~~

91 ~~d. For a candidate for the office of state senator, \$6,000.~~

91 ~~e. For a candidate for the office of representative to the assembly, \$3,000.~~

~~SECTION 2. 20.855 (4) (b) of the statutes is created to read:~~

~~20.855 (4) (b) *Election fund supplement*. A sum sufficient equal to the amounts required to make full payment of grants which candidates qualify to receive from the Wisconsin election campaign fund, to be transferred from the general fund to the Wisconsin election campaign fund no later than the time required to make payments of grants under s. 11.50 (5).~~

~~SECTION 3. Nonstatutory provisions.~~

~~(1) NONSEVERABILITY. Notwithstanding section 990.001 (11) of the statutes, if a court finds that any provision of this act is unconstitutional, the entire act is void.~~

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of the supreme court

of public instruction

ANALYSIS
FWS 2B

11.50 (2) (b) 5. a. For candidates for the offices of governor and lieutenant governor jointly, \$80,400.

b. For a candidate for the office of attorney general, \$16,200.

c. For a candidate for the office of secretary of state, state treasurer, justice or state superintendent, \$8,040.

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

e. For a candidate for the office of representative to the assembly, \$3,000.

SECTION 13. 11.50 (2) (bm) of the statutes is created to read:

11.50 (2) (bm) The board shall not approve the application of an eligible candidate for the office of governor or lieutenant governor of the same political party unless both candidates qualify to receive a grant under this subsection.

SECTION 14. 11.50 (3) of the statutes is repealed.

SECTION 15. 11.50 (4) of the statutes is repealed and recreated to read:

11.50 (4) AMOUNT OF GRANTS. Except as provided in sub. (9) (b), each eligible candidate for the same office who qualifies for grant under this section shall receive an equal amount.

SECTION 16. 11.50 (9) (a) 1. to 5. of the statutes ^{are} created to read:

^{11.50} 11.50 (9) ^{are} For candidates for the office of governor and lieutenant governor jointly, \$670,000. ^{keep 1.}

(9) 2. For a candidate for the office of attorney general, \$135,000.

(9) 3. For a candidate for the office of secretary of state, state treasurer, superintendent or justice, ^{of Public Instruction} \$67,000. ^{of the Supreme court}

(9) 4. For a candidate for the office of state senator, \$50,000.

(9) 5. For a candidate for the office of representative to the assembly, \$25,000.

SECTION 17. 11.50 (9) (ba) of the statutes is created to read:

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JWS & B

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 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.

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9 Currently, if a candidate for state office receives one or more contributions from a single contributor aggregating \$500 or more during the 14-day period preceding an election, the candidate must report to the elections board the information currently required to be disclosed pertaining to contributions received by the candidate no later than 24 hours following receipt of any such contribution or contributions.

INSERT 8C

9 This bill requires each conduit that has accepted or intends to accept any contribution to be transferred to a candidate for a major state office (governor, lieutenant governor, attorney general, secretary of state, state treasurer, state superintendent of public instruction, justice of the supreme court, state senator or representative to the assembly) at the general election or a special election to report to the elections board, in the case of the general election, on the 63rd, 42nd and 21st day prior to that election, and in the case of a special election, on the 21st day prior to that election, specifying the name of each candidate to whom the conduit intends to transfer any contribution during the 21-day period following the date on which the report is due to be filed and the amount to be transferred to that candidate.

The bill similarly requires each committee, other than a conduit, that intends to receive any contribution, make any disbursement or incur any obligation to make a disbursement for the purpose of advocating the election or defeat of a candidate for a major state office at the general election or a special election independently of any candidate who is supported or whose opponent is opposed to report to the elections board on the 63rd, 42nd and 21st day prior to that election, and in the case of a special election, on the 21st day prior to that election, specifying the name of each candidate who is supported or whose opponent is opposed and the total amount of contributions to be received, disbursements to be made and obligations to be incurred for that purpose during the 21-day period following the date on which the report is due to be filed.

In addition, the bill provides that if a candidate for a major state office at the general or a special election does not enter into an agreement to accept a public grant in return for abiding by disbursement limitations and contribution restrictions, the candidate must report to the elections board all information currently required to be disclosed pertaining to any contributions received by the candidate no later than 24 hours following receipt of any contribution or contributions after that candidate receives total contributions equal to more than the following:



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1. For candidates for the offices of governor and lieutenant governor jointly, \$330,000 from all political party committees or \$1,670,000 from all contributors.
2. For a candidate for the office of attorney general, \$65,000 from all political party committees or \$200,000 from all contributors.
3. For a candidate for the office of secretary of state or state treasurer, \$33,000 from all political party committees or \$100,000 from all contributors.
4. For a candidate for the office of justice or state superintendent, \$100,000 from all contributors.
5. For a candidate for the office of state senator, \$25,000 from all political party committees or \$62,500 from all contributors.
6. For a candidate for the office of representative to the assembly, \$12,500 from all political party committees or \$62,500 from all contributors.

Under the bill, these amounts are subject to a biennial cost-of-living adjustment beginning in 2007 in accordance with a formula tied to the

(b) The first report filed by a candidate or personal campaign committee under par. (a) during any campaign shall include the information required under par. (a) for all contributions received since the closing date for the preceding report filed by that candidate or committee as provided in s. 11.20 (8).

Consumer Price Index determined by the U.S. Department of Labor.

SECTION 5. 11.20 (2s) of the statutes is created to read:

11.20 (2s) A registrant who is required to file reports under s. 11.12 (6) (b) or (c) with respect to a candidate at the general election shall file the reports on the 63rd, 42nd and 21st day prior to that election. A registrant who is required to file reports under s. 11.12 (6) (b) or (c) with respect to a special election shall file a report on the 21st day prior to that election.

SECTION 6. 11.26 (9) (a) 1. to 5. of the statutes is created to read:

11.26 (9) (a) 1. For candidates for the offices of governor and lieutenant governor jointly, \$330,000.

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(END OF INSERT)

to make disbursements for such a purpose in an amount that is more or less than the amount reported by that individual or committee:

1. By more than 5% but not more than 10%, the individual must forfeit 4 times the amount of the difference.

2. By more than 10% but not more than 15%, the individual must forfeit 6 times the amount of the difference.

3. By more than 15%, the individual or committee must forfeit 8 times the amount of the difference.

The bill also provides that if the amount of contributions accepted or transferred, disbursements made or obligations incurred differs from the amount reported by at least 15%, and the violations are of sufficient severity to have affected the result of the election, the elections board, the district attorney for any county where a violation occurs or any candidate who is adversely affected by the result of the election in connection with which the violation occurred may file suit to have the election nullified and to have a new election ordered for the affected office.

In addition, the bill imposes a new penalty upon any person who, with intent to conceal or deceive, accepts or transfers a contribution, makes a disbursement or incurs an obligation to make a disbursement for the purpose of supporting or opposing a candidate for a major state office or for the purpose of making certain communications by means of communications media (see above) without registering or reporting to the extent required under the bill, consisting of a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both (equivalent to a class E felony).

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2225/1dn
JTK.....

1. Because under this draft the disbursement limitations, grant amounts, qualifying amounts for public grants, [✓] and aggregate committee contribution limitations, all interrelate and they are all expressed in dollar amounts, this draft subjects all these dollar amounts to a cost of living escalator. See proposed ss. 11.26 (9a), 11.31 (9) and 11.50 (9a). Please let me know if this is not in accord with your intent.

2. This draft exempts from the proposed tax on lobbying expenditures local governments and religious, charitable and educational organizations that are exempt from the federal income tax. These organizations must limit their lobbying activity in order to maintain their tax exempt status. Please let us know if you would like to see this tax applied differently.

3. You requested that the elections board be permitted to delegate to its executive director the power to sue for injunctive relief to enforce the campaign finance law. In reviewing the current law, I found that this is currently authorized under s. 5.05 (1) (d) and (e), stats. This draft, therefore, does not treat this matter.

5. Proposed s. 11.50 (9) (b) and (ba), which increase the public grants payable to certain candidates when independent disbursements are made against them or their opponents, or when their opponents raise more than a specified level of contributions from certain sources, and proposed s. 11.31 (3p), which increases disbursement limitations by an amount equal to any grant received under proposed s. 11.50 (9) (b) or (ba), may result in an abridgement of the First Amendment rights of the persons making the disbursements or contributions. See *Day v. Holahan*, 34 F.3d 1356 (8th Cir., 1994), in which a Minnesota law that included provisions similar to proposed s. 11.31 (3p) was voided. While this case expressly involved only independent expenditures, since this case and other federal cases hold that the making of a contribution is a protected First Amendment right, the same issue could be raised in the context of contributions. It should be noted that there are there are viable arguments to be made on both sides of this issue, this case is not binding in Wisconsin because it did not arise in the circuit that includes Wisconsin and the U.S. Supreme Court has not yet spoken on this issue.

6. Proposed s. 11.61, which permits a court to nullify an election if certain violations of the campaign finance law are sufficient to have affected the election result, raises legal issues that make it difficult to predict how it will be applied. In *State ex rel. La Follette v. Kohler*, 200 Wis. 518 (1930), the Wisconsin Supreme Court held that the

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legislature has the power to void the election of a candidate who procured his nomination by illegal means. However, this case did not apply to a legislative candidate. In the case of a legislative candidate, the result might be affected by article IV, section 7, of the Wisconsin Constitution, which makes each house the judge of the elections, returns and qualifications of its members. Additionally, under this draft, violations that result in nullification of a candidate's election may be committed by persons other than the candidate. Also, if a candidate takes office and must be removed, it is generally held that where a constitution prescribes methodology for removal of officeholders (as does the Wisconsin constitution), that methodology is exclusive. See 67 C.J.S. Officers s. 120, p. 486.

7. The tax on lobbying expenditures under proposed subch. XII of ch. 77 is innovative and has not, to my knowledge, been ruled upon by the courts. Because this tax may be viewed as burdening speech, it may be subject to attack. In *Georgia State AFL-CIO v. Georgia Ethics Commission*, C. A. No. 1:94-cv-103-MHS (U.S.D.C., N.D. Ga., 1995), the court invalidated lobbying registration fees that it viewed as excessive under the First and Fourteenth Amendments to the U.S. Constitution. However, this case was never published and was not appealed. Presumably the answer to this type of attack is that this tax is on business activity rather than speech, like reasonable contribution limitations that have been approved, any burden imposed by the tax on the right to lobby is minimal and the alternative of unpaid citizen lobbying activity is not taxed and remains open.

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8. I also want to note briefly that a few of the provisions of this draft are innovative, and we do not yet have, to my knowledge, specific guidance from the federal courts concerning the enforceability of provisions of these types. It is well possible that a court may find a rational basis for these provisions that would permit them to be upheld. However, because of the concerns expressed by the U.S. Supreme Court in *Buckley v. Valeo, et al.*, 96 S. Ct. 612 (1976), and certain other cases that attempts to regulate campaign financing activities may, in some instances, impermissibly intrude upon freedom of speech or association, or equal protection guarantees, it is possible that enforceability problems with these provisions may occur. In particular, those provisions concerning which we do not have specific guidance at this time are:

(c) proposed s. 11.24 (H), which prohibits ^{certain} candidates and their personal campaign committees from accepting contributions within 10 days of an election in which the candidates participate.

(a) Proposed s. 11.12 (b) (b) and (c), which impose a waiting period of up to 21 days before certain contributions may be transferred or accepted or before certain disbursements may be made or obligations to make disbursements may be incurred.

(b) proposed s. 11.12 (i), which imposes additional reporting requirements upon candidates who decline to accept disbursement and contribution limitations and restrictions.

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4. Currently, ch. 11., stats., generally requires disclosure of financial activity by individuals and committees seeking to influence the election or defeat of candidates for state or local office [see ss. 11.01 (6), (7), (11) and (16), 11.05 and 11.06, stats.], unless a disbursement is made or obligation incurred by an individual other than a candidate or by a committee which is not organized primarily for political purposes, the disbursement is not a contribution as defined in the law and the disbursement is not made to expressly advocate the election or defeat of a clearly identified candidate [see

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s. 11.06 (2), stats.]. This language pretty closely tracks the holding of the U.S. Supreme Court in *Buckley v. Valeo, et al.*, 96 S. Ct. 612, 656-664 (1976), which prescribes the boundaries of disclosure that may be constitutionally enforced (except as those requirements affect certain minor parties and independent candidates). Proposed s. 11.06, which requires registration by individuals who or organizations which publish, broadcast or disseminate communications containing the name or likeness of a candidate for state or local office, appears to extend beyond the boundaries which the court permitted in 1976. As a result, its enforceability at the current time appears to rest upon a shift by the court in its stance on this issue.

Committee

Make certain
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within 60 days of
an election
containing a
reference to
a candidate at
that election, an
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election or
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D N O R D
State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2225/1
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1999 BILL

*repeal
& create*

1 **AN ACT to repeal** 11.01 (12s), 11.05 (3) (o), 11.26 (9) (c), 11.265, 11.31 (1) (b), 11.31
2 (2m), 11.31 (3), 11.31 (3m), 11.31 (4), 11.50 (3), 11.50 (6), 20.855 (4) (b) and 71.10
3 (3); **to renumber and amend** 11.12 (6), 11.26 (9) (a), 11.50 (2) (b) 5. and 11.50
4 (9); **to amend** 5.02 (13), 5.02 (18), 7.08 (2) (c) and (cm), 8.35 (4) (b), 10.02 (3) (b)
5 2m., 11.01 (5m), 11.05 (3) (c), 11.05 (9) (b), 11.06 (2), 11.06 (7m) (a), 11.06 (7m)
6 (c), 11.09 (3), 11.12 (5), 11.16 (5), 11.20 (3) (d), 11.20 (3) (g), 11.20 (3) (L), 11.20
7 (8) (intro.), 11.20 (12), 11.21 (15), 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (4), 11.26
8 (8), 11.26 (9) (b), 11.26 (10), 11.26 (13), 11.31 (1) (a), 11.31 (1) (c) and (d), 11.31
9 (1) (e) and (f), 11.31 (2), 11.31 (7) (a), 11.50 (title), 11.50 (1) (b), 11.50 (2) (a), 11.50
10 (2) (b) (intro.), 11.50 (2) (g), 11.50 (2) (i), 11.50 (5), 11.50 (9) (title), 11.61 (1) (a),
11 11.61 (1) (a), 11.61 (1) (b), 11.61 (1) (b), 11.61 (1) (c), 14.58 (20), 20.510 (1) (q),
12 20.855 (4) (b), 25.17 (1) (ys), 25.42 and chapter 77 (title); **to repeal and**
13 **recreate** 11.50 (4); and **to create** 11.01 (16) (a) 3., 11.05 (3) (d), 11.12 (6) (b) to
14 (d), 11.12 (7), 11.20 (2e), 11.20 (2s), 11.20 (8) (am), 11.24 (1t), 11.24 (1w), 11.26

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1 (9) (a) 1. to 5., 11.26 (9) (am), 11.26 (9a), 11.31 (3p), 11.31 (9), 11.50 (2) (b) 5. a.
 2 to e., 11.50 (2) (bm), 11.50 (9) (a) 1. to 5., 11.50 (9) (b), 11.50 (9) (ba), 11.50 (9a),
 3 11.60 (3s) and (3t), 11.61 (1) (d), 11.62, 20.855 (4) (ba), 20.855 (4) (bb) and
 4 subchapter XIII of chapter 77 [precedes 77.997] of the statutes; **relating to:**
 5 campaign financing, imposition of a lobbying expenditure tax, providing
 6 exemptions from emergency rule procedures, granting rule-making authority,
 7 making appropriations and providing penalties.

Analysis by the Legislative Reference Bureau

This bill makes numerous changes in the campaign finance law and imposes a tax on lobbying expenditures. Significant changes include:

Filing of campaign finance reports

Currently, a committee making contributions or a candidate or other individual or committee accepting contributions, making disbursements (expenditures) or incurring obligations in support of or opposition to a candidate is generally required to file a report no later than the eighth day before a primary or election at which the candidate seeks nomination or election to office. The report must disclose contributions made or accepted, disbursements made and obligations incurred through the 14th day prior to the primary or election.

Currently, if a candidate for state office receives one or more contributions from a single contributor aggregating \$500 or more during the 14-day period preceding an election, the candidate must report to the elections board the information currently required to be disclosed pertaining to contributions received by the candidate no later than 24 hours following receipt of any such contribution or contributions.

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

The bill also requires each candidate at the general election, and each committee or individual making disbursements or incurring obligations in support

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of or in opposition to a candidate at the general or a special election, to file an additional report on the ~~10th~~ ^{10th} day after the election.

Mass media activities

Currently, individuals who accept contributions, organizations that make or accept contributions, and individuals who or organizations that 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 makes a communication by means of a newspaper, periodical, commercial billboard or radio or television station, other than a communication by a corporation, cooperative or nonpolitical voluntary association limited to its members, shareholders or subscribers, during the period beginning on the 60th day preceding an election and ending on the date of that election, ~~and that~~ ^{and organization that} includes a reference to a candidate at that election, an office to be filled at that election or a political party to register with the appropriate filing officer and to file financial reports with that officer to the same extent as currently required of individuals who and organizations that engage in activity for the purpose of influencing elections.

Disbursement 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 who declines to accept one and declines to file an affidavit of voluntary compliance with disbursement and contribution limitations. Additionally, the disbursement levels for candidates for the offices of state senator and representative to the assembly are subdivided between the primary and election campaign periods in such a way that only about 60% of the total applicable disbursement level for either office may be allocated by a candidate to either the primary or the election campaign period.

This bill:

1. Eliminates disbursement levels and limitations applicable to candidates for state office, except the offices of court of appeals judge, circuit judge and district attorney, on or before the date of the primary election for those offices.
2. Revises the current disbursement levels applicable to candidates for the offices shown in the following chart:

<i>Office</i>	<i>Current Level Primary and election com- bined</i>	<i>↑ Proposed ↑ Level Election only</i>
Governor	\$1,078,200	[\$2,000,000
Lieutenant governor	323,475	for both offices]

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Attorney general	539,000	400,000
Secretary of state	215,625	200,000
State treasurer	215,625	200,000
Supreme court justice	215,625	200,000
State superintendent	215,625	200,000
State senator	34,500	150,000
Representative to the assembly	17,250	75,000

3. Creates a biennial cost-of-living adjustment that causes the statutory disbursement levels to be adjusted biennially, beginning in ~~2001~~²⁰⁰², in accordance with a formula tied to the "consumer price index" determined by the U.S. department of labor.

4. Deletes current law that permits a candidate who does not accept a grant to continue to bind an opponent to disbursement and contribution limitations by filing an affidavit of voluntary compliance.

~~The bill also creates a biennial adjustment that causes the statutory 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.~~

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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.

This 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.

Other contribution restrictions

Contribution limitations

Current law specifies limitations on the maximum amount of contributions ^{that} which may be given to and accepted by a candidate for state or local office. Current law also limits the total contributions that a candidate for state or local office may accept from all political committees, including political party and legislative campaign committees, and from the Wisconsin election campaign fund to 65% of the value of the statutory disbursement level specified for the office that the candidate seeks. The total amount that a candidate may accept from committees other than political party and legislative campaign committees and from the Wisconsin election campaign fund is limited to 45% of that disbursement level.

more text

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BILL***Wisconsin election campaign fund*****I. SOURCES AND USES OF FUNDS**

Under current law, the Wisconsin election campaign fund is financed through an individual income tax "checkoff". Every individual filing a state income tax return who has a tax liability or is entitled to a tax refund may direct that \$1 of general purpose revenue be transferred to the fund. Individuals filing a joint return may separately choose whether to direct that the \$1 transfer be made. All moneys transferred to the fund are placed in accounts for specified state offices, and candidates for those offices at the general or a special election may qualify for grants from the fund to be used for specified campaign expenses. No moneys in the fund may be used for any other purpose. Grants at special elections are funded by reallocating moneys set aside to provide grants to candidates at the general election, to the extent that moneys are available.

This bill changes the name of the Wisconsin election campaign fund to the "clean government fund". The bill deletes the checkoff procedure and provides, instead, for the revenue to the fund to be raised by levying a tax on lobbying expenditures (see below), with the balance to be transferred to the clean government fund, as needed, from general purpose revenue.

**II. GRANT ELIGIBILITY
REQUIREMENTS AND AMOUNTS**

Under current law, public financing from the Wisconsin election campaign fund is available to 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. To receive a grant, a candidate must file an application with the state elections board no later than the deadline for filing nomination papers. Following the primary election or the date on which a primary would be held, if required, the board determines whether a candidate who applies for a grant meets the following eligibility requirements:

1. If the candidate seeks a partisan state office at a general election, the candidate must have received at least six percent of the total votes cast in the primary and won the primary. If the candidate seeks a partisan state office at a special election, the candidate must either: a) appear on the ballot or in the column of a political party whose candidate for the same office at the preceding general election received at least six percent of the vote; or b) receive at least six percent of the votes cast at the special election.

2. The candidate must have an opponent in the election.

3. The candidate must receive, during a specified time period, a specified amount through contributions from individuals of \$100 or less. For a candidate for the office of governor, lieutenant governor, secretary of state, state treasurer, attorney general, justice of the supreme court or superintendent of public instruction, the amount is five percent of the authorized disbursement level for the office which the candidate seeks. For a candidate for the office of state senator or representative to the assembly, the amount is ten percent of the authorized disbursement level for the office that the candidate seeks.

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Under current law, a candidate for any office who accepts a grant must comply with statutorily prescribed contribution and disbursement limitations, unless one or more of the candidate's opponents who receive at least six percent of the votes cast for all candidates for that office at a partisan primary, if a primary was held, do not accept a grant and do not voluntarily comply with the contribution and disbursement limitations for that office. The maximum grant that a candidate may receive is ~~that~~ ^{the} amount that, when added to all other contributions accepted from sources other than individuals, political party committees and legislative campaign committees, is equal to 45% of the authorized disbursement level for the office that the candidate seeks, if there are sufficient moneys in the Wisconsin election campaign fund to finance the full amount of grants for which candidates qualify.

This bill requires a candidate for any office who desires to qualify for a grant from the clean government fund to receive contributions from individuals in amounts of \$100 or less in the following total amounts:

1. For candidates for the offices of governor and lieutenant governor jointly, \$80,400.
2. For a candidate for the office of attorney general, \$16,200.
3. For a candidate for the office of secretary of state, state treasurer, justice of the supreme court or state superintendent of public instruction, \$8,040.
4. For a candidate for the office of state senator, \$6,000.
5. For a candidate for the office of representative to the assembly, \$3,000.

The bill also requires that in the case of a candidate for legislative office, the contributions must be received from individuals who reside in the district in which the candidate seeks office.

In addition, the bill requires a candidate who seeks a grant to agree not to accept any contributions from special interest ("political action") committees after the day of the primary election or the date that the primary election would be held, if a primary were required.

The bill revises grant amounts to the following:

1. For candidates for the office of governor and lieutenant governor jointly, \$670,000.
2. For a candidate for the office of attorney general, \$135,000.
3. For a candidate for the office of secretary of state, state treasurer, superintendent of public instruction or justice of the supreme court, \$67,000.
4. For a candidate for the office of state senator, \$50,000.
5. For a candidate for the office of representative to the assembly, \$25,000.

Under the bill, qualifying amounts and grant amounts are subject to a biennial cost-of-living adjustment, beginning in ~~2001~~ ²⁰⁰², in accordance with a formula tied to the "consumer price index" determined by the U.S. department of labor.

Penalties for violations

Currently, violators of the campaign finance law are subject to a forfeiture (civil penalty) of not more than \$500 for each violation, except that violators of contribution limitations are subject to a forfeiture of not more than treble the amount unlawfully contributed. In addition, currently, any person who is delinquent in filing a report is subject to a forfeiture of not more than \$50 or one percent of the annual

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salary of the office for which a candidate is being supported or opposed, whichever is greater, for each day of delinquency. ~~This bill increases these amounts to a maximum of \$150 or three percent 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.

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:~~

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Lobbying expenditure tax

ten percent

This bill imposes a tax on lobbying principals (persons who employ lobbyists) at the rate of ~~10%~~ *ten percent* on lobbying expenditures that are reportable to the ethics board. The tax is payable to the department of revenue semiannually.

Nonseverability

act resulting from enactment of the

Currently, if any part of an act is found by a court to be invalid, those parts that are valid are severed from the invalid part and the severed parts continue in force. This bill provides that if any part of the ~~bill~~ *act* is found by a court to be invalid, then all parts of the ~~bill~~ *act* are void.

Space

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

8 **SECTION 2.** 5.02 (18) of the statutes is amended to read:

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SECTION 2

1 5.02 (18) "September primary" means the primary held the 2nd Tuesday in
2 September to nominate candidates to be voted for at the general election, and to
3 determine which candidates for state offices other than district attorney may
4 participate in the ~~Wisconsin election campaign~~ clean government fund.

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

6 7.08 (2) (c) As soon as possible after the canvass of the spring and September
7 primary votes, but no later than the first Tuesday in March and the 4th Tuesday in
8 September, transmit to the state treasurer a certified list of all eligible candidates
9 for state office who have filed applications under s. 11.50 (2) and ~~whom~~ who the board
10 determines to be eligible to receive payments from the ~~Wisconsin election campaign~~
11 clean government fund. The board shall also transmit a similar list of candidates
12 who the board determines to be eligible to receive a grant under s. 11.50 (9) (b) or (ba)
13 within 3 days after any candidate qualifies to receive ~~the~~ ^{Such a} grant. Each list shall
14 contain each candidate's name, the mailing address indicated upon the candidate's
15 registration form, the office for which the individual is a candidate and the party or
16 principle which he or she represents, if any.

17 (cm) As soon as possible after the canvass of a special primary, or the date that
18 the primary would be held, if required, transmit to the state treasurer a certified list
19 of all eligible candidates for state office who have filed applications under s. 11.50 (2)
20 and ~~whom~~ who the board determines to be eligible to receive a grant from the
21 ~~Wisconsin election campaign~~ clean government fund prior to the election. The board
22 shall also transmit a similar list of candidates, if any, who have filed applications
23 under s. 11.50 (2) and ~~whom~~ who the board determines to be eligible to receive a grant
24 under s. 11.50 (1) (a) 2. after the special election. ~~The~~ or a grant under s. 11.50 (9)
25 (b) or (ba) within 3 days after any candidate qualifies to receive ~~the~~ ^{Such a} grant. Each list

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

4 **SECTION 4.** 8.35 (4) (b) of the statutes is amended to read:

5 8.35 (4) (b) Notwithstanding par. (a), any unspent and unencumbered moneys
6 received by a candidate from the ~~Wisconsin election campaign~~ clean government
7 fund shall be immediately transferred to any candidate who is appointed to replace
8 such candidate, upon filing of a proper application therefor under s. 11.50 (2). If there
9 is no candidate appointed or if no proper application is filed within 7 days of the date
10 on which the vacancy occurs, such moneys shall revert to the state as provided in s.
11 11.50 (8).

12 **SECTION 5.** 10.02 (3) (b) 2m. of the statutes is amended to read:

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

23 **SECTION 6.** 11.01 (5m) of the statutes is amended to read:

24 11.01 (5m) "Conduit" means an individual who or ~~an organization~~ a committee
25 which receives a contribution of money and transfers the contribution to another

BILL**SECTION 6**

1 individual or ~~organization~~ committee without exercising discretion as to the amount
2 which is transferred and the individual to whom or ~~organization~~ committee to which
3 the transfer is made.

4 **SECTION 7.** 11.01 (12s) of the statutes is repealed.

5 **SECTION 8.** 11.01 (16) (a) 3. of the statutes is created to read:

6 11.01 (16) (a) 3. A communication that is made by means of one or more
7 communications media, other than a communication that is exempt from reporting
8 under s. 11.29, that is made during the period beginning on the 60th day preceding
9 an election and ending on the date of that election and that includes a reference to
10 a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on
11 the ballot at that election, an office to be filled at that election or a political party.

12 **SECTION 9.** 11.05 (3) (c) of the statutes is amended to read:

13 11.05 (3) (c) In the case of a committee, a statement as to whether the
14 committee is a personal campaign committee, a political party committee, a
15 ~~legislative campaign committee~~, a support committee or a special interest
16 committee.

17 **SECTION 10.** 11.05 (3) (d) of the statutes is created to read:

18 11.05 (3) (d) An indication of whether the proposed registrant is a conduit.

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

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

21 11.05 (9) (b) An individual who or a committee or group which receives a
22 contribution of money and transfers the contribution to another individual,
23 committee or group while acting as a conduit is not subject to registration under this
24 section unless the individual, committee or group transfers the contribution to a

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1 candidate or a personal campaign, ~~legislative campaign~~, political party or support
2 committee.

3 **SECTION 13.** 11.06 (2) of the statutes is amended to read:

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

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

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

BILL**SECTION 14**

1 candidate, the committee filing the oath may not make any contributions in support
2 of any candidate of the party at the general or special election or in opposition to any
3 such candidate's opponents exceeding the amounts specified in s. 11.26 (2), except as
4 authorized in par. (c).

5 **SECTION 15.** 11.06 (7m) (c) of the statutes is amended to read:

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

13 **SECTION 16.** 11.09 (3) of the statutes is amended to read:

14 11.09 (3) Each registrant whose filing officer is the board, who or which makes
15 disbursements in connection with elections for offices which serve or referenda
16 which affect only one county or portion thereof, except a candidate, personal
17 campaign committee, political party committee or other committee making
18 disbursements in support of or in opposition to a candidate for state senator,
19 representative to the assembly, court of appeals judge or circuit judge, shall file a
20 duplicate original of each financial report filed with the board with the county clerk
21 or board of election commissioners of the county in which the elections in which the
22 registrant participates are held. Such reports shall be filed no later than the
23 applicable dates specified under s. 11.20 (2), ^(2m) ~~(2e)~~ and (4) for the filing of each report
24 with the board.

25 **SECTION 17.** 11.12 (5) of the statutes is amended to read:

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1 11.12 (5) ~~If Except as otherwise required under sub. (7), if~~ any contribution or
2 contributions of \$500 or more cumulatively are received by a candidate for state office
3 or by a committee or individual from a single contributor later than 15 days prior to
4 a primary or election such that it is not included in the preprimary or preelection
5 report submitted under s. 11.20 (3), the treasurer of the committee or the individual
6 receiving the contribution shall within 24 hours of receipt inform the appropriate
7 filing officer of the information required under s. 11.06 (1) in such manner as the
8 board may prescribe. The information shall also be included in the treasurer's or
9 individual's next regular report. For purposes of the reporting requirement under
10 this subsection, only contributions received during the period beginning with the day
11 after the last date covered on the preprimary or preelection report, and ending with
12 the day before the primary or election need be reported.

13 **SECTION 18.** 11.12 (6) of the statutes is renumbered 11.12 (6) (a) and amended
14 to read:

15 11.12 (6) (a) ~~If Except as provided in par. (b), if~~ any disbursement of more than
16 \$20 cumulatively is made to advocate the election or defeat of a clearly identified
17 candidate by an individual or committee later than 15 days prior to a primary or
18 election in which the candidate's name appears on the ballot without cooperation or
19 consultation with a candidate or agent or authorized committee of a candidate who
20 is supported or opposed, and not in concert with or at the request or suggestion of
21 such a candidate, agent or committee, the individual or treasurer of the committee
22 shall, within 24 hours of making the disbursement, inform the appropriate filing
23 officer of the information required under s. 11.06 (1) in such manner as the board may
24 prescribe. ~~The information shall also be included in the next regular report of the~~
25 individual or committee under s. 11.20. For purposes of this subsection paragraph,

BILL**SECTION 18**

1 disbursements cumulate beginning with the day after the last date covered on the
2 preprimary or preelection report and ending with the day before the primary or
3 election. Upon receipt of a report under this ~~subsection~~ paragraph, the filing officer
4 shall, within 24 hours of receipt, mail a copy of the report to all candidates for any
5 office in support of or opposition to one of whom a disbursement identified in the
6 report is made.

7 **SECTION 19.** 11.12 (6) (b) to (d) of the statutes are created to read:

8 11.12 (6) (b) If any conduit has accepted or intends to accept any contribution
9 to be transferred to a candidate or personal campaign committee of a candidate for
10 a state office specified in s. 11.31 (1) (a) to (f) at the general or a special election, or
11 to any such candidate who seeks a nomination for such an office at a primary election,
12 the conduit shall report to the board at the times specified in s. 11.20 (2s), in such
13 manner as the board may prescribe, the name of each candidate or personal
14 campaign committee to whom the conduit intends to transfer one or more
15 contributions during the 21-day period following the date on which the report is due
16 to be filed and the amount to be transferred to that candidate or committee.

17 (c) If any committee identified under s. 11.05 (3) (c), other than a conduit,
18 intends to receive any contribution, make any disbursement or incur any obligation
19 to make a disbursement for the purpose of advocating the election or defeat of a
20 clearly identified candidate for a state office specified in s. 11.31 (1) (a) to (f) at the
21 general or a special election, or any such candidate who seeks a nomination for such
22 an office at a primary election, without cooperation or consultation with a candidate
23 or agent or authorized committee of a candidate who is supported or whose opponent
24 is opposed, and not in concert with or at the request or suggestion of such a candidate,
25 agent or committee, the committee shall report to the board at the times specified in

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1 s. 11.20 (2s), in such manner as the board may prescribe, the name of each candidate
2 who is supported or whose opponent is opposed and the total amount of contributions
3 to be received, disbursements to be made and obligations to be incurred for such a
4 purpose in support or opposition to that candidate during the 21-day period
5 following the date on which the report is due to be filed. A committee which files a
6 report under this paragraph concerning a disbursement is not required to file a
7 report pertaining to the same disbursement under par. (a).

8 (d) All information reported by a registrant under this subsection shall also be
9 included in the next regular report of the registrant under s. 11.20.

10 **SECTION 20.** 11.12 (7) of the statutes is created to read:

11 11.12 (7) (a) If a candidate at the general or a special election for a state office
12 specified in s. 11.31 (1) (a) to (d) does accept a grant under s. 11.50, that candidate
13 or personal campaign committee shall report to the board the information specified
14 in s. 11.06 (1) pertaining to all contributions received no later than 24 hours after
15 receipt of any contribution, in such manner as the board may prescribe, if the
16 candidate or personal campaign committee receives, during the period beginning on
17 the day after the date of the September primary or after the date that any special
18 primary is held or would be held if a primary were required, and ending on the date
19 of the election, total contributions that equal more than the following amount or
20 value, as adjusted under par. (c):

21 1. For candidates for the offices of governor and lieutenant governor jointly,
22 \$330,000 from all political party committees or \$1,670,000 from all contributors.

23 2. For a candidate for the office of attorney general, \$65,000 from all political
24 party committees or \$200,000 from all contributors.

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1 3. For a candidate for the office of secretary of state or state treasurer, \$33,000
2 from all political party committees or \$100,000 from all contributors.

3 4. For a candidate for the office of justice or state superintendent, \$100,000
4 from all contributors.

5 5. For a candidate for the office of state senator, \$25,000 from all political party
6 committees or \$62,500 from all contributors.

7 6. For a candidate for the office of representative to the assembly, \$12,500 from
8 all political party committees or \$62,500 from all contributors.

9 (b) The first report filed by a candidate or personal campaign committee under
10 par. (a) during any campaign shall include the information required under par. (a)
11 for all contributions received since the closing date for the preceding report filed by
12 that candidate or committee as provided in s. 11.20 (8).

13 (c) 1. In this paragraph, "consumer price index" means the average of the
14 consumer price index over each 12-month period, all items, U.S. city average, as
15 determined by the bureau of labor statistics of the federal department of labor.

16 2. The dollar amounts of the total contributions under par. (a) shall be subject
17 to a biennial adjustment to be determined by rule of the board in accordance with this
18 subdivision. To determine the adjustment, the board shall calculate the percentage
19 difference between the consumer price index for the 12-month period ending on
20 December 31 of each odd-numbered year and the consumer price index for the base
21 period, calendar year 2001. For each biennium, the board shall multiply the amount
22 of each contribution amount under par. (a) by the percentage difference in the
23 consumer price indices. The board shall adjust each amount to substitute that result
24 for the existing amount to the extent required to reflect any difference, rounded to
25 the nearest multiple of \$25. The amount so determined shall then be in effect until

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

6 **SECTION 21.** 11.16 (5) of the statutes is amended to read:

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

22 **SECTION 22.** 11.20 (2e) of the statutes is created to read:

23 11.20 (2e) Postelection reports under s. 11.06 (1) shall be received by the
24 ~~appropriate filing officer~~ ^{board} no earlier than 4 days after and no later than 10 days after
25 each general election (at which that office is filled)

with respect to an election for a state office
specified in s. 11.31 (1) (a) to (f)

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SECTION 23

1 **SECTION 23.** 11.20 (2s) of the statutes is created to read:

2 11.20 (2s) A registrant who is required to file reports under s. 11.12 (6) (b) or
3 (c) with respect to a candidate at the general election shall file the reports on the
4 63rd, 42nd and 21st day prior to that election. A registrant who is required to file
5 reports under s. 11.12 (6) (b) or (c) with respect to a special election shall file a report
6 on the 21st day prior to that election.

7 **SECTION 24.** 11.20 (3) (d) of the statutes is amended to read:

8 11.20 (3) (d) A registered committee or individual other than a candidate or
9 personal campaign committee making or accepting contributions, making
10 disbursements or incurring obligations in support of or in opposition to one or more
11 candidates for office at an election, or supporting or opposing other committees or
12 individuals who are engaging in such activities, shall file a preelection report. A
13 registered committee or individual other than a candidate or personal campaign
14 committee making or accepting contributions, making disbursements or incurring
15 obligations in support of or in opposition to one or more candidates for office at the
16 general election, or supporting or opposing other committees or individuals who are
17 engaging in such activities, shall file a postelection report.

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specified
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s.
11.31
(1)(a)
to (f)

18 **SECTION 25.** 11.20 (3) (g) of the statutes is amended to read:

19 11.20 (3) (g) A contribution, disbursement or obligation in support of or in
20 opposition to a candidate at an election which is made, accepted or incurred during
21 the period covered by the preelection report, or by ~~the~~ ^a postelection report following
22 the general election, ^{or a special election} is considered to be made, accepted or incurred in support of or
23 in opposition to that candidate at the election, regardless of whether the candidate
24 is opposed at the election.

25 ~~**SECTION 26.** 11.20 (3) (L) of the statutes is amended to read:~~

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1 ~~11.20 (3) (L) A registered group or individual making or accepting~~
 2 ~~contributions, making disbursements or incurring obligations in support of or in~~
 3 ~~opposition to a referendum appearing on an election ballot shall file a preelection~~
 4 ~~report. A registered group or individual making or accepting contributions, making~~
 5 ~~disbursements or incurring obligations in support of or in opposition to a referendum~~
 6 ~~appearing on a general election ballot shall file a postelection report.~~

7 **SECTION 27.** 11.20 (8) (intro.) of the statutes is amended to read:

8 11.20 (8) (intro.) Reports filed under subs. (2), ~~(2e)~~^(2m) (4) and (4m) shall include
 9 all contributions received and transactions made as of the end of:

10 **SECTION 28.** 11.20 (8) (am) of the statutes is created to read:

11 11.20 (8) (am) The 3rd day after the election in the case of the postelection
 12 report that follows the general election.

13 **SECTION 29.** 11.20 (12) of the statutes is amended to read:

14 11.20 (12) If a candidate is unopposed in a primary or election, the obligation
 15 to file the reports required by this chapter does not cease. Except as provided in ss.
 16 11.05 (2r) and 11.19 (2), a registrant who makes or receives no contributions, makes
 17 no disbursements or incurs no obligations shall so report on the applicable dates
 18 designated in subs. (2), ~~(2e)~~^(2m) and (4).

19 **SECTION 30.** 11.21 (15) of the statutes is amended to read:

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

⑨ SECTION 29. CH; 11.20(8)(am)
 ⑩ 11.20(8)(am) The 2nd day after the election in the
 case of a postelection report that follows a special election,
 EXCEPT AS PROVIDED IN SUB. (2m).

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SECTION 31

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SECTION 31. 11.24 (1t) of the statutes is created to read:

for a state office specified in s. 11.31(1)(a) to (f)

11.24 (1t) No candidate or personal campaign committee at any election other

of such a candidate

than a primary election may receive and accept any contribution during the period beginning on the 10th day preceding that election and ending on the date of that election.

SECTION 32. 11.24 (1w) of the statutes is created to read:

11.24 (1w) (a) No candidate or personal campaign committee of a candidate

who accepts a grant under s. 11.50 may accept any contribution from a committee identified under s. 11.05 (3) (c) as a special interest committee

after the date of any primary election at which the name of the candidate appears on the ballot, or the date that

(b) No committee identified under s. 11.05 (3) (c) as a special interest committee

the primary election would be held, if a primary election were required

may intentionally make any contribution to a candidate or personal campaign committee of a candidate who has qualified to receive a grant under s. 11.50.

SECTION 33. 11.26 (2) (intro.) of the statutes is amended to read:

11.26 (2) (intro.) No committee other than a political party committee or

legislative campaign committee may make any contribution or contributions to a candidate for election or nomination to any of the following offices and to any individual or committee under s. 11.06 (7) acting solely in support of such a candidate or solely in opposition to the candidate's opponent to the extent of more than a total of the amounts specified per candidate:

SECTION 34. 11.26 (2) (a) of the statutes is amended to read:

11.26 (2) (a) Candidates for governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent or justice, 4% of the value of the disbursement level specified in the schedule under s. 11.31 (1), as adjusted under s. 11.31 (9).

SECTION 35. 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 36.** 11.26 (8) of the statutes is amended to read:

7 11.26 (8) (a) No political party as defined in s. 5.02 (13) may receive more than
8 a total of \$150,000 in value of its contributions in any biennium from all other
9 committees, excluding contributions from ~~legislative campaign committees and~~
10 transfers between party committees of the party. In this paragraph, a biennium
11 commences with January 1 of each odd-numbered year and ends with December 31
12 of each even-numbered year.

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

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

19 **SECTION 37.** 11.26 (9) (a) of the statutes is renumbered 11.26 (9) (a) (intro.) and
20 amended to read:

21 11.26 (9) (a) (intro.) No individual who is a candidate for state or local office a
22 state office specified in this paragraph *and who accepts a grant under s. 11.50* may receive and accept more than 65% of the
23 value of the total disbursement level determined under s. 11.31 the amount or value
24 of contributions provided in this subsection for the office for which he or she is a
25 candidate during any ~~primary and~~ election campaign combined after the date of the

BILL**SECTION 37**

1 primary election, or if no primary is held, after the date that the primary would be
2 held, if required, from all committees subject to a filing requirement, including
3 political party ~~and legislative campaign~~ committees. Except as provided in sub. (9a),
4 the amount or value of contributions is:

5 **SECTION 38.** 11.26 (9) (a) 1. to 5. of the statutes are created to read:

6 11.26 (9) (a) 1. For candidates for the offices of governor and lieutenant
7 governor jointly, \$330,000.

8 2. For a candidate for the office of attorney general, \$65,000.

9 3. For a candidate for the office of secretary of state, state treasurer, justice or
10 state superintendent, \$33,000.

11 4. For a candidate for the office of state senator, \$25,000.

12 5. For a candidate for the office of representative to the assembly, \$12,500.

13 **SECTION 39.** 11.26 (9) (am) of the statutes is created to read:

14 11.26 (9) (am) No individual who is a candidate for state or local office, other
15 than an office specified in par. (a), may receive and accept more than 65% of the value
16 of the total disbursement level determined under s. ~~11.02~~^{11.31} (1), as adjusted under s.
17 11.31 (9), for the office for which he or she is a candidate during any primary and
18 election campaign combined from all committees subject to a filing requirement,
19 including political party committees.

20 **SECTION 40.** 11.26 (9) (b) of the statutes is amended to read:

21 11.26 (9) (b) No individual who is a candidate for a state or local office, other
22 than an office specified in par. (a), may receive and accept more than 45% of the value
23 of the total disbursement level determined under s. 11.31 (1), as adjusted under s.
24 11.31 (9), for the office for which he or she is a candidate during any primary and

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1 election campaign combined from all committees other than political party and
2 legislative campaign committees subject to a filing requirement.

3 **SECTION 41.** 11.26 (9) (c) of the statutes is repealed.

4 **SECTION 42.** 11.26 (9a) of the statutes is created to read:

5 11.26 (9a) (a) In this subsection, “consumer price index” means the average of
6 the consumer price index over each 12-month period, all items, U.S. city average, as
7 determined by the bureau of labor statistics of the federal department of labor.

8 (b) The dollar amounts of the limitations under sub. (9) (a) shall be subject to
9 a biennial adjustment to be determined by rule of the board in accordance with this
10 subsection. To determine the adjustment, the board shall calculate the percentage
11 difference between the consumer price index for the 12-month period ending on
12 December 31 of each odd-numbered year and the consumer price index for the base
13 period, calendar year 2001. For each biennium, the board shall multiply the amount
14 of each limitation under sub. (9) (a) by the percentage difference in the consumer
15 price indices. The board shall adjust the amount of each limitation to substitute that
16 result for the existing amount to the extent required to reflect any difference,
17 rounded to the nearest multiple of \$25. The amount so determined shall then be in
18 effect until a subsequent rule is promulgated under this subsection.
19 Notwithstanding s. 227.24 (1) (a), (2) (b) and (3), determinations under this
20 subsection may be promulgated as an emergency rule under s. 227.24 without
21 providing evidence that the emergency rule is necessary for the public peace, health,
22 safety or welfare and without a finding of emergency.

23 **SECTION 43.** 11.26 (10) of the statutes is amended to read:

24 11.26 (10) No candidate for state office who files a sworn statement and
25 application to receive a grant from the Wisconsin election campaign clean

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SECTION 43

1 government fund may make contributions of more than 200% of the amounts
2 specified in sub. (1) to the candidate's own campaign from the candidate's personal
3 funds or property or the personal funds or property which are owned jointly or as
4 marital property with the candidate's spouse, unless the board determines that the
5 candidate is not eligible to receive a grant, the candidate withdraws his or her
6 application under s. 11.50 (2) (h), ~~or s. 11.50 (2) (i) applies.~~ For purposes of this
7 subsection, any contribution received by a candidate or his or her personal campaign
8 committee from a committee which is registered with the federal elections
9 commission as the authorized committee of the candidate under 2 USC 432 (e) shall
10 be treated as a contribution made by the candidate to his or her own campaign. The
11 contribution limit of sub. (4) applies to amounts contributed by such a candidate
12 personally to the candidate's own campaign and to other campaigns, except that a
13 candidate may exceed the limitation if authorized under this subsection to contribute
14 more than the amount specified to the candidate's own campaign, up to the amount
15 of the limitation.

16 **SECTION 44.** 11.26 (13) of the statutes is amended to read:

17 11.26 (13) Except as provided in sub. (9), contributions received from the
18 ~~Wisconsin election campaign~~ clean government fund are not subject to limitation by
19 this section.

20 **SECTION 45.** 11.265 of the statutes is repealed.

21 **SECTION 46.** 11.31 (1) (a) of the statutes is amended to read:

22 11.31 (1) (a) Candidates for governor, ~~\$1,078,200~~ and lieutenant governor
23 jointly, \$2,000,000 in the election.

24 **SECTION 47.** 11.31 (1) (b) of the statutes is repealed.

25 **SECTION 48.** 11.31 (1) (c) and (d) of the statutes are amended to read:

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1 11.31 (1) (c) Candidates for attorney general, ~~\$539,000~~ \$400,000 in the election.

2 (d) Candidates for secretary of state, state treasurer, justice or state
3 superintendent, ~~\$215,625~~ \$200,000 in the election.

4 **SECTION 49.** 11.31 (1) (e) and (f) of the statutes are amended to read:

5 11.31 (1) (e) Candidates for state senator, ~~\$34,500 total in the primary and~~
6 ~~election, with disbursements not exceeding \$21,575 for either the primary or the~~
7 ~~election~~ \$150,000 in the election.

8 (f) Candidates for representative to the assembly, ~~\$17,250 total in the primary~~
9 ~~and election, with disbursements not exceeding \$10,775 for either the primary or the~~
10 ~~election~~ \$75,000 in the election.

11 **SECTION 50.** 11.31 (2) of the statutes is amended to read:

12 11.31 (2) LIMITATION IMPOSED. No candidate for state office at a spring or general
13 election who files a sworn statement and application to receive a grant from the
14 ~~Wisconsin election campaign clean government~~ fund may make or authorize total
15 disbursements from ^{his or her} ~~the~~ campaign treasury in any campaign to the extent of more
16 than the amount prescribed in sub. (1), adjusted as provided under sub. (9), unless
17 the board determines that the candidate is not eligible to receive a grant, the
18 candidate withdraws his or her application under s. 11.50 (2) (h), ~~or s. 11.50 (2) (i)~~

19 ^{restored} applies. No candidate for state office at a special election who files a sworn statement
20 and application to receive a grant from the ~~Wisconsin election campaign clean~~
21 ~~government~~ fund may make or authorize total disbursements from ^{his or her} ~~the~~ campaign
22 treasury in any campaign to the extent of more than the amount prescribed under
23 sub. (1), adjusted as provided under sub. (9), for the preceding spring or general
24 election for the same office, unless the board determines that the candidate is not

plain period

(Handwritten mark)

SUB. (3P)

(restored)

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SECTION 50

1 eligible to receive a grant, the candidate withdraws his or her application under s.
2 11.50 (2) (h), or ~~s. 11.50 (2) (i)~~ ^{sub. (3p)} applies.

3 **SECTION 51.** 11.31 (2m) of the statutes is repealed.

4 **SECTION 52.** 11.31 (3) of the statutes is repealed.

5 **SECTION 53.** 11.31 (3m) of the statutes is repealed.

6 **SECTION 54.** 11.31 (3p) of the statutes is created to read:

7 11.31 (3p) INDEPENDENT DISBURSEMENTS AND EXCESS CONTRIBUTIONS; EXCEPTION.

8 If a candidate receives a grant under s. 11.50 (9) (b) or (ba), the disbursement
9 limitation of that candidate for the campaign in which the grant is received is
10 increased by the amount of that grant.

11 **SECTION 55.** 11.31 (4) of the statutes is repealed.

12 **SECTION 56.** 11.31 (7) (a) of the statutes is amended to read:

13 11.31 (7) (a) For purposes of this section, the:

14 1. The "campaign" of a candidate for an office specified in sub. (1) (a) to (f)
15 extends from the day after the date on which the spring or September primary occurs
16 or the day after the date on which
a special primary occurs or the date that a special primary would be held, if a primary
17 were required, through the last date of the month following the month in which an
18 election is held at which that candidate seeks office.

19 2. The "campaign" of a candidate for an office specified in sub. (1) (fm) to (h)
20 extends from July 1 preceding the date on which the spring primary or election
21 occurs or January 1 preceding the date on which the September primary or general
22 election occurs for the office which the candidate seeks, or from the date of the
23 candidate's public announcement, whichever is earlier, through the last day of the
24 month following the month in which the election or primary or election is held at
25 which that candidate seeks office.

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1 **SECTION 57.** 11.31 (9) of the statutes is created to read:

2 **11.31 (9) ADJUSTMENT OF DISBURSEMENT LEVELS.** (a) In this subsection,
3 “consumer price index” means the average of the consumer price index over each
4 12-month period, all items, U.S. city average, as determined by the bureau of labor
5 statistics of the federal department of labor.

6 (b) The dollar amounts of all disbursement levels specified in sub. (1) shall be
7 subject to a biennial adjustment to be determined by rule of the board in accordance
8 with this subsection. To determine the adjustment, the board shall calculate the
9 percentage difference between the consumer price index for the 12-month period
10 ending on December 31 of each odd-numbered year and the consumer price index for
11 the base period, calendar year 2001. For each biennium, the board shall multiply
12 that result by the percentage difference in the consumer price indices. The board
13 shall adjust the disbursement levels specified under sub. (1) to substitute that result
14 for the existing levels to the extent required to reflect any difference, rounded to the
15 nearest multiple of \$25 in the case of amounts of \$1 or more, which amounts shall
16 be in effect until a subsequent rule is promulgated under this subsection.
17 Notwithstanding s. 227.24 (1) (a), (2) (b) and (3), determinations under this
18 subsection may be promulgated as an emergency rule under s. 227.24 without
19 providing evidence that the emergency rule is necessary for the public peace, health,
20 safety or welfare, and without a finding of emergency.

21 **SECTION 58.** 11.50 (title) of the statutes is amended to read:

22 **11.50 (title) ~~Wisconsin election campaign~~ Clean government fund.**

23 **SECTION 59.** 11.50 (1) (b) of the statutes is amended to read:

24 **11.50 (1) (b) “Fund” means the ~~Wisconsin election campaign~~ clean government**
25 **fund.**

BILL**SECTION 60**

1 **SECTION 60.** 11.50 (2) (a) of the statutes is amended to read:

2 11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may
3 file an application with the board requesting approval to participate in the fund. The
4 application shall be filed no later than the applicable deadline for filing nomination
5 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.
6 on the 7th day after the primary or date on which the primary would be held if
7 required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day
8 after appointment in the case of candidates appointed to fill vacancies. The Except
9 as authorized in par. (g), the application shall contain a sworn statement that the
10 candidate and his or her authorized agents have complied with the contribution
11 limitations prescribed in s. 11.26 and the disbursement limitations prescribed under
12 s. 11.31 (1), as adjusted under s. 11.31 (9), at all times to which such limitations have
13 applied to his or her candidacy and will continue to comply with the limitations at
14 all times to which the limitations apply to his or her candidacy for the office in
15 contest, unless the board determines that the candidate is not eligible to receive a
16 grant, the candidate withdraws his or her application under par. (h), or ~~par. (i)~~ s.
17 11.31 (3p) applies.

18 **SECTION 61.** 11.50 (2) (b) (intro.) of the statutes is amended to read:

19 11.50 (2) (b) (intro.) The Except as provided in par. (bm), the board shall
20 approve the application of an eligible candidate for participation if:

21 **SECTION 62.** 11.50 (2) (b) 5. of the statutes is renumbered 11.50 (2) (b) 5. (intro.)
22 and amended to read:

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

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

22 **SECTION 63.** 11.50 (2) (b) 5. a. to e. of the statutes are created to read:

23 11.50 (2) (b) 5. a. For candidates for the offices of governor and lieutenant
24 governor jointly, \$80,400.

25 b. For a candidate for the office of attorney general, \$16,200.

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SECTION 63

1 c. For a candidate for the office of secretary of state, state treasurer, justice or
2 state superintendent, \$8,040.

3 d. For a candidate for the office of state senator, \$6,000.

4 e. For a candidate for the office of representative to the assembly, \$3,000.

5 **SECTION 64.** 11.50 (2) (bm) of the statutes is created to read:

6 11.50 (2) (bm) The board shall not approve the application of an eligible
7 candidate for the office of governor or lieutenant governor of the same political party
8 unless both candidates qualify to receive a grant under this subsection.

9 **SECTION 65.** 11.50 (2) (g) of the statutes is amended to read:

10 11.50 (2) (g) ~~A~~ Each candidate, except a candidate who receives a grant under
11 sub. (9) (b) or (ba), who voluntarily files an application to receive a grant in
12 accordance with this subsection accepts and agrees to comply with the contribution
13 limitations prescribed in s. 11.26 and the disbursement limitations imposed under
14 s. 11.31 (2), as adjusted under s. 11.31 (9) as binding upon himself or herself and his
15 or her agents during the campaign as defined in s. 11.31 (7), as a precondition to
16 receipt of a grant under this section, unless the board determines that the candidate
17 is not eligible to receive a grant, the candidate withdraws the application under par.
18 (h), or par. (i) s. 11.31 (3p) applies.

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repealed

19 **SECTION 66.** 11.50 (2) (i) of the statutes is ~~amended to read:~~

20 11.50 (2) (i) ~~Notwithstanding par. (g), if an eligible candidate at the spring~~
21 ~~election or a special nonpartisan election who accepts a grant is opposed by one or~~
22 ~~more candidates in the election, or if an eligible candidate at the general election or~~
23 ~~a special partisan election who accepts a grant is opposed by one or more candidates~~
24 ~~in the election who receive at least 6% of the vote cast for all candidates for the same~~
25 ~~office on all ballots at the September primary or a special partisan primary if a~~

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1 primary was held, and in either case if any such opponent of the eligible candidate
 2 does not accept a grant under this section in whole or in part, the eligible candidate
 3 is not bound by the pledge made in his or her application to adhere to the contribution
 4 limitations prescribed in s. 11.26 and the disbursement limitation prescribed under
 5 s. 11.31, unless each such opponent files an affidavit of voluntary compliance under
 6 s. 11.31 (2m) (1), as adjusted under s. 11.31 (9).

7 **SECTION 67.** 11.50 (3) of the statutes is repealed.

8 **SECTION 68.** 11.50 (4) of the statutes is repealed and recreated to read:

9 11.50 (4) AMOUNT OF GRANTS. Except as provided in sub. (9) (b) and (ba), each
 10 eligible candidate for the same office who qualifies for grant under this section shall
 11 receive an equal amount.

12 **SECTION 69.** 11.50 (5) of the statutes is amended to read:

13 11.50 (5) TIME OF DISBURSEMENT. The state treasurer shall make the
 14 disbursements to the campaign depository account of each eligible candidate under
 15 subs. (3) and (4) by the end of the 3rd business day following notice from the board
 16 under s. 7.08 (2) (c) or (cm). ~~Eligible candidates for governor and lieutenant governor~~
 17 ~~of the same political party may combine accounts if desired.~~ ^{except that the} ~~The state treasurer shall~~
 18 make disbursements for eligible candidates for the office of governor and lieutenant
 19 governor ^{jointly} to the campaign depository account of the candidate for governor. ①

20 **SECTION 70.** 11.50 (6) of the statutes is repealed.

21 **SECTION 71.** 11.50 (9) (title) of the statutes is amended to read:

22 11.50 (9) (title) ~~LIMITATION ON~~ AMOUNT OF GRANTS.

23 **SECTION 72.** 11.50 (9) of the statutes is renumbered 11.50 (9) (a) (intro.) and
 24 amended to read:

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1 11.50 (9) (a) (intro.) ~~The Except as provided in pars. (b) and (ba) and sub. (9a),~~
2 ~~the total grant available to an eligible candidate may not exceed that amount which,~~
3 ~~when added to all other contributions accepted from sources other than individuals,~~
4 ~~political party committees and legislative campaign committees, is equal to 45% of~~
5 ~~the disbursement level specified for the applicable office under s. 11.31. The board~~
6 ~~shall scrutinize accounts and reports and records kept under this chapter to assure~~
7 ~~that applicable limitations under ss. 11.26 (9) and 11.31 are not exceeded and any~~
8 ~~violation is reported. is:~~

9 ~~(am)~~ No candidate or campaign treasurer may accept grants exceeding the
10 amount authorized by this subsection.

11 **SECTION 73.** 11.50 (9) (a) 1. to 5. of the statutes are created to read:

12 11.50 (9) (a) 1. For candidates for the office of governor and lieutenant governor
13 jointly, \$670,000.

14 2. For a candidate for the office of attorney general, \$135,000.

15 3. For a candidate for the office of secretary of state, state treasurer,
16 superintendent or justice, \$67,000.

17 4. For a candidate for the office of state senator, \$50,000.

18 5. For a candidate for the office of representative to the assembly, \$25,000.

19 **SECTION 74.** 11.50 (9) (b) of the statutes is created to read:

20 11.50 (9) (b) If an eligible candidate who accepts a grant is opposed by one or
21 more candidates in a general or special election whose names are certified under s.
22 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot, and if an obligation is incurred or
23 a disbursement is made to oppose the election of the eligible candidate who accepts
24 a grant or to support a certified opponent of that candidate without cooperation or
25 consultation with any certified opposing candidate or such a candidate's agent or

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1 authorized committee, and not in concert with, or at the request or suggestion of any
2 certified opposing candidate's agent or authorized committee, then the board shall
3 make an additional grant to the eligible candidate who accepts a grant in an amount
4 equal to the total amount of obligations and disbursements not previously reported
5 as obligations to advocate the election of the certified opposing candidate or to oppose
6 the election of the eligible candidate who accepts the grant.

7 **SECTION 75.** 11.50 (9) (ba) of the statutes is created to read:

8 11.50 (9) (ba) If an eligible candidate who accepts a grant is opposed by one or
9 more candidates in a general or special election who are required, or whose personal
10 campaign committees are required, to file a report under s. 11.12 (7), then the board
11 shall make an additional grant to the eligible candidate who accepts a grant in an
12 amount equal to the total amount or value of contributions accepted by the opposing
13 candidate or candidates exceeding the amount specified for the office sought by the
14 candidate or candidates under s. 11.12 (7) (a) for contributions from political party
15 committees or from all contributors, or if both amounts specified in s. 11.12 (7) (a) are
16 exceeded, an amount equal to the excess over both amounts specified.

17 **SECTION 76.** 11.50 (9a) of the statutes is created to read:

18 11.50 (9a) ADJUSTMENT OF QUALIFYING AND GRANT AMOUNTS. (a) In this
19 subsection, "consumer price index" means the average of the consumer price index
20 over each 12-month period, all items, U.S. city average, as determined by the bureau
21 of labor statistics of the federal department of labor.

22 (b) The dollar amounts of all qualifying amounts specified in sub. (2) (b) 5. and
23 all grant amounts specified in sub. (9) ~~all~~ shall be subject to a biennial adjustment
24 to be determined by rule of the board in accordance with this subsection. To
25 determine the adjustment, the board shall calculate the percentage difference

BILL**SECTION 76**

1 between the consumer price index for the 12-month period ending on December 31
 2 of each odd-numbered year and the consumer price index for the base period,
 3 calendar year 2001. For each biennium, the board shall multiply each qualifying
 4 amount and grant amount by the percentage difference in the consumer price
 5 indices. The board shall adjust each qualifying amount and grant amount to
 6 substitute that result for the existing amount to the extent required to reflect any
 7 difference, rounded to the nearest multiple of \$25. The amounts so determined shall
 8 then be in effect until a subsequent rule is promulgated under this subsection.
 9 Notwithstanding s. 227.24 (1) (a), (2) (b) and (3), determinations under this
 10 subsection may be promulgated as an emergency rule under s. 227.24 without
 11 providing evidence that the emergency rule is necessary for the public peace, health,
 12 safety or welfare and without a finding of emergency.

13 **SECTION 77.** 11.60 (3s) and (3t) of the statutes are created to read:
 14

15 11.60 (3s) Notwithstanding sub. (1), if any candidate or other individual or
 16 committee, including a conduit, accepts or transfers a contribution, makes a
 17 disbursement or incurs an obligation to make a disbursement for the purpose of
 18 supporting or opposing a candidate for an office specified in s. 11.31 (1) (a) to (f) or
 19 for a purpose specified in s. 11.01 (16) (a) 3. without first registering under s. 11.05
 20 (1), (2) or (2g) to the extent required under s. 11.05 (1), (2) and (2g), or without
 21 reporting the information required under s. 11.12 (6) (b) or (c) or (7) or 11.20 (3) or
 22 (4) with respect to that contribution, disbursement or obligation, to the extent
 23 required under s.^s 11.12 (6) (b) and (c) and (7) and 11.20 (3) and (4), the candidate or
 24 other individual or committee may be required to forfeit not more than \$500 per day
 for each day of continued violation.

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1 (3t) Notwithstanding sub. (1), if any candidate or other individual or
2 committee, including a conduit, accepts or transfers one or more contributions,
3 makes one or more disbursements or incurs one or more obligations to make
4 disbursements for the purpose of supporting or opposing a candidate for an office
5 specified in s. 11.31 (1) (a) to (f) or for a purpose specified in s. 11.01 (16) (a) 3. in an
6 amount or value that ~~is more or less than~~ ^{differs from} the amount reported by that individual or
7 committee under s. 11.12 (6) (b) or (c) or (7) or 11.20 (3) or (4):

8 (a) By more than 5% but not more than 10% cumulatively, the individual or
9 committee shall forfeit 4 times the amount or value of the difference.

10 (b) By more than 10% but not more than 15% cumulatively, the individual or
11 committee shall forfeit 6 times the amount or value of the difference.

12 (c) By more than 15% cumulatively, the individual or committee shall forfeit
13 8 times the amount of the difference.

14 **SECTION 78.** 11.61 (1) (a) of the statutes is amended to read:

15 11.61 (1) (a) ~~Whoever~~ Except as provided in par. (d), whoever intentionally
16 violates s. 11.05 (1), (2), (2g) or (2r), 11.07 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or
17 11.24 (1) may be fined not more than \$10,000 or imprisoned not more than 3 years
18 or both.

19 **SECTION 79.** 11.61 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 283,
20 is amended to read:

21 11.61 (1) (a) ~~Whoever~~ Except as provided in par. (d), whoever intentionally
22 violates s. 11.05 (1), (2), (2g) or (2r), 11.07 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or
23 11.24 (1) may be fined not more than \$10,000 or imprisoned for not more than 4 years
24 and 6 months or both.

25 **SECTION 80.** 11.61 (1) (b) of the statutes is amended to read:

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SECTION 80

1 11.61 (1) (b) ~~Whoever~~ Except as provided in par. (d), whoever intentionally
2 violates s. 11.25, 11.26, 11.27 (1), 11.30 (1) or 11.38 where the intentional violation
3 does not involve a specific figure, or where the intentional violation concerns a figure
4 which exceeds \$100 in amount or value may be fined not more than \$10,000 or
5 imprisoned not more than 3 years or both.

6 **SECTION 81.** 11.61 (1) (b) of the statutes, as affected by 1997 Wisconsin Act 283,
7 is amended to read:

8 11.61 (1) (b) ~~Whoever~~ Except as provided in par. (d), whoever intentionally
9 violates s. 11.25, 11.26, 11.27 (1), 11.30 (1) or 11.38 where the intentional violation
10 does not involve a specific figure, or where the intentional violation concerns a figure
11 which exceeds \$100 in amount or value may be fined not more than \$10,000 or
12 imprisoned for not more than 4 years and 6 months or both.

13 **SECTION 82.** 11.61 (1) (c) of the statutes is amended to read:

14 11.61 (1) (c) ~~Whoever~~ Except as provided in par. (d), whoever intentionally
15 violates any provision of this chapter other than those provided in par. (a) and
16 whoever intentionally violates any provision under par. (b) where the intentional
17 violation concerns a specific figure which does not exceed \$100 in amount or value
18 may be fined not more than \$1,000 or imprisoned not more than 6 months or both.

19 **SECTION 83.** 11.61 (1) (d) of the statutes is created to read:

20 11.61 (1) (d) ~~Whoever~~ ^{, with intent to conceal or deceive,} accepts or transfers a contribution, makes a
21 disbursement or incurs an obligation to make a disbursement for the purpose of
22 supporting or opposing a candidate for an office specified in s. 11.31 (1) (a) to (f) or
23 for a purpose specified in s. 11.01 (16) (a) 3. without first registering under s. 11.05
24 (1), (2) or (2g), to the extent required under s. 11.05 (1), (2) and (2g), or without
25 reporting the information required under s. 11.12 (6) (b) or (c) or (7) or 11.20 (3) or

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1 (4) with respect to that contribution, disbursement or obligation, to the extent
2 required under ss. 11.12 (6) (b) and (c) and (7) and 11.20 (3) and (4), ~~with intent to~~
3 ~~conceal or deceive,~~ may be fined not more than \$10,000 or imprisoned for not more
4 than 5 years, or both.

5 SECTION 84. 11.62 of the statutes ^(b) is created to read:

6 **11.62 Nullification of election.** ⁽¹⁾ If one or more violations that are punishable
7 under s. 11.60 (3t) (c) are of sufficient severity to have affected the result of an
8 election, the board or the district attorney for any county where such a violation
9 occurs, or any candidate who is adversely affected by the result of the election, may
10 commence a civil action to obtain a judgment nullifying the election, vacating the
11 office filled at the election and ordering a special election to be held to fill the office
12 vacated by the judgment. ⁽¹⁾ ~~(2)~~ ^(b) Notwithstanding s. 5.05 (1) (c), if a candidate is a party to
13 an action commenced under this section, the action may not be compromised or
14 settled without consent of the candidate. If an action under this section is
15 commenced by the board or a district attorney and any unsuccessful candidate whose
16 name appeared on the ballot at the election is not a party to the action, the board or
17 district attorney shall provide at least 30 days' written notice to each such candidate
18 of any intent of the board or district attorney to compromise and settle the action.
19 Notwithstanding s. 5.05 (1) (c), during the 30-day period following service of notice,
20 the board or district attorney shall not compromise and settle the action and any
21 candidate upon whom notice is served may intervene in the action. If any such
22 candidate intervenes in the action within the 30-day period following service of
23 notice, the board or district attorney shall not compromise or settle the action. If no
24 nonconsenting candidate who is adversely affected by the result of the election is a
25 party to the action and no such candidate intervenes in the action within the 30-day

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1 period following service of notice, the party commencing the action may compromise
2 and settle the action.

3 SECTION 85. 14.58 (20) of the statutes is amended to read:

4 14.58 (20) ~~ELECTION CAMPAIGN~~ CLEAN GOVERNMENT FUND. Make disbursements
5 to each candidate certified under s. 7.08 (2) (c) or (cm) by the elections board as
6 eligible to receive moneys from the ~~Wisconsin election campaign~~ clean government
7 fund.

8 SECTION 86. 20.510 (1) (q) of the statutes is amended to read:

9 20.510 (1) (q) ~~Wisconsin election campaign~~ Clean government fund. As a
10 continuing appropriation, from the ~~Wisconsin election campaign~~ clean government
11 fund, the ~~moneys~~ amounts determined under s. 11.50 to provide for payments to
12 eligible candidates certified under s. 7.08 (2) (c) and (cm).

13 SECTION 87. 20.855 (4) (b) of the statutes is repealed.

14 ~~SECTION 88. 20.855 (4) (b) of the statutes is amended to read:~~

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

18 SECTION 89. 20.855 (4) (ba) of the statutes is created to read:

19 20.855 (4) (ba) ^{(i) Lobbying expenditure tax revenue transfer.} ~~Clean government fund~~ Annual Supplement. A sum sufficient
20 equal to the amounts determined by the secretary of revenue under s. 77.9973, to be
21 transferred from the general fund to the clean government fund annually on
22 September 16.

23 SECTION 90. 20.855 (4) (bb) of the statutes is created to read:

24 20.855 (4) (bb) Clean government fund supplement. A sum sufficient equal to
25 the amounts required to make full payment of grants which candidates qualify to

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1 receive from the clean government fund, to be transferred from the general fund to
2 the clean government fund no later than the time required to make payments of
3 grants under s. 11.50 (5).

4 **SECTION 91.** 25.17 (1) (ys) of the statutes is amended to read:

5 25.17 (1) (ys) ~~Wisconsin election campaign~~ Clean government fund (s. 25.42);

6 **SECTION 92.** 25.42 of the statutes is amended to read:

7 **25.42 ~~Wisconsin election campaign~~ Clean government fund.** All moneys
8 appropriated under s. 20.855 (4) ~~(b)~~ (ba) and (bb) together with all moneys reverting
9 to the state under s. 11.50 (8) and all gifts, bequests and devises received under s.
10 11.50 (13) constitute the ~~Wisconsin election campaign~~ clean government fund, to be
11 expended for the purposes of s. 11.50. All moneys in the fund not disbursed by the
12 state treasurer shall continue to accumulate indefinitely.

13 **SECTION 93.** 71.10 (3) of the statutes is repealed.

14 **SECTION 94.** Chapter 77 (title) of the statutes is amended to read:

15 **CHAPTER 77**

16 **TAXATION OF FOREST CROPLANDS;**

17 **REAL ESTATE TRANSFER FEES;**

18 **SALES AND USE TAXES; COUNTY**

19 **AND SPECIAL DISTRICT SALES**

20 **AND USE TAXES; MANAGED FOREST**

21 **LAND; TEMPORARY RECYCLING**

22 **SURCHARGE; LOCAL FOOD AND**

23 **BEVERAGE TAX; LOCAL RENTAL**

24 **CAR TAX; PREMIER RESORT AREA**

25 **TAXES; STATE RENTAL VEHICLE**

BILL**FEE; DRY CLEANING FEES;****LOBBYING EXPENDITURE TAX**

SECTION 95. Subchapter XIII of chapter 77 [precedes 77.997] of the statutes is created to read:

CHAPTER 77**SUBCHAPTER XIII****LOBBYING EXPENDITURE TAX**

77.997 Definition. In this subchapter, “lobbying expenditure” has the meaning given under s. 13.62 (10r).

77.9971 Imposition. A tax is imposed on every person, except an organization described in section 501 (c) (3) of the Internal Revenue Code, that is exempt from federal income taxation under section 501 (a) of the Internal Revenue Code and a governmental unit, as defined in s. 281.65 (2) (am), at the rate of 10% on lobbying expenditures that are reportable to the ethics board under s. 13.68 (1).

77.9972 Administration. (1) The department of revenue shall levy, enforce and collect the tax under this subchapter.

(2) The tax under this subchapter and a completed return prescribed by the department of revenue are due on March 1 and September 1.

(3) Sections 77.59 (1) to (6), (8) and (8m), 77.60 (1) to (7), (9) and (10), 77.61 (5) and (12) to (14) and 77.62, as they apply to the taxes under subch. III, apply to the tax under this subchapter.

77.9973 Certification. Annually no later than September 15, the secretary of revenue shall certify to the secretary of administration the amount of taxes collected under this subchapter for the preceding 12-month period ending on June 30.

BILL

1

SECTION 96. Nonstatutory provisions.

2

(1) ~~NONSEVERABILITY~~ Notwithstanding section 990.001 (11) of the statutes, if a court finds that any provision of this act is unconstitutional, the entire act is void.

3

4

SECTION 97. Initial applicability.

5

(1) The treatment of sections 11.12 (7) (c), 11.26 (9a), 11.31 (9) and 11.50 (9a) of the statutes first applies to adjustments for the biennium beginning on January 1, 2002.

6

7

8

(2) The treatment of subchapter XIII of chapter 77 of the statutes first applies to lobbying expenditures made during the 6-month period ending on December 31, 2000.

9

10

11

SECTION 98. Effective dates. This act takes effect on the day after publication, except as follows:

12

13

(1) The treatment of sections 11.61 (a) (by SECTION ⁽¹⁾ ~~?-autoref~~ and 11.61 (1)

14

(b) (by SECTION ⁸¹ ~~?-autoref~~) of the statutes takes effect on December 31, 1999.

15

(END)

dn →

PWS 17-25

Section #. 11.20 (2m) of the statutes is amended to read:

11.20 (2m) Election reports under s. 11.12 shall be received by the appropriate filing officer no earlier than 23 days and no later than 30 days after each ^{that} special election, unless a continuing report is required to be filed under sub. (4) on or before the 30th day after the special election.

History: 1973 c. 334; 1975 c. 93; 1979 c. 328 ss. 58, 82 to 92, 146; 1981 c. 314 s. 146; 1983 a. 183, 491, 538; 1985 a. 303 ss. 32m to 37, 88; 1987 a. 370; 1989 a. 192; 1995 a. 16 s. 2; 1997 a. 27

with respect to any other special election
under s. 11.12 with respect to a special election for an office specified in s. 11.31 (1) (a) to (f) shall be received by the Board no earlier than 4 days and no later than 10 days after that election. Election reports

(END OF INSERT)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2225/lins
JTK.....

RWS 4C:2

~~SECTION 1. 11.26 (9) (a) 1. to 5. of the statutes is created to read:~~

~~11.26 (9) (a) 1. For candidates for the offices of governor and lieutenant governor jointly, \$330,000.~~

~~2. For a candidate for the office of attorney general, \$65,000.~~

~~3. For a candidate for the office of secretary of state, state treasurer, justice or state superintendent, \$33,000.~~

~~4. For a candidate for the office of state senator, \$25,000.~~

~~5. For a candidate for the office of representative to the assembly, \$12,500.~~

(END OF INSERT)

~~SECTION 2. 11.26 (9) (am) of the statutes is created to read:~~

~~11.26 (9) (am) No individual who is a candidate for state or local office, other than an office specified in par. (a), may receive and accept more than 65% of the value of the total disbursement level determined under s. 11.31 (1), as adjusted under s. 11.31 (9), for the office for which he or she is a candidate during any primary and election campaign combined from all committees subject to a filing requirement, including political party committees.~~

~~SECTION 3. 11.26 (9a) of the statutes is created to read:~~

~~11.26 (9a) (a) In this subsection, "consumer price index" means the average of the consumer price index over each 12-month period, all items, U.S. city average, as determined by the bureau of labor statistics of the federal department of labor.~~

~~(b) The dollar amounts of the limitations under sub. (9) (a) shall be subject to a biennial adjustment to be determined by rule of the board in accordance with this subsection. To determine the adjustment, the board shall calculate the percentage difference between the consumer price index for the 12-month period ending on~~

~~Under the bill, the aggregate contribution limitations are subject to a biennial cost-of-living adjustment, beginning in 2001 in accordance with a formula tied to the "consumer price index" determined by the U.S. department of labor.~~

Single space

FWS 34-12

Section #. 11.50 (11) (e) of the statutes is amended to read:

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

~~History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75.~~

↑
plain-
period

(END OF INSERT)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2225/1dn

JTK:cmh:jf

March 15, 1999

1. Because under this draft the disbursement limitations, grant amounts, qualifying amounts for public grants, aggregate committee contribution limitations and 24-hour reporting thresholds all interrelate and they are all expressed in dollar amounts, this draft subjects all these dollar amounts to a cost of living escalator. See proposed ss. 11.12 (7) (c), 11.26 (9a), 11.31 (9) and 11.50 (9a). Please let me know if this is not in accord with your intent.

2. This draft exempts from the proposed tax on lobbying expenditures local governments and religious, charitable and educational organizations that are exempt from the federal income tax. These organizations must limit their lobbying activity in order to maintain their tax exempt status. Please let us know if you would like to see this tax applied differently.

3. You requested that the elections board be permitted to delegate to its executive director the power to sue for injunctive relief to enforce the campaign finance law. In reviewing the current law, I found that this is currently authorized under s. 5.05 (1) (d) and (e), stats. This draft, therefore, does not treat this matter.

4. *IWS
D1A* → Currently, ch. 11., stats., generally requires disclosure of financial activity by individuals and committees seeking to influence the election or defeat of candidates for state or local office [see ss. 11.01 (6), (7), (11) and (16), 11.05 and 11.06, stats.], unless a disbursement is made or obligation incurred by an individual other than a candidate or by a committee which is not organized primarily for political purposes, the disbursement is not a contribution as defined in the law and the disbursement is not made to expressly advocate the election or defeat of a clearly identified candidate [see s. 11.06 (2), stats.]. This language pretty closely tracks the holding of the U.S. Supreme Court in *Buckley v. Valeo, et al.*, 96 S. Ct. 612, 656-664 (1976), which prescribes the boundaries of disclosure that may be constitutionally enforced (except as those requirements affect certain minor parties and independent candidates). Proposed s. 11.01 (16), which requires registration and reporting by individuals who or committees *what* which, make certain communications within 60 days of an election containing the reference to a candidate at that election, an office to be filled at that election or political party, appears to extend beyond the boundaries which the court permitted in 1976. As a result, its enforceability at the current time appears to rest upon a shift by the court in its stance on this issue.

5. Proposed s. 11.50 (9) (b) and (ba), which increase the public grants payable to certain candidates when independent disbursements are made against them or their

opponents, or when their opponents raise more than a specified level of contributions from certain sources, and proposed s. 11.31 (3p), which increases disbursement limitations by an amount equal to any grant received under proposed s. 11.50 (9) (b) or (ba), may result in an abridgement of the First Amendment rights of the persons making the disbursements or contributions. See *Day v. Holahan*, 34 F.3d 1356 (8th Cir., 1994), in which a Minnesota law that included provisions similar to proposed s. 11.31 (3p) was voided. While this case expressly involved only independent expenditures, since this case and other federal cases hold that the making of a contribution is a protected First Amendment right, the same issue could be raised in the context of contributions. It should be noted that there are there are viable arguments to be made on both sides of this issue, this case is not binding in Wisconsin because it did not arise in the circuit that includes Wisconsin and the U.S. Supreme Court has not yet spoken on this issue.

7. ¶. Proposed s. 11.61, which permits a court to nullify an election if certain violations of the campaign finance law are sufficient to have affected the election result, raises legal issues that make it difficult to predict how it will be applied. In *State ex rel. La Follette v. Kohler*, 200 Wis. 518 (1930), the Wisconsin Supreme Court held that the legislature has the power to void the election of a candidate who procured his nomination by illegal means. However, this case did not apply to a legislative candidate. In the case of a legislative candidate, the result might be affected by article IV, section 7, of the Wisconsin Constitution, which makes each house the judge of the elections, returns and qualifications of its members. Additionally, under this draft, violations that result in nullification of a candidate's election may be committed by persons other than the candidate. Also, if a candidate takes office and must be removed, it is generally held that where a constitution prescribes methodology for removal of officeholders (as does the Wisconsin Constitution), that methodology is exclusive. See 67 C.J.S. Officers s. 120, p. 486.
8. ¶. The tax on lobbying expenditures under proposed subch. XIII of ch. 77 is innovative and has not, to my knowledge, been ruled upon by the courts. Because this tax may be viewed as burdening speech, it may be subject to attack. In *Georgia State AFL-CIO v. Georgia Ethics Commission*, C. A. No. 1:94-cv-103-MHS (U.S.D.C., N.D. Ga., 1995), the court invalidated lobbying registration fees that it viewed as excessive under the First and Fourteenth Amendments to the U.S. Constitution. However, this case was never published and was not appealed. Presumably the answer to this type of attack is that this tax is on business activity rather than speech, like reasonable contribution limitations that have been approved, any burden imposed by the tax on the right to lobby is minimal and the alternative of unpaid citizen lobbying activity is not taxed and remains open.
9. ¶. I also want to note briefly that a few of the provisions of this draft are innovative, and we do not yet have, to my knowledge, specific guidance from the federal courts concerning the enforceability of provisions of these types. It is well possible that a court may find a rational basis for these provisions that would permit them to be upheld. However, because of the concerns expressed by the U.S. Supreme Court in *Buckley v. Valeo, et al.*, 96 S. Ct. 612 (1976), and certain other cases that attempts to regulate campaign financing activities may, in some instances, impermissibly intrude upon

freedom of speech or association, or equal protection guarantees, it is possible that enforceability problems with these provisions may occur. In particular, those provisions concerning which we do not have specific guidance at this time are:

(a) Proposed s. 11.12 (6) (b) and (c), which impose a waiting period of up to 21 days before certain contributions may be transferred or accepted or before certain disbursements may be made or obligations to make disbursements may be incurred.

(b) Proposed s. 11.12 (7), which imposes additional reporting requirements upon candidates who decline to accept disbursement and contribution limitations and restrictions.

(c) Proposed s. 11.24 (1t), which prohibits certain candidates and their personal campaign committees from accepting contributions within 10 days of an election in which the candidates participate.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2225/1dni

JTK.....

FWS DIA

4. In accordance with current law, the limitation contained in the instructions upon aggregate individual and conduit contributions by candidates who accept grants does not appear in this draft because the amount of this limitation is the residual amount that results from application of disbursement limitations and other contribution limitations and receipt of public funding.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2225/1dn
JTK:cmh:jf

March 15, 1999

1. Because under this draft the disbursement limitations, grant amounts, qualifying amounts for public grants, aggregate committee contribution limitations and 24-hour reporting thresholds all interrelate and they are all expressed in dollar amounts, this draft subjects all these dollar amounts to a cost of living escalator. See proposed ss. 11.12 (7) (c), 11.26 (9a), 11.31 (9) and 11.50 (9a). Please let me know if this is not in accord with your intent.

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containing the reference to a candidate at that election, an office to be filled at that election or political party, appears to extend beyond the boundaries which the court permitted in 1976. As a result, its enforceability at the current time appears to rest upon a shift by the court in its stance on this issue.

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Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

SENATE REPUB

C A U C

P.O. Box 7882, Madison, WI 53707-7882 • 608-266-8820

4-8522
Jeff K.
LRB 2225

To: Senator Ellis
From: Scott Kelly
Re: Campaign Finance Draft
Date: March 22, 1999

Over the weekend, I went through the campaign finance LRB draft (LRB-2225).
Jay Heck & I have found the following mistakes:

Just these changes

- ✓ 1) Dollar amounts for State Senate are incorrect.
- ✓ 2) Date of post-election report for a special election (22nd day should be 10th)
- ✓ 3) Amount candidates can contribute to campaigns (currently 200% of limit, should be 100% above which would be matched)
- ✓ 4) Draft requires both Governor & Lt. Governor qualify in order to receive the grant, we only require Governor
- 5) General problem throughout the draft - campaigns (therefore limits including special interest money) only apply from the primary to the general election. My understanding is that the limits apply to whole year.
- ✓ 6) Validating reports & ~~privileged information~~ are not mentioned (These were added after we went to drafting. Privileged information may cause problems with the Open Records Law.)

Issues we may want to consider:

- 1) Under the amount of limits the "non-party" threshold is described as "from all contributors" do we want to change that to "individual contributors"?
- 2) Do we want to require the Elections Board notify candidates of the limits when signing up?
- 3) Issue Advocacy aspects may be overbroad, Jay Heck is working on language which may be more acceptable.
- 4) Raising the independent expenditure reporting minimum from \$20 to a higher level? \$250 may be a more reasonable amount
- 5) Regarding parties, the draft refers to "political party committees" do we want to change that to "Political Party"?



D No 74
State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2225/v 2
JTK&JK:cmh:jf&lp

wanted wed 3/24

1999 BILL

(regenerate)

1 **AN ACT** ~~to repeal~~ 11.01 (12s), 11.05 (3) (a), 11.26 (9) (c), 11.265, 11.31 (1) (b), 11.31
2 (2m), 11.31 (3), 11.31 (3m), 11.31 (4), 11.50 (2) (i), 11.50 (3), 11.50 (6), 20.855 (4)
3 (b) and 71.10 (3); **to renumber and amend** 11.12 (6), 11.26 (9) (a), 11.50 (2) (b)
4 5. and 11.50 (9); **to amend** 5.02 (13), 5.02 (18), 7.08 (2) (c) and (cm), 8.35 (4) (b),
5 10.02 (3) (b) 2m., 11.01 (5m), 11.05 (3) (c), 11.05 (9) (b), 11.06 (2), 11.06 (7m) (a),
6 11.06 (7m) (c), 11.09 (3), 11.12 (5), 11.16 (5), 11.20 (2m), 11.20 (3) (d), 11.20 (3)
7 (g), 11.20 (8) (intro.), 11.20 (12), 11.21 (15), 11.26 (2) (intro.), 11.26 (2) (a), 11.26
8 (4), 11.26 (8), 11.26 (9) (b), 11.26 (10), 11.26 (13), 11.31 (1) (a), 11.31 (1) (c) and
9 (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (7) (a), 11.50 (title), 11.50 (1) (b), 11.50
10 (2) (a), 11.50 (2) (b) (intro.), 11.50 (2) (g), 11.50 (5), 11.50 (9) (title), 11.50 (11) (e),
11 11.61 (1) (a), 11.61 (1) (a), 11.61 (1) (b), 11.61 (1) (b), 11.61 (1) (c), 14.58 (20),
12 20.510 (1) (q), 25.17 (1) (ys), 25.42 and chapter 77 (title); **to repeal and**
13 **recreate** 11.50 (4); and **to create** 11.01 (16) (a) 3., 11.05 (3) (d), 11.12 (6) (b) to
14 (d), 11.12 (7), 11.20 (2e), 11.20 (2s), 11.20 (8) (am), 11.20 (8) (an), 11.24 (1t), 11.24

BILL

1 (1w), 11.26 (9) (a) 1. to 5., 11.26 (9) (am), 11.26 (9a), 11.31 (3p), 11.31 (9), 11.50
2 (2) (b) 5. a. to e., 11.50 (2) (bm), 11.50 (9) (a) 1. to 5., 11.50 (9) (b), 11.50 (9) (ba),
3 11.50 (9a), 11.60 (3s) and (3t), 11.61 (1) (d), 11.62, 20.855 (4) (ba), 20.855 (4) (bb)
4 and subchapter XIII of chapter 77 [precedes 77.997] of the statutes; **relating**
5 **to:** campaign financing, imposition of a lobbying expenditure tax, providing
6 exemptions from emergency rule procedures, granting rule-making authority,
7 making appropriations and providing penalties.

Analysis by the Legislative Reference Bureau

This bill makes numerous changes in the campaign finance law and imposes a tax on lobbying expenditures. Significant changes include:

Filing of campaign finance reports

Currently, a committee making contributions or a candidate or other individual or committee accepting contributions, making disbursements (expenditures) or incurring obligations in support of or opposition to a candidate is generally required to file a report no later than the eighth day before a primary or election at which the candidate seeks nomination or election to office. The report must disclose contributions made or accepted, disbursements made and obligations incurred through the 14th day prior to the primary or election.

Currently, if a candidate for state office receives one or more contributions from a single contributor aggregating \$500 or more during the 14-day period preceding an election, the candidate must report to the elections board the information currently required to be disclosed pertaining to contributions received by the candidate no later than 24 hours following receipt of any such contribution or contributions.

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

This bill requires each conduit that has accepted or intends to accept any contribution to be transferred to a candidate for a major state office (governor, lieutenant governor, attorney general, secretary of state, state treasurer, state

BILL

superintendent of public instruction, justice of the supreme court, state senator or representative to the assembly) at the general election or a special election to report to the elections board, in the case of the general election, on the 63rd, 42nd and 21st day prior to that election, and in the case of a special election, on the 21st day prior to that election, specifying the name of each candidate to whom the conduit intends to transfer any contribution during the 21-day period following the date on which the report is due to be filed and the amount to be transferred to that candidate.

The bill similarly requires each committee, other than a conduit, that intends to receive any contribution, make any disbursement or incur any obligation to make a disbursement for the purpose of advocating the election or defeat of a candidate for a major state office at the general election or a special election independently of any candidate who is supported or whose opponent is opposed to report to the elections board on the 63rd, 42nd and 21st day prior to that election, and in the case of a special election, on the 21st day prior to that election, specifying the name of each candidate who is supported or whose opponent is opposed and the total amount of contributions to be received, disbursements to be made and obligations to be incurred for that purpose during the 21-day period following the date on which the report is due to be filed.

In addition, the bill provides that if a candidate for a major state office at the general or a special election does not enter into an agreement to accept a public grant in return for abiding by disbursement limitations and contribution restrictions, the candidate must report to the elections board all information currently required to be disclosed pertaining to any contributions received by the candidate no later than 24 hours following receipt of any contribution or contributions after that candidate receives total contributions equal to more than the following:

1. For candidates for the offices of governor and lieutenant governor jointly, \$330,000 from all political party committees or \$1,670,000 from all contributors.
2. For a candidate for the office of attorney general, \$65,000 from all political party committees or \$200,000 from all contributors.
3. For a candidate for the office of secretary of state or state treasurer, \$33,000 from all political party committees or \$100,000 from all contributors.
4. For a candidate for the office of justice or state superintendent, \$100,000 from all contributors.
5. For a candidate for the office of state senator, \$25,000 from all political party committees or ~~\$62,500~~ ^{\$125,000} from all contributors.
6. For a candidate for the office of representative to the assembly, \$12,500 from all political party committees or \$62,500 from all contributors.

Under the bill, these amounts are subject to a biennial cost-of-living adjustment beginning in 2002, in accordance with a formula tied to the "consumer price index" determined by the U.S. department of labor.

The bill also requires each candidate at the general election, and each committee or individual making disbursements or incurring obligations in support of or in opposition to a candidate at the general or a special election, to file an additional report on the tenth day after the election,

amounts during his or her campaign, or if the candidate has an opponent whose name is certified to appear on the ballot as a candidate for the party nomination of his or her party in a primary election in that campaign during the period beginning after the date of that primary election

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Mass media activities

Currently, individuals who accept contributions, organizations that make or accept contributions, and individuals who or organizations that 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 and organization that makes a communication by means of a newspaper, periodical, commercial billboard or radio or television station, other than a communication by a corporation, cooperative or nonpolitical voluntary association limited to its members, shareholders or subscribers, during the period beginning on the 60th day preceding an election and ending on the date of that election which includes a reference to a candidate at that election, an office to be filled at that election or a political party to register with the appropriate filing officer and to file financial reports with that officer to the same extent as currently required of individuals who and organizations that engage in activity for the purpose of influencing elections.

Disbursement 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 who declines to accept one and declines to file an affidavit of voluntary compliance with disbursement and contribution limitations. Additionally, the disbursement levels for candidates for the offices of state senator and representative to the assembly are subdivided between the primary and election campaign periods in such a way that only about 60% of the total applicable disbursement level for either office may be allocated by a candidate to either the primary or the election campaign period.

Under current law the disbursement limitations apply to a candidate's entire primary and election campaign combined.

This bill:

1. Eliminates disbursement levels and limitations applicable to candidates for state office, except the offices of court of appeals judge, circuit judge and district attorney, on or before the date of the primary election for those offices.
2. Revises the current disbursement levels applicable to candidates for the offices shown in the following chart:

<i>Office</i>	<i>Current Level Primary and Election com- bined</i>	<i>Proposed Level Election only</i>
Governor	\$1,078,200	[\$2,000,000
Lieutenant governor	323,475	for both offices]
Attorney general	539,000	400,000
Secretary of state	215,625	200,000

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State treasurer	215,625	200,000
Supreme court justice	215,625	200,000
State superintendent	215,625	200,000
State senator	34,500	150,000
Representative to the assembly	17,250	75,000

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4. ~~4~~. Creates a biennial cost-of-living adjustment that causes the statutory disbursement levels to be adjusted biennially, beginning in 2002, in accordance with a formula tied to the "consumer price index" determined by the U.S. department of labor.

5. ~~5~~. Deletes current law that permits a candidate who does not accept a grant to continue to bind an opponent to disbursement and contribution limitations by filing an affidavit of voluntary compliance.

6. ~~6~~. Deletes current law that makes disbursement limitations inapplicable to a candidate who accepts a grant when the candidate has an opponent who could have qualified for a grant but declines to accept one, and who declines to file an affidavit of voluntary compliance with disbursement and self-contribution limitations. However, the bill increases the disbursement limitation of the candidate who accepts a grant by an amount equal to the amount of any independent disbursements that are made to oppose that candidate or to support that candidate's opponent and by the total amount of contributions accepted by opposing candidates above the level for which 24-hour reports are required (see below).

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.

This 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.

Contribution limitations

Current law specifies limitations on the maximum amount of contributions that may be given to and accepted by a candidate for state or local office. Current law also limits the total contributions that a candidate for state or local office may accept from all political committees, including political party and legislative campaign committees, and from the Wisconsin election campaign fund to 65% of the value of the statutory disbursement level specified for the office that the candidate seeks. The total amount that a candidate may accept from committees other than political party and legislative campaign committees and from the Wisconsin election campaign fund is limited to 45% of that disbursement level.

from any single individual or committee

Under current law, a candidate who receives a grant may make contributions to his or her own campaign in an amount or value not exceeding 200% of the limitation applicable to other individuals making contributions to his or her campaign.

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during the entire campaign of the candidate, or if the candidate has an opponent for the nomination of his or her party at a primary election.

This bill imposes an aggregate contribution limitation on the total amount or value of contributions that a candidate who accepts a grant may accept from all committees, including political party committees, after the date of the primary election, as follows:

1. For candidates for the offices of governor and lieutenant governor jointly, \$330,000.
2. For a candidate for the office of attorney general, \$65,000.
3. For a candidate for the office of secretary of state, state treasurer, justice or state superintendent, \$33,000.
4. For a candidate for the office of state senator, \$25,000.
5. For a candidate for the office of representative to the assembly, \$12,500.

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Under the bill, the aggregate contribution limitations are subject to a biennial cost-of-living adjustment, beginning in 2002, in accordance with a formula tied to the "consumer price index" determined by the U.S. department of labor.

Other contribution restrictions

This bill prohibits every candidate for a major state office (governor, lieutenant governor, attorney general, secretary of state, state treasurer, superintendent of public instruction or justice of the supreme court) from accepting any contribution during the period beginning on the tenth day preceding any election other than a primary election and ending on the date of that election.

Wisconsin election campaign fund

I. SOURCES AND USES OF FUNDS

Under current law, the Wisconsin election campaign fund is financed through an individual income tax "checkoff". Every individual filing a state income tax return who has a tax liability or is entitled to a tax refund may direct that \$1 of general purpose revenue be transferred to the fund. Individuals filing a joint return may separately choose whether to direct that the \$1 transfer be made. All moneys transferred to the fund are placed in accounts for specified state offices, and candidates for those offices at the general or a special election may qualify for grants from the fund to be used for specified campaign expenses. No moneys in the fund may be used for any other purpose. Grants at special elections are funded by reallocating moneys set aside to provide grants to candidates at the general election, to the extent that moneys are available.

This bill changes the name of the Wisconsin election campaign fund to the "clean government fund". The bill deletes the checkoff procedure and provides, instead, for the revenue to the fund to be raised by levying a tax on lobbying expenditures (see below), with the balance to be transferred to the fund, as needed, from general purpose revenue.

II. GRANT ELIGIBILITY REQUIREMENTS AND AMOUNTS

Under current law, public financing from the Wisconsin election campaign fund is available to 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. To

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receive a grant, a candidate must file an application with the state elections board no later than the deadline for filing nomination papers. Following the primary election or the date on which a primary would be held, if required, the board determines whether a candidate who applies for a grant meets the following eligibility requirements:

1. If the candidate seeks a partisan state office at a general election, the candidate must have received at least six percent of the total votes cast in the primary and won the primary. If the candidate seeks a partisan state office at a special election, the candidate must either: a) appear on the ballot or in the column of a political party whose candidate for the same office at the preceding general election received at least six percent of the vote; or b) receive at least six percent of the votes cast at the special election.

2. The candidate must have an opponent in the election.

3. The candidate must receive, during a specified time period, a specified amount through contributions from individuals of \$100 or less. For a candidate for the office of governor, lieutenant governor, secretary of state, state treasurer, attorney general, justice of the supreme court or superintendent of public instruction, the amount is five percent of the authorized disbursement level for the office that the candidate seeks. For a candidate for the office of state senator or representative to the assembly, the amount is ten percent of the authorized disbursement level for the office that the candidate seeks.

Under current law, a candidate for any office who accepts a grant must comply with statutorily prescribed contribution and disbursement limitations, unless one or more of the candidate's opponents who receive at least six percent of the votes cast for all candidates for that office at a partisan primary, if a primary was held, do not accept a grant and do not voluntarily comply with the contribution and disbursement limitations for that office. The maximum grant that a candidate may receive is the amount that, when added to all other contributions accepted from sources other than individuals, political party committees and legislative campaign committees, is equal to 45% of the authorized disbursement level for the office that the candidate seeks, if there are sufficient moneys in the Wisconsin election campaign fund to finance the full amount of grants for which candidates qualify.

This bill requires a candidate for any office who desires to qualify for a grant from the clean government fund to receive contributions from individuals in amounts of \$100 or less in the following total amounts:

1. For candidates for the offices of governor and lieutenant governor jointly, \$80,400.

2. For a candidate for the office of attorney general, \$16,200.

3. For a candidate for the office of secretary of state, state treasurer, justice of the supreme court or state superintendent of public instruction, \$8,040.

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

5. For a candidate for the office of representative to the assembly, \$3,000.

The bill also requires that in the case of a candidate for legislative office, the contributions must be received from individuals who reside in the district in which the candidate seeks office.

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In addition, the bill requires a candidate who seeks a grant to agree not to accept any contributions from special interest ("political action") committees ~~after the day of the primary election or the date that the primary election would be held, if a primary were required.~~

The bill revises grant amounts to the following:

1. For candidates for the office of governor and lieutenant governor jointly, \$670,000.
2. For a candidate for the office of attorney general, \$135,000.
3. For a candidate for the office of secretary of state, state treasurer, superintendent of public instruction or justice of the supreme court, \$67,000.
4. For a candidate for the office of state senator, \$50,000.
5. For a candidate for the office of representative to the assembly, \$25,000.

Under the bill, qualifying amounts and grant amounts are subject to a biennial cost-of-living adjustment, beginning in 2002, in accordance with a formula tied to the "consumer price index" determined by the U.S. department of labor.

Penalties for violations

Currently, violators of the campaign finance law are subject to a forfeiture (civil penalty) of not more than \$500 for each violation, except that violators of contribution limitations are subject to a forfeiture of not more than treble the amount unlawfully contributed. In addition, currently, any person who is delinquent in filing a report is subject to a forfeiture of not more than \$50 or one percent of the annual salary of the office for which a candidate is being supported or opposed, whichever is greater, for each day of delinquency. Currently, any person who makes an unlawful contribution is subject to a forfeiture of treble 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 provides that if any candidate or other individual or committee, including a conduit, accepts or transfers a contribution, makes a disbursement or incurs an obligation to make a disbursement for the purpose of supporting or opposing a candidate for a major state office (governor, lieutenant governor, attorney general, secretary of state, state treasurer, state superintendent of public instruction or justice of the supreme court) or for the purpose of making certain communications by means of communications media (see above) without first registering and reporting to the extent required under the bill, the offender is subject to a forfeiture (civil penalty) of not more than \$500 for each day of violation. The bill also provides that if any of these individuals or committees accepts or transfers one or more contributions, makes one or more disbursements or incurs one or more obligations

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to make disbursements for such a purpose in an amount that is more or less than the amount reported by that individual or committee:

1. By more than 5% but not more than 10%, the individual or committee must forfeit four times the amount of the difference.

2. By more than 10% but not more than 15%, the individual or committee must forfeit six times the amount of the difference.

3. By more than 15%, the individual or committee must forfeit eight times the amount of the difference.

The bill also provides that if the amount of contributions accepted or transferred, disbursements made or obligations incurred differs from the amount reported by at least 15%, and the violations are of sufficient severity to have affected the result of the election, the elections board, the district attorney for any county where a violation occurs or any candidate who is adversely affected by the result of the election in connection with which the violation occurred may file suit to have the election nullified and to have a new election ordered for the affected office.

In addition, the bill imposes a new penalty upon any person who, with intent to conceal or deceive, accepts or transfers a contribution, makes a disbursement or incurs an obligation to make a disbursement for the purpose of supporting or opposing a candidate for a major state office or for the purpose of making certain communications by means of communications media (see above) without registering or reporting to the extent required under the bill, consisting of a fine of not more than \$10,000 or imprisonment for not more than five years, or both (equivalent to a class E felony).

Lobbying expenditure tax

This bill imposes a tax on lobbying principals (persons who employ lobbyists) at the rate of ten percent on lobbying expenditures that are reportable to the ethics board. The tax is payable to the department of revenue semiannually.

Nonseverability

Currently, if any part of an act is found by a court to be invalid, those parts that are valid are severed from the invalid part and the severed parts continue in force. This bill provides that if any part of the act resulting from enactment of the bill is found by a court to be invalid, then all parts of the act are void.

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 organized exclusively for political purposes under whose name candidates

BILL**SECTION 1**

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

5 **SECTION 2.** 5.02 (18) of the statutes is amended to read:

6 5.02 (18) "September primary" means the primary held the 2nd Tuesday in
7 September to nominate candidates to be voted for at the general election, and to
8 determine which candidates for state offices other than district attorney may
9 participate in the ~~Wisconsin election campaign~~ clean government fund.

10 **SECTION 3.** 7.08 (2) (c) and (cm) of the statutes are amended to read:

11 7.08 (2) (c) As soon as possible after the canvass of the spring and September
12 primary votes, but no later than the first Tuesday in March and the 4th Tuesday in
13 September, transmit to the state treasurer a certified list of all eligible candidates
14 for state office who have filed applications under s. 11.50 (2) and ~~whom~~ who the board
15 determines to be eligible to receive payments from the ~~Wisconsin election campaign~~
16 clean government fund. The board shall also transmit a similar list of candidates
17 who the board determines to be eligible to receive a grant under s. 11.50 (9) (b) or (ba)
18 within 3 days after any candidate qualifies to receive such a grant. Each list shall
19 contain each candidate's name, the mailing address indicated upon the candidate's
20 registration form, the office for which the individual is a candidate and the party or
21 principle which he or she represents, if any.

22 (cm) As soon as possible after the canvass of a special primary, or the date that
23 the primary would be held, if required, transmit to the state treasurer a certified list
24 of all eligible candidates for state office who have filed applications under s. 11.50 (2)
25 and ~~whom~~ who the board determines to be eligible to receive a grant from the

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1 ~~Wisconsin election campaign clean government~~ fund prior to the election. The board
2 shall also transmit a similar list of candidates, if any, who have filed applications
3 under s. 11.50 (2) and ~~whom~~ who the board determines to be eligible to receive a grant
4 under s. 11.50 (1) (a) 2. after the special election. ~~The~~ or a grant under s. 11.50 (9)
5 (b) or (ba) within 3 days after any candidate qualifies to receive such a grant. Each
6 list shall contain each candidate's name, the mailing address indicated upon the
7 candidate's registration form, the office for which the individual is a candidate and
8 the party or principle which he or she represents, if any.

9 **SECTION 4.** 8.35 (4) (b) of the statutes is amended to read:

10 8.35 (4) (b) Notwithstanding par. (a), any unspent and unencumbered moneys
11 received by a candidate from the ~~Wisconsin election campaign clean government~~
12 fund shall be immediately transferred to any candidate who is appointed to replace
13 such candidate, upon filing of a proper application therefor under s. 11.50 (2). If there
14 is no candidate appointed or if no proper application is filed within 7 days of the date
15 on which the vacancy occurs, such moneys shall revert to the state as provided in s.
16 11.50 (8).

17 **SECTION 5.** 10.02 (3) (b) 2m. of the statutes is amended to read:

18 10.02 (3) (b) 2m. At the September primary, the elector shall select the party
19 ballot of his or her choice or the ballot containing the names of the independent
20 candidates for state office, and make a cross [x] in the square at the right of or
21 depress the lever or button next to the candidate's name for each office for whom the
22 elector intends to vote or insert or write in the name of the elector's choice for a party
23 candidate, if any. In order to qualify for participation in the ~~Wisconsin election~~
24 ~~campaign clean government~~ fund, a candidate for state office at the September
25 primary, other than a candidate for district attorney, must receive at least 6% of all

BILL**SECTION 5**

1 votes cast on all ballots for the office for which he or she is a candidate, in addition
2 to other requirements.

3 **SECTION 6.** 11.01 (5m) of the statutes is amended to read:

4 11.01 (5m) "Conduit" means an individual who or ~~an organization~~ a committee
5 which receives a contribution of money and transfers the contribution to another
6 individual or ~~organization~~ committee without exercising discretion as to the amount
7 which is transferred and the individual to whom or ~~organization~~ committee to which
8 the transfer is made.

9 **SECTION 7.** 11.01 (12s) of the statutes is repealed.

10 **SECTION 8.** 11.01 (16) (a) 3. of the statutes is created to read:

11 11.01 (16) (a) 3. A communication that is made by means of one or more
12 communications media, other than a communication that is exempt from reporting
13 under s. 11.29, that is made during the period beginning on the 60th day preceding
14 an election and ending on the date of that election and that includes a reference to
15 a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on
16 the ballot at that election, an office to be filled at that election or a political party.

17 **SECTION 9.** 11.05 (3) (c) of the statutes is amended to read:

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

22 **SECTION 10.** 11.05 (3) (d) of the statutes is created to read:

23 11.05 (3) (d) An indication of whether the proposed registrant is a conduit.

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

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

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

7 **SECTION 13.** 11.06 (2) of the statutes is amended to read:

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

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

20 11.06 (7m) (a) If a committee which was registered under s. 11.05 as a political
21 party committee ~~or legislative campaign committee~~ supporting candidates of a
22 political party files an oath under sub. (7) affirming that it does not act in cooperation
23 or consultation with any candidate who is nominated to appear on the party ballot
24 of the party at a general or special election, that the committee does not act in concert
25 with, or at the request or suggestion of, such a candidate, that the committee does

BILL**SECTION 14**

1 not act in cooperation or consultation with such a candidate or agent or authorized
2 committee of such a candidate who benefits from a disbursement made in opposition
3 to another candidate, and that the committee does not act in concert with, or at the
4 request or suggestion of, such a candidate or agent or authorized committee of such
5 a candidate who benefits from a disbursement made in opposition to another
6 candidate, the committee filing the oath may not make any contributions in support
7 of any candidate of the party at the general or special election or in opposition to any
8 such candidate's opponents exceeding the amounts specified in s. 11.26 (2), except as
9 authorized in par. (c).

10 **SECTION 15.** 11.06 (7m) (c) of the statutes is amended to read:

11 11.06 (7m) (c) A committee filing an oath under sub. (7) which desires to change
12 its status to a political party committee ~~or legislative campaign committee~~ may do
13 so as of December 31 of any even-numbered year. Section 11.26 does not apply to
14 contributions received by such a committee prior to the date of the change. Such a
15 committee may change its status at other times only by filing a termination
16 statement under s. 11.19 (1) and reregistering as a newly organized committee under
17 s. 11.05.

18 **SECTION 16.** 11.09 (3) of the statutes is amended to read:

19 11.09 (3) Each registrant whose filing officer is the board, who or which makes
20 disbursements in connection with elections for offices which serve or referenda
21 which affect only one county or portion thereof, except a candidate, personal
22 campaign committee, political party committee or other committee making
23 disbursements in support of or in opposition to a candidate for state senator,
24 representative to the assembly, court of appeals judge or circuit judge, shall file a
25 duplicate original of each financial report filed with the board with the county clerk

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1 or board of election commissioners of the county in which the elections in which the
2 registrant participates are held. Such reports shall be filed no later than the
3 applicable dates specified under s. 11.20 (2), (2e), (2m) and (4) for the filing of each
4 report with the board.

5 **SECTION 17.** 11.12 (5) of the statutes is amended to read:

6 11.12 (5) If Except as otherwise required under sub. (7), if any contribution or
7 contributions of \$500 or more cumulatively are received by a candidate for state office
8 or by a committee or individual from a single contributor later than 15 days prior to
9 a primary or election such that it is not included in the preprimary or preelection
10 report submitted under s. 11.20 (3), the treasurer of the committee or the individual
11 receiving the contribution shall within 24 hours of receipt inform the appropriate
12 filing officer of the information required under s. 11.06 (1) in such manner as the
13 board may prescribe. The information shall also be included in the treasurer's or
14 individual's next regular report. For purposes of the reporting requirement under
15 this subsection, only contributions received during the period beginning with the day
16 after the last date covered on the preprimary or preelection report, and ending with
17 the day before the primary or election need be reported.

18 **SECTION 18.** 11.12 (6) of the statutes is renumbered 11.12 (6) (a) and amended
19 to read:

20 11.12 (6) (a) If Except as provided in par. (b), if any disbursement of more than
21 \$20 cumulatively is made to advocate the election or defeat of a clearly identified
22 candidate by an individual or committee later than 15 days prior to a primary or
23 election in which the candidate's name appears on the ballot without cooperation or
24 consultation with a candidate or agent or authorized committee of a candidate who
25 is supported or opposed, and not in concert with or at the request or suggestion of

BILL**SECTION 18**

1 such a candidate, agent or committee, the individual or treasurer of the committee
 2 shall, within 24 hours of making the disbursement, inform the appropriate filing
 3 officer of the information required under s. 11.06 (1) in such manner as the board may
 4 prescribe. ~~The information shall also be included in the next regular report of the~~
 5 ~~individual or committee under s. 11.20.~~ For purposes of this subsection paragraph,
 6 disbursements cumulate beginning with the day after the last date covered on the
 7 preprimary or preelection report and ending with the day before the primary or
 8 election. Upon receipt of a report under this subsection paragraph, the filing officer
 9 shall, within 24 hours of receipt, mail a copy of the report to all candidates for any
 10 office in support of or opposition to one of whom a disbursement identified in the
 11 report is made.

12 **SECTION 19.** 11.12 (6) (b) to (d) of the statutes are created to read:

13 11.12 (6) (b) ^{1.} If any conduit has accepted or intends to accept any contribution
 14 to be transferred to a candidate or personal campaign committee of a candidate for
 15 a state office specified in s. 11.31 (1) (a) to (f) at the general or a special election, or
 16 to any such candidate who seeks a nomination for such an office at a primary election,
 17 the conduit shall report to the board at the times specified in s. 11.20 (2s), in such
 18 manner as the board may prescribe, the name of each candidate or personal
 19 campaign committee to whom the conduit intends to transfer one or more
 20 contributions during the 21-day period following the date on which the report is due
 21 to be filed and the amount to be transferred to that candidate or committee.

22 (c) ^{1.} If any committee identified under s. 11.05 (3) (c), other than a conduit,
 23 intends to receive any contribution, make any disbursement or incur any obligation
 24 to make a disbursement for the purpose of advocating the election or defeat of a
 25 clearly identified candidate for a state office specified in s. 11.31 (1) (a) to (f) at the

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1 general or a special election, or any such candidate who seeks a nomination for such
 2 an office at a primary election, without cooperation or consultation with a candidate
 3 or agent or authorized committee of a candidate who is supported or whose opponent
 4 is opposed, and not in concert with or at the request or suggestion of such a candidate,
 5 agent or committee, the committee shall report to the board at the times specified in
 6 s. 11.20 (2s), in such manner as the board may prescribe, the name of each candidate
 7 who is supported or whose opponent is opposed and the total amount of contributions
 8 to be received, disbursements to be made and obligations to be incurred for such a
 9 purpose in support or opposition to that candidate during the 21-day period
 10 following the date on which the report is due to be filed. ⁽³⁾ A committee which files a
 11 report under this paragraph concerning a disbursement is not required to file a
 12 report pertaining to the same disbursement under par. (a).

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13 (d) All information reported by a registrant under this subsection shall also be
 14 included in the next regular report of the registrant under s. 11.20.

15 **SECTION 20.** 11.12 (7) of the statutes is created to read:

16 11.12 (7) (a) ^{Except as provided in par. (c), if} a candidate at the general or a special election for a state office
 17 specified in s. 11.31 (1) (a) to ^(f) does accept a grant under s. 11.50, that candidate
 18 ^{the candidate's} or personal campaign committee shall report to the board the information specified
 19 in s. 11.06 (1) pertaining to all contributions received no later than 24 hours after
 20 receipt of any contribution, in such manner as the board may prescribe, if the
 21 candidate or personal campaign committee receives, during the period beginning on
 22 the day after the date of the ~~September primary or after the date that any special~~
 23 ~~primary is held or would be held if a primary were required,~~ ^{primary election} and ending on the date
 24 of the election, total contributions that equal more than the following amount or
 25 value, as adjusted under par. ^(d) ~~(a)~~:

(the campaign of that candidate, as defined in s. 11.26 (17), or if the candidate has an opponent whose name is certified to appear on the ballot as a candidate for the party nomination of his or her party in a primary election in that campaign, during

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SECTION 20

1 1. For candidates for the offices of governor and lieutenant governor jointly,
2 \$330,000 from all political party committees or \$1,670,000 from all contributors.

3 2. For a candidate for the office of attorney general, \$65,000 from all political
4 party committees or \$200,000 from all contributors.

5 3. For a candidate for the office of secretary of state or state treasurer, \$33,000
6 from all political party committees or \$100,000 from all contributors.

7 4. For a candidate for the office of justice or state superintendent, \$100,000
8 from all contributors.

9 5. For a candidate for the office of state senator, \$25,000 from all political party
10 committees or ~~\$25,000~~ ^{\$125,000} from all contributors.

11 6. For a candidate for the office of representative to the assembly, \$12,500 from
12 all political party committees or \$62,500 from all contributors.

13 (b) The first report filed by a candidate or personal campaign committee under
14 par. (a) during any campaign shall include the information required under par. (a)
15 for all contributions received since the closing date for the preceding report filed by
16 that candidate or committee as provided in s. 11.20 (8).

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17 (d) ~~1.~~ 1. In this paragraph, "consumer price index" means the average of the
18 consumer price index over each 12-month period, all items, U.S. city average, as
19 determined by the bureau of labor statistics of the federal department of labor.

20 2. The dollar amounts of the total contributions under par. (a) shall be subject
21 to a biennial adjustment to be determined by rule of the board in accordance with this
22 subdivision. To determine the adjustment, the board shall calculate the percentage
23 difference between the consumer price index for the 12-month period ending on
24 December 31 of each odd-numbered year and the consumer price index for the base
25 period, calendar year 2001. For each biennium, the board shall multiply the amount

BILL

1 of each contribution amount under par. (a) by the percentage difference in the
2 consumer price indices. The board shall adjust each amount to substitute that result
3 for the existing amount to the extent required to reflect any difference, rounded to
4 the nearest multiple of \$25. The amount so determined shall then be in effect until
5 a subsequent rule is promulgated under this subdivision. Notwithstanding s. 227.24
6 (1) (a), (2) (b) and (3), determinations under this subdivision may be promulgated as
7 an emergency rule under s. 227.24 without providing evidence that the emergency
8 rule is necessary for the public peace, health, safety or welfare and without a finding
9 of emergency.

10 **SECTION 21.** 11.16 (5) of the statutes is amended to read:

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

BILL**SECTION 22**

1 **SECTION 22.** 11.20 (2e) of the statutes is created to read:

2 11.20 (2e) Postelection reports under s. 11.06 (1) with respect to an election for
3 a state office specified in s. 11.31 (1) (a) to (f) shall be received by the board no earlier
4 than 4 days after and no later than 10 days after each general election at which that
5 office is filled.

6 **SECTION 23.** 11.20 (2m) of the statutes is amended to read:

7 11.20 (2m) Election reports under s. 11.12 with respect to a special election for
8 an office specified in s. 11.31 (1) (a) to (f) shall be received by the board no earlier than
9 4 days and no later than 10 days after that election. Election reports under s. 11.12
10 with respect to any other special election shall be received by the appropriate filing
11 officer no earlier than 23 days and no later than 30 days after each that special
12 election, unless a continuing report is required to be filed under sub. (4) on or before
13 the 30th day after the special election.

14 **SECTION 24.** 11.20 (2s) of the statutes is created to read:

15 11.20 (2s) A registrant who ^{or which} is required to file reports under s. 11.12 (6) (b) ^{1.} or
16 (c) ^{1.} with respect to a candidate at the general election shall file the reports on the
17 63rd, 42nd and 21st day prior to that election. A registrant who is required to file
18 reports under s. 11.12 (6) (b) ^{1.} or (c) ^{1.} with respect to a special election shall file a report
19 on the 21st day prior to that election.

20 **SECTION 25.** 11.20 (3) (d) of the statutes is amended to read:

21 11.20 (3) (d) A registered committee or individual other than a candidate or
22 personal campaign committee making or accepting contributions, making
23 disbursements or incurring obligations in support of or in opposition to one or more
24 candidates for office at an election, or supporting or opposing other committees or
25 individuals who are engaging in such activities, shall file a preelection report. A

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1 registered committee or individual other than a candidate or personal campaign
2 committee making or accepting contributions, making disbursements or incurring
3 obligations in support of or in opposition to one or more candidates for an office
4 specified in s. 11.31 (1) (a) to (f) at the general election or a special election, or
5 supporting or opposing other committees or individuals who are engaging in such
6 activities, shall file a postelection report.

7 **SECTION 26.** 11.20 (3) (g) of the statutes is amended to read:

8 11.20 (3) (g) A contribution, disbursement or obligation in support of or in
9 opposition to a candidate at an election which is made, accepted or incurred during
10 the period covered by the preelection report, or by a postelection report following the
11 general election or a special election, is considered to be made, accepted or incurred
12 in support of or in opposition to that candidate at the election, regardless of whether
13 the candidate is opposed at the election.

14 **SECTION 27.** 11.20 (8) (intro.) of the statutes is amended to read:

15 11.20 (8) (intro.) Reports filed under subs. (2), (2e), (2m), (4) and (4m) shall
16 include all contributions received and transactions made as of the end of:

✓
✓
(2s) (2t)

17 **SECTION 28.** 11.20 (8) (am) of the statutes is created to read:

18 11.20 (8) (am) The 3rd day after the election in the case of the postelection
19 report that follows the general election, or a special election for an

office specified in s. 11.31 (1) (a) to (f)

20 **SECTION 29.** 11.20 (8) (an) of the statutes is created to read:

21 11.20 (8) (an) The 22nd day after the election in the case of a postelection report
22 that follows a special election, except as provided in sub. (2m)
specified in s. 11.31 (1) (a) to (f)

23 **SECTION 30.** 11.20 (12) of the statutes is amended to read:

24 11.20 (12) If a candidate is unopposed in a primary or election, the obligation
25 to file the reports required by this chapter does not cease. Except as provided in ss.

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BILL**SECTION 30**

1 11.05 (2r) and 11.19 (2), a registrant who makes or receives no contributions, makes
2 no disbursements or incurs no obligations shall so report on the applicable dates
3 designated in subs. (2), ~~(2e), (2m)~~ ⁽²⁺⁾ and (4).

4 **SECTION 31.** 11.21 (15) of the statutes is amended to read:

5 11.21 (15) Inform each candidate who files an application to become eligible to
6 receive a grant from the ~~Wisconsin election campaign~~ clean government fund of the
7 dollar amount of the applicable disbursement limitation under s. 11.31 (1), adjusted
8 as provided in s. 11.31 (9), which applies to the office for which such person is a
9 candidate. Failure to receive the notice required by this subsection does not
10 constitute a defense to a violation of s. 11.27 (1) or 11.31.

11 **SECTION 32.** 11.24 (1t) of the statutes is created to read:

12 11.24 (1t) No candidate for a state office specified in s. 11.31 (1) (a) to (f) or
13 personal campaign committee of such a candidate at any election other than a
14 primary election may receive and accept any contribution during the period
15 beginning on the 10th day preceding that election and ending on the date of that
16 election.

17 **SECTION 33.** 11.24 (1w) of the statutes is created to read:

18 11.24 (1w) (a) No candidate or personal campaign committee of such a
19 candidate of a candidate who accepts a grant under s. 11.50 may accept any
20 contribution from a committee identified under s. 11.05 (3) (c) as a special interest
21 committee ~~after the date of any primary election at which the name of the candidate~~
22 ~~appears on the ballot, or the date that the primary election would be held, if a primary~~
23 ~~election were required.~~

BILL

1 (b) No committee identified under s. 11.05 (3) (c) as a special interest committee
2 may intentionally make any contribution to a candidate or personal campaign
3 committee of a candidate who has qualified to receive a grant under s. 11.50.

SECTION 34. 11.26 (2) (intro.) of the statutes is amended to read:

4 11.26 (2) (intro.) No committee other than a political party committee or
5 ~~legislative campaign committee~~ may make any contribution or contributions to a
6 candidate for election or nomination to any of the following offices and to any
7 individual or committee under s. 11.06 (7) acting solely in support of such a candidate
8 or solely in opposition to the candidate's opponent to the extent of more than a total
9 of the amounts specified per candidate:
10

SECTION 35. 11.26 (2) (a) of the statutes is amended to read:

11 11.26 (2) (a) Candidates for governor, lieutenant governor, secretary of state,
12 state treasurer, attorney general, state superintendent or justice, 4% of the value of
13 the disbursement level specified in the schedule under s. 11.31 (1), as adjusted under
14 s. 11.31 (9).
15

SECTION 36. 11.26 (4) of the statutes is amended to read: ✓

16 ~~11.26 (4) No individual may make any contribution or contributions to all~~
17 ~~candidates for state and local offices and to any individuals who or committees which~~
18 ~~are subject to a registration requirement under s. 11.05, including legislative~~
19 ~~campaign committees and committees of a political party, to the extent of more than~~
20 ~~a total of \$10,000 in any calendar year.~~
21

SECTION 37. 11.26 (8) of the statutes is amended to read:

22 11.26 (8) (a) No political party as defined in s. 5.02 (13) may receive more than
23 a total of \$150,000 in value of its contributions in any biennium from all other
24 committees, excluding contributions from ~~legislative campaign committees and~~
25

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SECTION 37

1 transfers between party committees of the party. In this paragraph, a biennium
2 commences with January 1 of each odd-numbered year and ends with December 31
3 of each even-numbered year.

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

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

10 **SECTION 38.** 11.26 (9) (a) of the statutes is renumbered 11.26 (9) (a) (intro.) and
11 amended to read:

12 11.26 (9) (a) (intro.) ~~No individual who is a candidate for state or local office~~ *Except as provided in par. (aa), no*
13 ~~and who files a sworn statement and application to receive a grant from~~ *restre*
14 ~~state office specified in this paragraph and who accepts a grant under s. 11.50 may~~ *receive*
15 receive and accept more than ~~65% of the value of the total disbursement level~~ *65%*
16 determined under s. 11.31 ~~the amount or value of contributions provided in this~~ *clear*
17 ~~subsection for the office for which he or she is a candidate during any primary and~~ *government*
18 ~~election campaign combined after the date of the primary election, and no primary~~ *Fund*
19 ~~is held, after the date that the primary would be held, if required, from all committees~~ *certified*
20 subject to a filing requirement, including political party and legislative campaign *to*
21 committees. ~~Except as provided in sub. (10a) the amount or value of contributions~~ *appear*
22 is: *on the*
23 *letter*
24 *as*
25 *a*
candidate
for the
nomination
of his or
her
Party at
a primary
election

22 **SECTION 39.** 11.26 (9) (a) 1. to 5. of the statutes are created to read:

- 23 11.26 (9) (a) 1. For candidates for the offices of governor and lieutenant
24 governor jointly, \$330,000.
25 2. For a candidate for the office of attorney general, \$65,000.

BILL

1 3. For a candidate for the office of secretary of state, state treasurer, justice or
2 state superintendent, \$33,000.

3 4. For a candidate for the office of state senator, \$25,000.

4 5. For a candidate for the office of representative to the assembly, \$12,500.

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5 **SECTION 40.** 11.26 (9) (am) of the statutes is created to read:

6 11.26 (9) (am) No individual who is a candidate for state or local office, other
7 than an office specified in par. (a), may receive and accept more than 65% of the value
8 of the total disbursement level determined under s. 11.31 (1), as adjusted under s.
9 11.31 (9), for the office for which he or she is a candidate during any primary and
10 election campaign combined from all committees subject to a filing requirement,
11 including political party committees.

12 **SECTION 41.** 11.26 (9) (b) of the statutes is amended to read:

13 11.26 (9) (b) No individual who is a candidate for a state or local office, other
14 than an office specified in par. (a), may receive and accept more than 45% of the value
15 of the total disbursement level determined under s. 11.31 (1), as adjusted under s.
16 11.31 (9), for the office for which he or she is a candidate during any primary and
17 election campaign combined from all committees other than political party and
18 legislative campaign committees subject to a filing requirement.

19 **SECTION 42.** 11.26 (9) (c) of the statutes is repealed.

20 **SECTION 43.** 11.26 ^(10a) ~~(9)~~ of the statutes is created to read:

21 11.26 ^(10a) ~~(9a)~~ (a) In this subsection, "consumer price index" means the average of
22 the consumer price index over each 12-month period, all items, U.S. city average, as
23 determined by the bureau of labor statistics of the federal department of labor.

24 (b) The dollar amounts of the limitations under sub. ^(1m) ~~(9)~~ (a) and ⁽¹⁰⁾ ~~(10)~~
25 a biennial adjustment to be determined by rule of the board in accordance with this

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SECTION 43

1 subsection. To determine the adjustment, the board shall calculate the percentage
 2 difference between the consumer price index for the 12-month period ending on
 3 December 31 of each odd-numbered year and the consumer price index for the base
 4 period, calendar year 2001. For each biennium, the board shall multiply the amount
 5 of each limitation under sub. (9) (a) ^{(1m), and (10)} by the percentage difference in the consumer
 6 price indices. The board shall adjust the amount of each limitation to substitute that
 7 result for the existing amount to the extent required to reflect any difference,
 8 rounded to the nearest multiple of \$25. The amount so determined shall then be in
 9 effect until a subsequent rule is promulgated under this subsection.
 10 Notwithstanding s. 227.24 (1) (a), (2) (b) and (3), determinations under this
 11 subsection may be promulgated as an emergency rule under s. 227.24 without
 12 providing evidence that the emergency rule is necessary for the public peace, health,
 13 safety or welfare and without a finding of emergency.

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12 to
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SECTION 44. 11.26 (10) of the statutes is ^{reintroduced 11.26 (10) (a) (intro.) and} amended to read:

14 **11.26 (10)** ^{(a) (intro.)} ~~No~~ candidate for state office who files a sworn statement and
 15 application to receive a grant from the Wisconsin election campaign clean
 16 government fund may make contributions of more than ~~200%~~ ^{amount or value of the limitation} of the amounts
 17 specified in sub. (1) ^{this subsection} to the candidate's own campaign from the candidate's personal
 18 funds or property or the personal funds or property which are owned jointly or as
 19 marital property with the candidate's spouse, unless the board determines that the
 20 candidate is not eligible to receive a grant, ^{or} the candidate withdraws his or her
 21 application under s. 11.50 (2) (h), ~~or s. 11.50 (2) (i) applies.~~ For purposes of this
 22 subsection, any contribution received by a candidate or his or her personal campaign
 23 committee from a committee which is registered with the federal elections
 24 commission as the authorized committee of the candidate under 2 USC 432 (e) shall

The limitation prescribed in this subsection applies during any campaign, or if a candidate has an opponent whose name is certified to appear on the ballot as a candidate for the nomination of his or her party at a primary election, on the date of the primary election in that campaign.

BILL

1 be treated as a contribution made by the candidate to his or her own campaign. The
2 contribution limit of sub. (4) applies to amounts contributed by such a candidate
3 personally to the candidate's own campaign and to other campaigns, except that a
4 candidate may exceed the limitation if authorized under this subsection to contribute
5 more than the amount specified to the candidate's own campaign, up to the amount
of the limitation. *Except as provided in sub. (10a), the limitation is:*

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

11.26 (13) Except as provided in sub. (9), contributions received from the
Wisconsin election campaign clean government fund are not subject to limitation by
this section.

SECTION 46. 11.265 of the statutes is repealed.

SECTION 47. 11.31 (1) (a) of the statutes is amended to read:

11.31 (1) (a) Candidates for governor, \$1,078,200 and lieutenant governor
jointly, \$2,000,000 in the election.

SECTION 48. 11.31 (1) (b) of the statutes is repealed.

SECTION 49. 11.31 (1) (c) and (d) of the statutes are amended to read:

11.31 (1) (c) Candidates for attorney general, \$539,000 \$400,000 in the election.

(d) Candidates for secretary of state, state treasurer, justice or state
superintendent, \$215,625 \$200,000 in the election.

SECTION 50. 11.31 (1) (e) and (f) of the statutes are amended to read:

11.31 (1) (e) Candidates for state senator, \$34,500 total in the primary and
election, with disbursements not exceeding \$21,575 for either the primary or the
election \$150,000 in the election.

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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 \$75,000 in the election.~~

4 SECTION 51. 11.31 (2) of the statutes is amended to read:

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

20 SECTION 52. 11.31 (2m) of the statutes is repealed.

21 SECTION 53. 11.31 (3) of the statutes is repealed.

22 SECTION 54. 11.31 (3m) of the statutes is repealed.

23 SECTION 55. 11.31 (3p) of the statutes is created to read:

24 11.31 (3p) INDEPENDENT DISBURSEMENTS AND EXCESS CONTRIBUTIONS; EXCEPTION.

25 If a candidate receives a grant under s. 11.50 (9) (b) or (ba), the disbursement

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1 limitation of that candidate for the campaign in which the grant is received is
2 increased by the amount of that grant.

except as provided in par. (e),

3 **SECTION 56.** 11.31 (4) of the statutes is repealed.

4 **SECTION 57.** 11.31 (7) (a) of the statutes is amended to read:

5 11.31 (7) (a) For purposes of this section, ~~the~~ *restore*

6 ~~1. The~~ *no* "campaign" of a candidate ~~for an office specified in sub. (1) (a) to (f)~~
7 ~~extends from the day after the date on which the spring or September primary occurs~~
8 ~~or the day after the date on which a special primary occurs or the date that a special~~
9 ~~primary would be held, if a primary were required, through the last date of the month~~
10 ~~following the month in which an election is held at which that candidate seeks office.~~

11 2. The "campaign" of a candidate for an office specified in sub. (1) (fm) to (h)

12 extends from July 1 preceding the date on which the spring primary or election
13 occurs or January 1 preceding the date on which the September primary or general
14 election occurs for the office which the candidate seeks, or from the date of the
15 candidate's public announcement, whichever is earlier, through the last day of the
16 month following the month in which the ~~election~~ *plain special* or primary ~~is held~~
17 ~~for the office which the candidate seeks, except that if a candidate for an office~~
18 ~~which that candidate seeks office)~~

special in s. 11.31(1)(a) & (f) has an opponent whose name is certified to appear on the ballot as a candidate for the nomination of his or her party at a primary election, the

18 **SECTION 58.** 11.31 (9) of the statutes is created to read:

19 11.31 (9) ADJUSTMENT OF DISBURSEMENT LEVELS. (a) In this subsection,
20 "consumer price index" means the average of the consumer price index over each
21 12-month period, all items, U.S. city average, as determined by the bureau of labor
22 statistics of the federal department of labor.

23 (b) The dollar amounts of all disbursement levels specified in sub. (1) shall be
24 subject to a biennial adjustment to be determined by rule of the board in accordance
25 with this subsection. To determine the adjustment, the board shall calculate the

campaign of that candidate extends from the day after the date of the primary election through the last day of the month following the month in which the election is held for the office which the candidate seeks

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1 percentage difference between the consumer price index for the 12-month period
2 ending on December 31 of each odd-numbered year and the consumer price index for
3 the base period, calendar year 2001. For each biennium, the board shall multiply
4 that result by the percentage difference in the consumer price indices. The board
5 shall adjust the disbursement levels specified under sub. (1) to substitute that result
6 for the existing levels to the extent required to reflect any difference, rounded to the
7 nearest multiple of \$25 in the case of amounts of \$1 or more, which amounts shall
8 be in effect until a subsequent rule is promulgated under this subsection.
9 Notwithstanding s. 227.24 (1) (a), (2) (b) and (3), determinations under this
10 subsection may be promulgated as an emergency rule under s. 227.24 without
11 providing evidence that the emergency rule is necessary for the public peace, health,
12 safety or welfare, and without a finding of emergency.

13 **SECTION 59.** 11.50 (title) of the statutes is amended to read:

14 **11.50 (title) ~~Wisconsin election campaign~~ Clean government fund.**

15 **SECTION 60.** 11.50 (1) (b) of the statutes is amended to read:

16 **11.50 (1) (b) "Fund" means the Wisconsin election campaign clean government**
17 **fund.**

18 **SECTION 61.** 11.50 (2) (a) of the statutes is amended to read:

19 **11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may**
20 **file an application with the board requesting approval to participate in the fund. The**
21 **application shall be filed no later than the applicable deadline for filing nomination**
22 **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.**
23 **on the 7th day after the primary or date on which the primary would be held if**
24 **required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day**
25 **after appointment in the case of candidates appointed to fill vacancies. The Except**

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1 as authorized in par. (g), the application shall contain a sworn statement that the
2 candidate and his or her authorized agents have complied with the contribution
3 limitations prescribed in s. 11.26 and the disbursement limitations prescribed under
4 s. 11.31 (1), as adjusted under s. 11.31 (9), at all times to which such limitations have
5 applied to his or her candidacy and will continue to comply with the limitations at
6 all times to which the limitations apply to his or her candidacy for the office in
7 contest, unless the board determines that the candidate is not eligible to receive a
8 grant, the candidate withdraws his or her application under par. (h), or ~~par. (i)~~ s.
9 11.31 (3p) applies.

10 **SECTION 62.** 11.50 (2) (b) (intro.) of the statutes is amended to read:

11 11.50 (2) (b) (intro.) The Except as provided in par. (bm), the board shall
12 approve the application of an eligible candidate for participation if:

13 **SECTION 63.** 11.50 (2) (b) 5. of the statutes is renumbered 11.50 (2) (b) 5. (intro.)
14 and amended to read:

15 11.50 (2) (b) 5. (intro.) The financial reports filed by or on behalf of the
16 candidate as of the date of the spring or September primary, or the date that the
17 special primary is or would be held, if required, indicate that the candidate has
18 received at least the amount provided in this subdivision, from contributions of
19 money, other than loans, made by individuals, which have been received during the
20 period ending on the date of the spring primary and July 1 preceding such date in
21 the case of candidates at the spring election, or the date of the September primary
22 and January 1 preceding such date in the case of candidates at the general election,
23 or the date that a special primary will or would be held, if required, and 90 days
24 preceding such date or the date a special election is ordered, whichever is earlier, in
25 the case of special election candidates, which contributions are in the aggregate

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1 amount of \$100 or less, and which are fully identified and itemized as to the exact
2 source thereof. In the case of a candidate for legislative office, the contributions shall
3 be received from individuals who are residents of the district in which the candidate
4 seeks office. A contribution received from a conduit which is identified by the conduit
5 as originating from an individual shall be considered a contribution made by the
6 individual. Only the first \$100 of an aggregate contribution of more than \$100 may
7 be counted toward the required percentage. ~~For a candidate at the spring or general~~
8 ~~election for an office identified in s. 11.26 (1) (a) or a candidate at a special election,~~
9 ~~the required amount to qualify for a grant is 5% of the candidate's authorized~~
10 ~~disbursement limitation under s. 11.31. For any other candidate at the general~~
11 ~~election, the required amount to qualify for a grant is 10% of the candidate's~~
12 ~~authorized disbursement limitation under s. 11.31. Except as provided in sub. (9a),~~
13 the amount of contributions required under this subdivision is:

14 **SECTION 64.** 11.50 (2) (b) 5. a. to e. of the statutes are created to read:

15 11.50 (2) (b) 5. a. For candidates for the offices of governor and lieutenant
16 governor jointly, \$80,400.

17 b. For a candidate for the office of attorney general, \$16,200.

18 c. For a candidate for the office of secretary of state, state treasurer, justice or
19 state superintendent, \$8,040.

20 d. For a candidate for the office of state senator, \$6,000.

21 e. For a candidate for the office of representative to the assembly, \$3,000.

22 **SECTION 65.** 11.50 (2) (bm) of the statutes is created to read:

23 11.50 (2) (bm) The board shall not approve the application of an eligible
24 candidate for the office of governor or lieutenant governor of the same political party
25 unless both candidates qualify to receive a grant under this subsection.

BILL

1 **SECTION 66.** 11.50 (2) (g) of the statutes is amended to read:

2 11.50 (2) (g) ~~A Each candidate, except a candidate who receives a grant under~~
3 ~~sub. (9) (b) or (ba),~~ who voluntarily files an application to receive a grant in
4 accordance with this subsection accepts and agrees to comply with the contribution
5 limitations prescribed in s. 11.26 and the disbursement limitations imposed under
6 s. 11.31 (2), ~~as adjusted under s. 11.31 (9)~~ as binding upon himself or herself and his
7 or her agents during the campaign as defined in s. 11.31 (7), as a precondition to
8 receipt of a grant under this section, unless the board determines that the candidate
9 is not eligible to receive a grant, the candidate withdraws the application under par.
10 (h), or ~~par. (i)~~ s. 11.31 (3p) applies.

11 **SECTION 67.** 11.50 (2) (i) of the statutes is repealed.

12 **SECTION 68.** 11.50 (3) of the statutes is repealed.

13 **SECTION 69.** 11.50 (4) of the statutes is repealed and recreated to read:

14 11.50 (4) AMOUNT OF GRANTS. Except as provided in sub. (9) (b) and (ba), each
15 eligible candidate for the same office who qualifies for grant under this section shall
16 receive an equal amount.

17 **SECTION 70.** 11.50 (5) of the statutes is amended to read:

18 11.50 (5) TIME OF DISBURSEMENT. The state treasurer shall make the
19 disbursements to the campaign depository account of each eligible candidate under
20 ~~subs. (3) and (4)~~ by the end of the 3rd business day following notice from the board
21 under s. 7.08 (2) (c) or (cm). ~~Eligible candidates for governor and lieutenant governor~~
22 ~~of the same political party may combine accounts if desired, except that the state~~
23 treasurer shall make disbursements for eligible candidates for the office of governor
24 and lieutenant governor jointly to the campaign depository account of the candidate
25 for governor.

BILL

1 **SECTION 71.** 11.50 (6) of the statutes is repealed.

2 **SECTION 72.** 11.50 (9) (title) of the statutes is amended to read:

3 11.50 (9) (title) ~~LIMITATION ON~~ AMOUNT OF GRANTS.

4 **SECTION 73.** 11.50 (9) of the statutes is renumbered 11.50 (9) (a) (intro.) and
5 amended to read:

6 11.50 (9) (a) (intro.) ~~The~~ Except as provided in pars. (b) and (ba) and sub. (9a),
7 the total grant available to an eligible candidate may not exceed that amount which,
8 when added to all other contributions accepted from sources other than individuals,
9 political party committees and legislative campaign committees, is equal to 45% of
10 the disbursement level specified for the applicable office under s. 11.31. The board
11 shall scrutinize accounts and reports and records kept under this chapter to assure
12 that applicable limitations under ss. 11.26 (9) and 11.31 are not exceeded and any
13 violation is reported. is:

14 (am) No candidate or campaign treasurer may accept grants exceeding the
15 amount authorized by this subsection.

16 **SECTION 74.** 11.50 (9) (a) 1. to 5. of the statutes are created to read:

17 11.50 (9) (a) 1. For candidates for the office of governor and lieutenant governor
18 jointly, \$670,000.

19 2. For a candidate for the office of attorney general, \$135,000.

20 3. For a candidate for the office of secretary of state, state treasurer,
21 superintendent or justice, \$67,000.

22 4. For a candidate for the office of state senator, \$50,000.

23 5. For a candidate for the office of representative to the assembly, \$25,000.

24 **SECTION 75.** 11.50 (9) (b) of the statutes is created to read:

BILL

1 11.50 (9) (b) If an eligible candidate who accepts a grant is opposed by one or
2 more candidates in a general or special election whose names are certified under s.
3 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot, and if an obligation is incurred or
4 a disbursement is made to oppose the election of the eligible candidate who accepts
5 a grant or to support a certified opponent of that candidate without cooperation or
6 consultation with any certified opposing candidate or such a candidate's agent or
7 authorized committee, and not in concert with, or at the request or suggestion of any
8 certified opposing candidate's agent or authorized committee, then the board shall
9 make an additional grant to the eligible candidate who accepts a grant in an amount
10 equal to the total amount of obligations and disbursements not previously reported
11 as obligations to advocate the election of the certified opposing candidate or to oppose
12 the election of the eligible candidate who accepts the grant.

13 **SECTION 76.** 11.50 (9) (ba) of the statutes is created to read:

14 11.50 (9) (ba) If an eligible candidate who accepts a grant is opposed by one or
15 more candidates in a general or special election who are required, or whose personal
16 campaign committees are required, to file a report under s. 11.12 (7), then the board
17 shall make an additional grant to the eligible candidate who accepts a grant in an
18 amount equal to the total amount or value of contributions accepted by the opposing
19 candidate or candidates exceeding the amount specified for the office sought by the
20 candidate or candidates under s. 11.12 (7) (a) for contributions from political party
21 committees or from all contributors, or if both amounts specified in s. 11.12 (7) (a) are
22 exceeded, an amount equal to the excess over both amounts specified.

23 **SECTION 77.** 11.50 (9a) of the statutes is created to read:

24 11.50 (9a) **ADJUSTMENT OF QUALIFYING AND GRANT AMOUNTS.** (a) In this
25 subsection, "consumer price index" means the average of the consumer price index

BILL

1 over each 12-month period, all items, U.S. city average, as determined by the bureau
2 of labor statistics of the federal department of labor.

3 (b) The dollar amounts of all qualifying amounts specified in sub. (2) (b) 5. and
4 all grant amounts specified in sub. (9) shall be subject to a biennial adjustment to be
5 determined by rule of the board in accordance with this subsection. To determine the
6 adjustment, the board shall calculate the percentage difference between the
7 consumer price index for the 12-month period ending on December 31 of each
8 odd-numbered year and the consumer price index for the base period, calendar year
9 2001. For each biennium, the board shall multiply each qualifying amount and grant
10 amount by the percentage difference in the consumer price indices. The board shall
11 adjust each qualifying amount and grant amount to substitute that result for the
12 existing amount to the extent required to reflect any difference, rounded to the
13 nearest multiple of \$25. The amounts so determined shall then be in effect until a
14 subsequent rule is promulgated under this subsection. Notwithstanding s. 227.24
15 (1) (a), (2) (b) and (3), determinations under this subsection may be promulgated as
16 an emergency rule under s. 227.24 without providing evidence that the emergency
17 rule is necessary for the public peace, health, safety or welfare and without a finding
18 of emergency.

19 **SECTION 78.** 11.50 (11) (e) of the statutes is amended to read:

20 11.50 (11) (e) No candidate may expend, authorize the expenditure of or incur
21 any obligation to expend any grant if he or she violates the pledge required under
22 sub. (2) (a) as a precondition to receipt of a grant, except as authorized in sub. (2) (h)
23 or (i).

24 **SECTION 79.** 11.60 (3s) and (3t) of the statutes are created to read:

BILL

1 11.60 (3s) Notwithstanding sub. (1), if any candidate or other individual or
2 committee, including a conduit, accepts or transfers a contribution, makes a
3 disbursement or incurs an obligation to make a disbursement for the purpose of
4 supporting or opposing a candidate for an office specified in s. 11.31 (1) (a) to (f) or
5 for a purpose specified in s. 11.01 (16) (a) 3. without first registering under s. 11.05
6 (1), (2) or (2g) to the extent required under s. 11.05 (1), (2) and (2g), or without
7 reporting the information required under s. 11.12 (6) (b) or (c) or (7) or 11.20 (3) or
8 (4) with respect to that contribution, disbursement or obligation, to the extent
9 required under ss. 11.12 (6) (b) and (c) and (7) and 11.20 (3) and (4), the candidate
10 or other individual or committee may be required to forfeit not more than \$500 per
11 day for each day of continued violation.

12 (3t) Notwithstanding sub. (1), if any candidate or other individual or
13 committee, including a conduit, accepts or transfers one or more contributions,
14 makes one or more disbursements or incurs one or more obligations to make
15 disbursements for the purpose of supporting or opposing a candidate for an office
16 specified in s. 11.31 (1) (a) to (f) or for a purpose specified in s. 11.01 (16) (a) 3. in an
17 amount or value that differs from the amount reported by that individual or
18 committee under s. 11.12 (6) (b) or (c) or (7) or 11.20 (3) or (4):

19 (a) By more than 5% but not more than 10% cumulatively, the individual or
20 committee shall forfeit 4 times the amount or value of the difference.

21 (b) By more than 10% but not more than 15% cumulatively, the individual or
22 committee shall forfeit 6 times the amount or value of the difference.

23 (c) By more than 15% cumulatively, the individual or committee shall forfeit
24 8 times the amount of the difference.

25 **SECTION 80.** 11.61 (1) (a) of the statutes is amended to read:

BILL**SECTION 80**

1 11.61 (1) (a) ~~Whoever~~ Except as provided in par. (d), whoever intentionally
2 violates s. 11.05 (1), (2), (2g) or (2r), 11.07 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or
3 11.24 (1) may be fined not more than \$10,000 or imprisoned not more than 3 years
4 or both.

5 **SECTION 81.** 11.61 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 283,
6 is amended to read:

7 11.61 (1) (a) ~~Whoever~~ Except as provided in par. (d), whoever intentionally
8 violates s. 11.05 (1), (2), (2g) or (2r), 11.07 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or
9 11.24 (1) may be fined not more than \$10,000 or imprisoned for not more than 4 years
10 and 6 months or both.

11 **SECTION 82.** 11.61 (1) (b) of the statutes is amended to read:

12 11.61 (1) (b) ~~Whoever~~ Except as provided in par. (d), whoever intentionally
13 violates s. 11.25, 11.26, 11.27 (1), 11.30 (1) or 11.38 where the intentional violation
14 does not involve a specific figure, or where the intentional violation concerns a figure
15 which exceeds \$100 in amount or value may be fined not more than \$10,000 or
16 imprisoned not more than 3 years or both.

17 **SECTION 83.** 11.61 (1) (b) of the statutes, as affected by 1997 Wisconsin Act 283,
18 is amended to read:

19 11.61 (1) (b) ~~Whoever~~ Except as provided in par. (d), whoever intentionally
20 violates s. 11.25, 11.26, 11.27 (1), 11.30 (1) or 11.38 where the intentional violation
21 does not involve a specific figure, or where the intentional violation concerns a figure
22 which exceeds \$100 in amount or value may be fined not more than \$10,000 or
23 imprisoned for not more than 4 years and 6 months or both.

24 **SECTION 84.** 11.61 (1) (c) of the statutes is amended to read:

BILL

1 11.61 (1) (c) ~~Whoever~~ Except as provided in par. (d), whoever intentionally
2 violates any provision of this chapter other than those provided in par. (a) and
3 whoever intentionally violates any provision under par. (b) where the intentional
4 violation concerns a specific figure which does not exceed \$100 in amount or value
5 may be fined not more than \$1,000 or imprisoned not more than 6 months or both.

6 **SECTION 85.** 11.61 (1) (d) of the statutes is created to read:

7 11.61 (1) (d) Whoever, with intent to conceal or deceive, accepts or transfers a
8 contribution, makes a disbursement or incurs an obligation to make a disbursement
9 for the purpose of supporting or opposing a candidate for an office specified in s. 11.31
10 (1) (a) to (f) or for a purpose specified in s. 11.01 (16) (a) 3. without first registering
11 under s. 11.05 (1), (2) or (2g), to the extent required under s. 11.05 (1), (2) and (2g),
12 or without reporting the information required under s. 11.12 (6) (b) or (c) or (7) or
13 11.20 (3) or (4) with respect to that contribution, disbursement or obligation, to the
14 extent required under ss. 11.12 (6) (b) and (c) and (7) and 11.20 (3) and (4), may be
15 fined not more than \$10,000 or imprisoned for not more than 5 years, or both.

16 **SECTION 86.** 11.62 of the statutes is created to read:

17 **11.62 Nullification of election.** (1) If one or more violations that are
18 punishable under s. 11.60 (3t) (c) are of sufficient severity to have affected the result
19 of an election, the board or the district attorney for any county where such a violation
20 occurs, or any candidate who is adversely affected by the result of the election, may
21 commence a civil action to obtain a judgment nullifying the election, vacating the
22 office filled at the election and ordering a special election to be held to fill the office
23 vacated by the judgment.

24 (2) Notwithstanding s. 5.05 (1) (c), if a candidate is a party to an action
25 commenced under this section, the action may not be compromised or settled without

BILL

1 consent of the candidate. If an action under this section is commenced by the board
2 or a district attorney and any unsuccessful candidate whose name appeared on the
3 ballot at the election is not a party to the action, the board or district attorney shall
4 provide at least 30 days' written notice to each such candidate of any intent of the
5 board or district attorney to compromise and settle the action. Notwithstanding s.
6 5.05 (1) (c), during the 30-day period following service of notice, the board or district
7 attorney shall not compromise and settle the action and any candidate upon whom
8 notice is served may intervene in the action. If any such candidate intervenes in the
9 action within the 30-day period following service of notice, the board or district
10 attorney shall not compromise or settle the action. If no nonconsenting candidate
11 who is adversely affected by the result of the election is a party to the action and no
12 such candidate intervenes in the action within the 30-day period following service
13 of notice, the party commencing the action may compromise and settle the action.

14 **SECTION 87.** 14.58 (20) of the statutes is amended to read:

15 14.58 (20) ~~ELECTION CAMPAIGN~~ CLEAN GOVERNMENT FUND. Make disbursements
16 to each candidate certified under s. 7.08 (2) (c) or (cm) by the elections board as
17 eligible to receive moneys from the ~~Wisconsin election campaign clean government~~
18 fund.

19 **SECTION 88.** 20.510 (1) (q) of the statutes is amended to read:

20 20.510 (1) (q) ~~Wisconsin election campaign~~ Clean government fund. As a
21 continuing appropriation, from the ~~Wisconsin election campaign clean government~~
22 fund, the ~~moneys~~ amounts determined under s. 11.50 to provide for payments to
23 eligible candidates certified under s. 7.08 (2) (c) and (cm).

24 **SECTION 89.** 20.855 (4) (b) of the statutes is repealed.

25 **SECTION 90.** 20.855 (4) (ba) of the statutes is created to read:

BILL

1 20.855 (4) (ba) *Lobbying expenditure tax revenue transfer*. A sum sufficient
2 equal to the amounts determined by the secretary of revenue under s. 77.9973, to be
3 transferred from the general fund to the clean government fund annually on
4 September 16.

5 **SECTION 91.** 20.855 (4) (bb) of the statutes is created to read:

6 20.855 (4) (bb) *Clean government fund supplement*. A sum sufficient equal to
7 the amounts required to make full payment of grants which candidates qualify to
8 receive from the clean government fund, to be transferred from the general fund to
9 the clean government fund no later than the time required to make payments of
10 grants under s. 11.50 (5).

11 **SECTION 92.** 25.17 (1) (ys) of the statutes is amended to read:

12 25.17 (1) (ys) ~~Wisconsin election campaign~~ Clean government fund (s. 25.42);

13 **SECTION 93.** 25.42 of the statutes is amended to read:

14 **25.42 ~~Wisconsin election campaign~~ Clean government fund.** All moneys
15 appropriated under s. 20.855 (4) ~~(b)~~ (ba) and (bb) together with all moneys reverting
16 to the state under s. 11.50 (8) and all gifts, bequests and devises received under s.
17 11.50 (13) constitute the ~~Wisconsin election campaign~~ clean government fund, to be
18 expended for the purposes of s. 11.50. All moneys in the fund not disbursed by the
19 state treasurer shall continue to accumulate indefinitely.

20 **SECTION 94.** 71.10 (3) of the statutes is repealed.

21 **SECTION 95.** Chapter 77 (title) of the statutes is amended to read:

CHAPTER 77**TAXATION OF FOREST CROPLANDS;****REAL ESTATE TRANSFER FEES;****SALES AND USE TAXES; COUNTY**

BILL

1 **AND SPECIAL DISTRICT SALES**
2 **AND USE TAXES; MANAGED FOREST**
3 **LAND; TEMPORARY RECYCLING**
4 **SURCHARGE; LOCAL FOOD AND**
5 **BEVERAGE TAX; LOCAL RENTAL**
6 **CAR TAX; PREMIER RESORT AREA**
7 **TAXES; STATE RENTAL VEHICLE**
8 **FEE; DRY CLEANING FEES;**
9 **LOBBYING EXPENDITURE TAX**

10 **SECTION 96.** Subchapter XIII of chapter 77 [precedes 77.997] of the statutes is
11 created to read:

12 **CHAPTER 77**
13 **SUBCHAPTER XIII**
14 **LOBBYING EXPENDITURE TAX**

15 **77.997 Definition.** In this subchapter, “lobbying expenditure” has the
16 meaning given under s. 13.62 (10r).

17 **77.9971 Imposition.** A tax is imposed on every person, except an organization
18 described in section 501 (c) (3) of the Internal Revenue Code, that is exempt from
19 federal income taxation under section 501 (a) of the Internal Revenue Code and a
20 governmental unit, as defined in s. 281.65 (2) (am), at the rate of 10% on lobbying
21 expenditures that are reportable to the ethics board under s. 13.68 (1).

22 **77.9972 Administration.** (1) The department of revenue shall levy, enforce
23 and collect the tax under this subchapter.

24 (2) The tax under this subchapter and a completed return prescribed by the
25 department of revenue are due on March 1 and September 1.

BILL

1 (3) Sections 77.59 (1) to (6), (8) and (8m), 77.60 (1) to (7), (9) and (10), 77.61 (5)
2 and (12) to (14) and 77.62, as they apply to the taxes under subch. III, apply to the
3 tax under this subchapter.

4 **77.9973 Certification.** Annually no later than September 15, the secretary
5 of revenue shall certify to the secretary of administration the amount of taxes
6 collected under this subchapter for the preceding 12-month period ending on June
7 30.

8 **SECTION 97. Nonstatutory provisions.**

9 (1) Notwithstanding section 990.001 (11) of the statutes, if a court finds that
10 any provision of this act is unconstitutional, the entire act is void.

11 **SECTION 98. Initial applicability.**

12 (1) The treatment of sections 11.12 (7) ^(d), 11.26 ^(10a), 11.31 (9) and 11.50 (9a)
13 of the statutes first applies to adjustments for the biennium beginning on January
14 1, 2002.

15 (2) The treatment of subchapter XIII of chapter 77 of the statutes first applies
16 to lobbying expenditures made during the 6-month period ending on December 31,
17 2000.

18 **SECTION 99. Effective dates.** This act takes effect on the day after publication,
19 except as follows:

20 (1) The treatment of sections 11.61 (1) (a) (by SECTION 81) and 11.61 (1) (b) (by
21 SECTION 85) of the statutes takes effect on December 31, 1999.

22

(END)

1999-2000 DRAFTING INSERT
FROM THE
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ⓐ The bill also requires conduits and committees other than conduits who or which are subject to these special reporting requirements to file additional reports on the 39th and 18th days preceding each general and special election itemizing actual contributions transferred and received, disbursements made and obligations incurred during the 21-day periods ending on the 42nd and 21st days preceding the election.

INSERT 5A

ⓐ 3. Provides that disbursement limitations do not apply until after the date of a primary election for a candidate who has an opponent whose name appears on the ballot as a candidate for the nomination of his or her party at the primary election.

INSERT 6A

ⓐ The bill also imposes an aggregate contribution limitation on the total amount or value of contributions that a candidate who accepts a grant may accept from all individuals, including contributions by an individual to his or her own campaign, during the entire campaign of the candidate, or if the candidate has an opponent for the nomination of his or her party at a primary election, after the date of the primary election, as follows:

1. For candidates for the offices of governor and lieutenant governor jointly, \$1,000,000.
2. For a candidate for the office of attorney general, \$200,000.
3. For a candidate for the office of secretary of state, state treasurer, state superintendent of public instruction or justice of the supreme court, \$100,000.
4. For a candidate for the office of state senator, \$75,000.
5. For a candidate for the office of representative to the assembly, \$37,500.

Under the bill, a candidate is not subject to the limitation upon contributions by a single individual to his or her campaign.

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1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2225/2ins
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2. A conduit who or which is required to file reports under this paragraph shall also report to the board, at the times specified in s. 11.20 (2t), in such manner as the board may prescribe, the name of each candidate or personal campaign committee to whom the conduit transferred one or more contributions during the 21-day period ending on each date specified in s. 11.20 (2t) and the date and amount of that transfer.

INSERT 17-10

2. A committee which is required to file reports under this paragraph shall also report to the board, at the times specified in s. 11.20 (2t), in such manner as the board may prescribe, the amount and date of each contribution received, disbursement made or obligation incurred for the purpose of advocating the election or defeat of a candidate specified in this paragraph in the manner specified in this paragraph, and the name of the candidate in support of or in opposition to whom the contribution was received, disbursement made or obligation incurred, during the 21-day period ending on each date specified in s. 11.20 (2t).

INSERT 18-16

(c) For purposes of computing the applicable amount under par. (a), if one of the candidates of a political party for the office of governor or lieutenant governor has an opponent whose name is certified to appear on the ballot as a candidate for the party nomination of his or her party in the September primary election, the contributions received on or before the date of the primary election by the candidate who has an opponent in that election shall be excluded.

INSERT 20-19

SECTION 1. 11.20 (2t) of the statutes is created to read:

11.20 (2t) A registrant who or which is required to file reports under s. 11.12 (6) (b) 2. or (c) 2. with respect to a candidate at the general election shall file the reports no later than the 39th and 18th days prior to that election.

INSERT 21-16

(a)

SECTION 2. 11.20 (8) (ak) and (aL) of the statutes are created to read:

11.20 (8) (ak) The day on which the report is due in the case of the report required under s. 11.12 (6) (b) 1. or (c) 1.

(aL) The 3rd day prior to the date on which the report is due in the case of the report required under s. 11.12 (6) (b) 2. or (c) 2.

INSERT 23-3:2 (see INSERT 23-3:1 after page 4 of these inserts!)

SECTION 3. 11.26 (1m) of the statutes is created to read:

11.26 (1m) (a) Except as provided in par. (b), no individual who is a candidate for state office and who files a sworn statement and application to receive a grant from the clean government fund may receive and accept more than the amount or value of contributions provided in this subsection for the office for which he or she is a candidate during any campaign, or if the individual has an opponent whose name is certified to appear on the ballot as a candidate for the nomination of his or her party in a primary election in that campaign, after the date of the primary election, from all individuals, including contributions from the individual to his or her own campaign. Except as provided in sub. (10a), the amount or value is:

1. For candidates for the offices of governor and lieutenant governor jointly, \$1,000,000.
2. For a candidate for the office of attorney general, \$200,000.



§
3. For a candidate for the office of secretary of state, state treasurer, state superintendent or justice, \$100,000.

4. For a candidate for the office of state senator, \$75,000.

5. For a candidate for the office of representative to the assembly, \$37,500.

(b) For purposes of computing the applicable amount under par. (a), if one of the candidates of a political party for the office of governor or lieutenant governor has an opponent whose name is certified to appear on the ballot as a candidate for the party nomination of his or her party in the September primary election, the contributions received on or before the date of the primary election by the candidate who has an opponent in the election shall be excluded.

INSERT 25-4

9

SECTION 4. 11.26 (9) (aa) of the statutes is created to read:

11.26 (9) (aa) For purposes of computing the applicable amount under par. (a), if one of the candidates of a political party for the office of governor or lieutenant governor has an opponent whose name is certified to appear on the ballot as a candidate for the party nomination of his or her party in the September primary election, the contributions received on or before the date of the primary election by the candidate who has the opponent in that election shall be excluded.

INSERT 27-6

SECTION 5. 11.26 (10) (a) 1. to 5. of the statutes are created to read:

11.26 (10) (a) 1. For candidates for the offices of governor and lieutenant governor jointly, \$1,000,000.

2. For a candidate for the office of attorney general, \$200,000.

↓

3. For a candidate for the office of secretary of state, state treasurer, state superintendent or justice, \$100,000.

4. For a candidate for the office of state senator, \$75,000.

5. For a candidate for the office of representative to the assembly, \$37,500.

(b) For purposes of computing the applicable amount under par. (a), if one of the candidates of a political party for the office of governor or lieutenant governor has an opponent whose name is certified to appear on the ballot as a candidate for the party nomination of his or her party in the September primary election, the contributions received on or before the date of the primary election by the candidate who has an opponent in that election shall be excluded.

INSERT 29-18

SECTION 6. 11.31 (7) (e) of the statutes is created to read:

11.31 (7) (e) For purposes of computing the applicable amount under par. (a), if one of the candidates of a political party for the office of governor or lieutenant governor has an opponent whose name is certified to appear on the ballot as a candidate for the party nomination of his or her party in the September primary election, the disbursements made or obligated to be made on or before the date of the primary election by the candidate who has an opponent shall be excluded.

✓
(FWS 23-311)

Section #. 11.26 (1) (intro.) of the statutes is amended to read:

Except as authorized in sub. (10), no

11.26 (1) (intro.) ~~No~~ individual may make any contribution or contributions to a candidate for election or nomination to any of the following offices and to any individual or committee under s. 11.06 (7) acting solely in support of such a candidate or solely in opposition to the candidate's opponent to the extent of more than a total of the amounts specified per candidate:

History: 1973 c. 334; 1975 c. 93 ss. 89 to 95, 119 (D); 1975 c. 200; 1977 c. 107, 187; 1977 c. 427 s. 132; 1979 c. 263, 328; 1979 c. 355 s. 32; 1983 a. 183, 186; 1985 a. 303 ss. 44 to 55m, 86; 1987 a. 27, 370; 1989 a. 31, 192; 1995 a. 27 s. 9145 (1); 1995 a. 219, 225.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2225/2dn

JTK.....

cm 1

1. Concerning the postelection reports following a special election, I am sorry for the confusion. Under current law there is an existing postelection report due 30 days after every special election (regardless of whether public funding is involved) unless a continuing report is due during that 30-day period. This draft preserves this report for those elections other than elections for major state offices. It is this current report that has the 22-day closing date. Your new postelection report for major state office elections has a 3-day closing date and a 10-day due date. I have made changes to proposed s. 11.20 (8)(am) and (an) to better reflect your intent in this regard.



Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2225/2dn
JTK:cmh:jf

March 24, 1999

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2225/2 3
JTK&JK:cmh:jf

Wanted by Tue 3/30 - 9:30AM

1999 BILL

(regenerate)

1 **AN ACT** *to repeal* 11.01 (12s), 11.05 (3) (c), 11.26 (9) (c), 11.265, 11.31 (1) (b), 11.31
2 (2m), 11.31 (3), 11.31 (3m), 11.31 (4), 11.50 (2) (i), 11.50 (3), 11.50 (6), 20.855 (4)
3 (b) and 71.10 (3); *to renumber and amend* 11.12 (6), 11.26 (9) (a), 11.26 (10),
4 11.50 (2) (b) 5. and 11.50 (9); *to amend* 5.02 (13), 5.02 (18), 7.08 (2) (c) and (cm),
5 8.35 (4) (b), 10.02 (3) (b) 2m., 11.01 (5m), 11.05 (3) (c), 11.05 (9) (b), 11.06 (2),
6 11.06 (7m) (a), 11.06 (7m) (c), 11.09 (3), 11.12 (5), 11.16 (5), 11.20 (2m), 11.20 (3)
7 (d), 11.20 (3) (g), 11.20 (8) (intro.), 11.20 (12), 11.21 (15), 11.26 (1) (intro.), 11.26
8 (2) (intro.), 11.26 (2) (a), 11.26 (4), 11.26 (8), 11.26 (9) (b), 11.26 (13), 11.31 (1) (a),
9 11.31 (1) (c) and (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (7) (a), 11.50 (title), 11.50
10 (1) (b), 11.50 (2) (a), 11.50 (2) (b) (intro.), 11.50 (2) (g), 11.50 (5), 11.50 (9) (title),
11 11.50 (11) (e), 11.61 (1) (a), 11.61 (1) (a), 11.61 (1) (b), 11.61 (1) (b), 11.61 (1) (c),
12 14.58 (20), 20.510 (1) (q), 25.17 (1) (ys), 25.42 and chapter 77 (title); *to repeal*
13 *and recreate* 11.50 (4); and *to create* 11.01 (16) (a) 3., 11.05 (3) (d), 11.12 (6)
14 (b) to (d), 11.12 (7), 11.20 (2e), 11.20 (2s), 11.20 (2t), 11.20 (8) (ak) and (al), 11.20

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1 (8) (am), 11.20 (8) (an), 11.24 (1t), ~~11.24 (1w)~~, 11.26 (1m), 11.26 (9) (a) 1. to 5.,
2 11.26 (9) (aa), 11.26 (9) (am), 11.26 (10) (a) 1. to 5., 11.26 (10a), 11.31 (3p), 11.31
3 (7) (e), 11.31 (9), 11.50 (2) (b) 5. a. to e., 11.50 (2) (bm), ~~11.50 (9) (a) 1. to 5., 11.50~~
4 (9) (b), 11.50 (9) (ba), 11.50 (9a), 11.60 (3s) and (3t), 11.61 (1) (d), 11.62, 20.855
5 (4) (ba), 20.855 (4) (bb) and ~~subchapter XIII of chapter 77 [precedes 77.997]~~ of
6 the statutes; **relating to:** campaign financing, imposition of a lobbying
7 expenditure tax, providing exemptions from emergency rule procedures,
8 granting rule-making authority, making appropriations and providing
9 penalties.

Analysis by the Legislative Reference Bureau

This bill makes numerous changes in the campaign finance law and imposes a tax on lobbying expenditures. Significant changes include:

Filing of campaign finance reports

Currently, a committee making contributions or a candidate or other individual or committee accepting contributions, making disbursements (expenditures) or incurring obligations in support of or opposition to a candidate is generally required to file a report no later than the eighth day before a primary or election at which the candidate seeks nomination or election to office. The report must disclose contributions made or accepted, disbursements made and obligations incurred through the 14th day prior to the primary or election.

Currently, if a candidate for state office receives one or more contributions from a single contributor aggregating \$500 or more during the 14-day period preceding an election, the candidate must report to the elections board the information currently required to be disclosed pertaining to contributions received by the candidate no later than 24 hours following receipt of any such contribution or contributions.

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

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recipient as a conduit and provide to that recipient the information about the contribution that is necessary for the recipient to file its campaign finance reports.

This bill requires each conduit that has accepted or intends to accept any contribution to be transferred to a candidate for a major state office (governor, lieutenant governor, attorney general, secretary of state, state treasurer, state superintendent of public instruction, justice of the supreme court, state senator or representative to the assembly) at the general election or a special election to report to the elections board, in the case of the general election, on the 63rd, 42nd and 21st day prior to that election, and in the case of a special election, on the 21st day prior to that election, specifying the name of each candidate to whom the conduit intends to transfer any contribution during the 21-day period following the date on which the report is due to be filed and the amount to be transferred to that candidate.

The bill similarly requires each committee, other than a conduit, that intends to receive any contribution, make any disbursement or incur any obligation to make a disbursement for the purpose of advocating the election or defeat of a candidate for a major state office at the general election or a special election independently of any candidate who is supported or whose opponent is opposed to report to the elections board on the 63rd, 42nd and 21st day prior to that election, and in the case of a special election, on the 21st day prior to that election, specifying the name of each candidate who is supported or whose opponent is opposed and the total amount of contributions to be received, disbursements to be made and obligations to be incurred for that purpose during the 21-day period following the date on which the report is due to be filed.

The bill also requires conduits and committees ^{election} other than conduits who or which are subject to these special reporting requirements to file additional reports on the 39th and 18th days preceding each general and special election itemizing actual contributions transferred and received, disbursements made and obligations incurred during the 21-day periods ending on the 42nd and 21st days preceding the election. ^{the 18th day preceding each}

In addition, the bill provides that if a candidate for a major state office at the general or a special election does not enter into an agreement to accept a public grant in return for abiding by disbursement limitations and contribution restrictions, the candidate must report to the elections board all information currently required to be disclosed pertaining to any contributions received by the candidate no later than 24 hours following receipt of any contribution or contributions after that candidate receives total contributions equal to more than the following amounts during his or her campaign, or if the candidate has an opponent whose name is certified to appear on the ballot as a candidate for the party nomination of his or her party in a primary election in that campaign, during the period beginning after the date of that primary election:

1. For candidates for the offices of governor and lieutenant governor jointly, \$330,000 from all political party committees or \$1,670,000 from all contributors.
2. For a candidate for the office of attorney general, \$65,000 from all political party committees or \$200,000 from all contributors.

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3. For a candidate for the office of secretary of state or state treasurer, \$33,000 from all political party committees or \$100,000 from all contributors.

4. For a candidate for the office of justice or state superintendent, \$100,000 from all contributors.

5. For a candidate for the office of state senator, \$25,000 from all political party committees or \$125,000 from all contributors.

6. For a candidate for the office of representative to the assembly, \$12,500 from all political party committees or \$62,500 from all contributors.

Under the bill, these amounts are subject to a biennial cost-of-living adjustment beginning in 2002, in accordance with a formula tied to the "consumer price index" determined by the U.S. department of labor.

The bill also requires each candidate at the general election, and each committee or individual making disbursements or incurring obligations in support of or in opposition to a candidate at the general or a special election, to file an additional report on the tenth day after the election.

Mass media activities

Currently, individuals who accept contributions, organizations that make or accept contributions, and individuals who or organizations that 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 and organization that makes a communication by means of a newspaper, periodical, commercial billboard or radio or television station, other than a communication by a corporation, cooperative or nonpolitical voluntary association limited to its members, shareholders or subscribers, during the period beginning on the 60th day preceding an election and ending on the date of that election which includes a reference to a candidate at that election, an office to be filled at that election or a political party to register with the appropriate filing officer and to file financial reports with that officer to the same extent as currently required of individuals who and organizations that engage in activity for the purpose of influencing elections.

Disbursement 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 who declines to accept one and declines to file an affidavit of voluntary compliance with disbursement and contribution limitations. Under current law, the disbursement limitations apply to a candidate's entire primary and election campaign combined. Additionally, the disbursement levels for candidates for the offices of state senator and representative to the assembly are subdivided between the primary and election campaign periods in such a way that only about 60% of the

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total applicable disbursement level for either office may be allocated by a candidate to either the primary or the election campaign period.

This bill:

1. Eliminates disbursement levels and limitations applicable to candidates for state office, except the offices of court of appeals judge, circuit judge and district attorney, on or before the date of the primary election for those offices.
2. 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	[\$2,000,000
Lieutenant governor	323,475	for both offices]
Attorney general	539,000	400,000
Secretary of state	215,625	200,000
State treasurer	215,625	200,000
Supreme court justice	215,625	200,000
State superintendent	215,625	200,000
State senator	34,500	150,000
Representative to the assembly	17,250	75,000

3. Provides that disbursement limitations do not apply until after the date of a primary election for a candidate who has an opponent whose name appears on the ballot as a candidate for the nomination of his or her party at the primary election.

4. Creates a biennial cost-of-living adjustment that causes the statutory disbursement levels to be adjusted biennially, beginning in 2002, in accordance with a formula tied to the "consumer price index" determined by the U.S. department of labor.

5. Deletes current law that permits a candidate who does not accept a grant to continue to bind an opponent to disbursement and contribution limitations by filing an affidavit of voluntary compliance.

6. Deletes current law that makes disbursement limitations inapplicable to a candidate who accepts a grant when the candidate has an opponent who could have qualified for a grant but declines to accept one, and who declines to file an affidavit of voluntary compliance with disbursement and self-contribution limitations. However, the bill increases the disbursement limitation of the candidate who accepts a grant by an amount equal to the amount of any independent disbursements that are made to oppose that candidate or to support that candidate's opponent and the total amount of contributions accepted by opposing candidates above the level for which 24-hour reports are required (see below).

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

1)

(;2) the total amount of contributions that

conduits report they have transferred or intend to transfer to opposing candidates;

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limitation upon the contributions that they may make to candidates for legislative office or to political parties. Legislative campaign committees are subject only to overall limitations on the aggregate contributions that may be accepted by a candidate from entities other than individuals.

This bill eliminates the special status of legislative campaign committees, thus treating them in the same manner as other special interest committees for the purpose of contribution limitations.

Contribution limitations

Current law specifies limitations on the maximum amount of contributions that may be given to and accepted by a candidate for state or local office from any single individual or committee. Under current law, a candidate who receives a grant may make contributions to his or her own campaign in an amount or value not exceeding 200% of the limitation applicable to other individuals making contributions to his or her campaign. Current law also limits the total contributions that a candidate for state or local office may accept from all political committees, including political party and legislative campaign committees, and from the Wisconsin election campaign fund to 65% of the value of the statutory disbursement level specified for the office that the candidate seeks. The total amount that a candidate may accept from committees other than political party and legislative campaign committees and from the Wisconsin election campaign fund is limited to 45% of that disbursement level. *deletes the current aggregate limitations on*

This bill *imposes* an aggregate contribution limitation on the total amount or value of contributions that a candidate who accepts a grant may accept from all committees, including political party committees, during the entire campaign of the candidate, or if the candidate has an opponent for the nomination of his or her party at a primary election, after the date of the primary election, as follows: *contributions that may be received from*

1. For candidates for the offices of governor and lieutenant governor jointly, \$330,000.
2. For a candidate for the office of attorney general, \$65,000.
3. For a candidate for the office of secretary of state, state treasurer, justice or state superintendent, \$33,000.
4. For a candidate for the office of state senator, \$25,000.
5. For a candidate for the office of representative to the assembly, \$12,500.

The bill also imposes an aggregate contribution limitation on the total amount or value of contributions that a candidate who accepts a grant may accept from all individuals, including contributions by an individual to his or her own campaign, during the entire campaign of the candidate, or if the candidate has an opponent for the nomination of his or her party at a primary election, after the date of the primary election, as follows:

1. For candidates for the offices of governor and lieutenant governor jointly, \$1,000,000.
2. For a candidate for the office of attorney general, \$200,000.
3. For a candidate for the office of secretary of state, state treasurer, state superintendent of public instruction or justice of the supreme court, \$100,000.
4. For a candidate for the office of state senator, \$75,000.

committees and instead

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special election, the candidate must either: a) appear on the ballot or in the column of a political party whose candidate for the same office at the preceding general election received at least six percent of the vote; or b) receive at least six percent of the votes cast at the special election.

The contributions may be received by the candidate directly from individuals or may be transferred to the candidate by a conduit.

2. The candidate must have an opponent in the election.

3. The candidate must receive, during a specified time period, a specified amount through contributions from individuals of \$100 or less. For a candidate for the office of governor, lieutenant governor, secretary of state, state treasurer, attorney general, justice of the supreme court or superintendent of public instruction, the amount is five percent of the authorized disbursement level for the office that the candidate seeks. For a candidate for the office of state senator or representative to the assembly, the amount is ten percent of the authorized disbursement level for the office that the candidate seeks.

Under current law, a candidate for any office who accepts a grant must comply with statutorily prescribed contribution and disbursement limitations, unless one or more of the candidate's opponents who receive at least six percent of the votes cast for all candidates for that office at a partisan primary, if a primary was held, do not accept a grant and do not voluntarily comply with the contribution and disbursement limitations for that office. The maximum grant that a candidate may receive is the amount that, when added to all other contributions accepted from sources other than individuals, political party committees and legislative campaign committees, is equal to 45% of the authorized disbursement level for the office that the candidate seeks, if there are sufficient moneys in the Wisconsin election campaign fund to finance the full amount of grants for which candidates qualify.

This bill requires a candidate for any office who desires to qualify for a grant from the clean government fund to receive contributions from individuals in amounts of \$100 or less in the following total amounts:

other than contributions transferred by conduit

1. For candidates for the offices of governor and lieutenant governor jointly, \$80,400.
2. For a candidate for the office of attorney general, \$16,200.
3. For a candidate for the office of secretary of state, state treasurer, justice of the supreme court or state superintendent of public instruction, \$8,040.
4. For a candidate for the office of state senator, \$6,000.
5. For a candidate for the office of representative to the assembly, \$3,000.

The bill also requires that, in the case of a candidate for legislative office, the contributions must be received from individuals who reside in the district in which the candidate seeks office.

In addition, the bill requires a candidate who seeks a grant to agree not to accept any contributions from special interest ("political action") committees.

The bill revises grant amounts to the following:

irrespective of contributions received from other sources

1. For candidates for the office of governor and lieutenant governor jointly, \$670,000.
2. For a candidate for the office of attorney general, \$135,000.
3. For a candidate for the office of secretary of state, state treasurer, superintendent of public instruction or justice of the supreme court, \$67,000.

the contributions must be received from individuals who are residents of this state and

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5. For a candidate for the office of representative to the assembly, \$37,500.

Under the bill, a candidate is not subject to the limitation upon contributions by a single individual to his or her campaign.

Under the bill, the aggregate contribution limitations are subject to a biennial cost-of-living adjustment, beginning in 2002, in accordance with a formula tied to the "consumer price index" determined by the U.S. department of labor.

Other contribution restrictions

This bill prohibits every candidate for a major state office (governor, lieutenant governor, attorney general, secretary of state, state treasurer, superintendent of public instruction or justice of the supreme court) from accepting any contribution during the period beginning on the tenth day preceding any election other than a primary election and ending on the date of that election.

Wisconsin election campaign fund**I. SOURCES AND USES OF FUNDS**

Under current law, the Wisconsin election campaign fund is financed through an individual income tax "checkoff". Every individual filing a state income tax return who has a tax liability or is entitled to a tax refund may direct that \$1 of general purpose revenue be transferred to the fund. Individuals filing a joint return may separately choose whether to direct that the \$1 transfer be made. All moneys transferred to the fund are placed in accounts for specified state offices, and candidates for those offices at the general or a special election may qualify for grants from the fund to be used for specified campaign expenses. No moneys in the fund may be used for any other purpose. Grants at special elections are funded by reallocating moneys set aside to provide grants to candidates at the general election, to the extent that moneys are available.

This bill changes the name of the Wisconsin election campaign fund to the "clean government fund". The bill deletes the checkoff procedure and provides, instead, for the revenue to the fund to be raised by levying a tax on lobbying expenditures (see below), with the balance to be transferred to the fund, as needed, from general purpose revenue.

**II. GRANT ELIGIBILITY
REQUIREMENTS AND AMOUNTS**

Under current law, public financing from the Wisconsin election campaign fund is available to 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. To receive a grant, a candidate must file an application with the state elections board no later than the deadline for filing nomination papers. Following the primary election or the date on which a primary would be held, if required, the board determines whether a candidate who applies for a grant meets the following eligibility requirements:

1. If the candidate seeks a partisan state office at a general election, the candidate must have received at least six percent of the total votes cast in the primary and won the primary. If the candidate seeks a partisan state office at a

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4. For a candidate for the office of state senator, \$50,000.

5. For a candidate for the office of representative to the assembly, \$25,000.

Under the bill, qualifying amounts and grant amounts are subject to a biennial cost-of-living adjustment, beginning in 2002, in accordance with a formula tied to the "consumer price index" determined by the U.S. department of labor.

Penalties for violations

Currently, violators of the campaign finance law are subject to a forfeiture (civil penalty) of not more than \$500 for each violation, except that violators of contribution limitations are subject to a forfeiture of not more than treble the amount unlawfully contributed. In addition, currently, any person who is delinquent in filing a report is subject to a forfeiture of not more than \$50 or one percent of the annual salary of the office for which a candidate is being supported or opposed, whichever is greater, for each day of delinquency. Currently, any person who makes an unlawful contribution is subject to a forfeiture of treble 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 provides that if any candidate or other individual or committee, including a conduit, accepts or transfers a contribution, makes a disbursement or incurs an obligation to make a disbursement for the purpose of supporting or opposing a candidate for a major state office (governor, lieutenant governor, attorney general, secretary of state, state treasurer, state superintendent of public instruction or justice of the supreme court) or for the purpose of making certain communications by means of communications media (see above) without first registering and reporting to the extent required under the bill, the offender is subject to a forfeiture (civil penalty) of not more than \$500 for each day of violation. The bill also provides that if any of these individuals or committees accepts or transfers one or more contributions, makes one or more disbursements or incurs one or more obligations to make disbursements for such a purpose in an amount that is more or less than the amount reported by that individual or committee:

1. By more than 5% but not more than 10%, the individual or committee must forfeit four times the amount of the difference.

2. By more than 10% but not more than 15%, the individual or committee must forfeit six times the amount of the difference.

3. By more than 15%, the individual or committee must forfeit eight times the amount of the difference.

The bill also provides that if the amount of contributions accepted or transferred, disbursements made or obligations incurred differs from the amount

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reported by at least 15%, and the violations are of sufficient severity to have affected the result of the election, the elections board, the district attorney for any county where a violation occurs or any candidate who is adversely affected by the result of the election in connection with which the violation occurred may file suit to have the election nullified and to have a new election ordered for the affected office.

In addition, the bill imposes a new penalty upon any person who, with intent to conceal or deceive, accepts or transfers a contribution, makes a disbursement or incurs an obligation to make a disbursement for the purpose of supporting or opposing a candidate for a major state office or for the purpose of making certain communications by means of communications media (see above) without registering or reporting to the extent required under the bill, consisting of a fine of not more than \$10,000 or imprisonment for not more than five years, or both (equivalent to a class E felony).

Lobbying expenditure tax

This bill imposes a tax on lobbying principals (persons who employ lobbyists) at the rate of ten percent on lobbying expenditures that are reportable to the ethics board. The tax is payable to the department of revenue semiannually.

Nonseverability

Currently, if any part of an act is found by a court to be invalid, those parts that are valid are severed from the invalid part and the severed parts continue in force. This bill provides that if any part of the act resulting from enactment of the bill is found by a court to be invalid, then all parts of the act are void.

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

8 **SECTION 2.** 5.02 (18) of the statutes is amended to read:

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1 5.02 (18) "September primary" means the primary held the 2nd Tuesday in
2 September to nominate candidates to be voted for at the general election, and to
3 determine which candidates for state offices other than district attorney may
4 participate in the ~~Wisconsin election campaign~~ clean government fund.

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

6 7.08 (2) (c) As soon as possible after the canvass of the spring and September
7 primary votes, but no later than the first Tuesday in March and the 4th Tuesday in
8 September, transmit to the state treasurer a certified list of all eligible candidates
9 for state office who have filed applications under s. 11.50 (2) and ~~whom~~ who the board
10 determines to be eligible to receive payments from the ~~Wisconsin election campaign~~
11 clean government fund. The board shall also transmit a similar list of candidates
12 who the board determines to be eligible to receive a grant under s. 11.50 (9) (b) or (ba)
13 within 3 days after any candidate qualifies to receive such a grant. Each list shall
14 contain each candidate's name, the mailing address indicated upon the candidate's
15 registration form, the office for which the individual is a candidate and the party or
16 principle which he or she represents, if any.

17 (cm) As soon as possible after the canvass of a special primary, or the date that
18 the primary would be held, if required, transmit to the state treasurer a certified list
19 of all eligible candidates for state office who have filed applications under s. 11.50 (2)
20 and ~~whom~~ who the board determines to be eligible to receive a grant from the
21 ~~Wisconsin election campaign~~ clean government fund prior to the election. The board
22 shall also transmit a similar list of candidates, if any, who have filed applications
23 under s. 11.50 (2) and ~~whom~~ who the board determines to be eligible to receive a grant
24 under s. 11.50 (1) (a) 2. after the special election. ~~The~~ or a grant under s. 11.50 (9)
25 (b) or (ba) within 3 days after any candidate qualifies to receive such a grant. Each

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

4 **SECTION 4.** 8.35 (4) (b) of the statutes is amended to read:

5 8.35 (4) (b) Notwithstanding par. (a), any unspent and unencumbered moneys
6 received by a candidate from the ~~Wisconsin election campaign~~ clean government
7 fund shall be immediately transferred to any candidate who is appointed to replace
8 such candidate, upon filing of a proper application therefor under s. 11.50 (2). If there
9 is no candidate appointed or if no proper application is filed within 7 days of the date
10 on which the vacancy occurs, such moneys shall revert to the state as provided in s.
11 11.50 (8).

12 **SECTION 5.** 10.02 (3) (b) 2m. of the statutes is amended to read:

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

23 **SECTION 6.** 11.01 (5m) of the statutes is amended to read:

24 11.01 (5m) "Conduit" means an individual who or ~~an organization~~ a committee
25 which receives a contribution of money and transfers the contribution to another

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1 individual or ~~organization~~ committee without exercising discretion as to the amount
2 which is transferred and the individual to whom or ~~organization~~ committee to which
3 the transfer is made.

4 **SECTION 7.** 11.01 (12s) of the statutes is repealed.

5 **SECTION 8.** 11.01 (16) (a) 3. of the statutes is created to read:

6 11.01 (16) (a) 3. A communication that is made by means of one or more
7 communications media, other than a communication that is exempt from reporting
8 under s. 11.29, that is made during the period beginning on the 60th day preceding
9 an election and ending on the date of that election and that includes a reference to
10 a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on
11 the ballot at that election, an office to be filled at that election or a political party.

12 **SECTION 9.** 11.05 (3) (c) of the statutes is amended to read:

13 11.05 (3) (c) In the case of a committee, a statement as to whether the
14 committee is a personal campaign committee, a political party committee, a
15 ~~legislative campaign committee~~, a support committee or a special interest
16 committee.

17 **SECTION 10.** 11.05 (3) (d) of the statutes is created to read:

18 11.05 (3) (d) An indication of whether the proposed registrant is a conduit.

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

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

21 11.05 (9) (b) An individual who or a committee or group which receives a
22 contribution of money and transfers the contribution to another individual,
23 committee or group while acting as a conduit is not subject to registration under this
24 section unless the individual, committee or group transfers the contribution to a

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1 candidate or a personal campaign, ~~legislative campaign~~, political party or support
2 committee.

3 **SECTION 13.** 11.06 (2) of the statutes is amended to read:

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

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

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

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1 a candidate who benefits from a disbursement made in opposition to another
2 candidate, the committee filing the oath may not make any contributions in support
3 of any candidate of the party at the general or special election or in opposition to any
4 such candidate's opponents exceeding the amounts specified in s. 11.26 (2), except as
5 authorized in par. (c).

6 **SECTION 15.** 11.06 (7m) (c) of the statutes is amended to read:

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

14 **SECTION 16.** 11.09 (3) of the statutes is amended to read:

15 11.09 (3) Each registrant whose filing officer is the board, who or which makes
16 disbursements in connection with elections for offices which serve or referenda
17 which affect only one county or portion thereof, except a candidate, personal
18 campaign committee, political party committee or other committee making
19 disbursements in support of or in opposition to a candidate for state senator,
20 representative to the assembly, court of appeals judge or circuit judge, shall file a
21 duplicate original of each financial report filed with the board with the county clerk
22 or board of election commissioners of the county in which the elections in which the
23 registrant participates are held. Such reports shall be filed no later than the
24 applicable dates specified under s. 11.20 (2), ^{(2s) add (2t)} (2e), (2m) and (4) for the filing of each
25 report with the board.

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1 **SECTION 17.** 11.12 (5) of the statutes is amended to read:

2 11.12 (5) ~~If Except as otherwise required under sub. (7), if~~ any contribution or
3 contributions of \$500 or more cumulatively are received by a candidate for state office
4 or by a committee or individual from a single contributor later than 15 days prior to
5 a primary or election such that it is not included in the preprimary or preelection
6 report submitted under s. 11.20 (3), the treasurer of the committee or the individual
7 receiving the contribution shall within 24 hours of receipt inform the appropriate
8 filing officer of the information required under s. 11.06 (1) in such manner as the
9 board may prescribe. The information shall also be included in the treasurer's or
10 individual's next regular report. For purposes of the reporting requirement under
11 this subsection, only contributions received during the period beginning with the day
12 after the last date covered on the preprimary or preelection report, and ending with
13 the day before the primary or election need be reported.

14 **SECTION 18.** 11.12 (6) of the statutes is renumbered 11.12 (6) (a) and amended
15 to read:

16 11.12 (6) (a) ~~If Except as provided in par. (b), if~~ any disbursement of more than
17 \$20 cumulatively is made to advocate the election or defeat of a clearly identified
18 candidate by an individual or committee later than 15 days prior to a primary or
19 election in which the candidate's name appears on the ballot without cooperation or
20 consultation with a candidate or agent or authorized committee of a candidate who
21 is supported or opposed, and not in concert with or at the request or suggestion of
22 such a candidate, agent or committee, the individual or treasurer of the committee
23 shall, within 24 hours of making the disbursement, inform the appropriate filing
24 officer of the information required under s. 11.06 (1) in such manner as the board may
25 prescribe. ~~The information shall also be included in the next regular report of the~~

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1 ~~individual or committee under s. 11.20.~~ For purposes of this subsection paragraph,
2 disbursements cumulate beginning with the day after the last date covered on the
3 preprimary or preelection report and ending with the day before the primary or
4 election. Upon receipt of a report under this subsection paragraph, the filing officer
5 shall, within 24 hours of receipt, mail a copy of the report to all candidates for any
6 office in support of or opposition to one of whom a disbursement identified in the
7 report is made.

8 **SECTION 19.** 11.12 (6) (b) to (d) of the statutes are created to read:

9 11.12 (6) (b) 1. If any conduit has accepted or intends to accept any contribution
10 to be transferred to a candidate or personal campaign committee of a candidate for
11 a state office specified in s. 11.31 (1) (a) to (f) at the general or a special election, or
12 to any such candidate who seeks a nomination for such an office at a primary election,
13 the conduit shall report to the board at the times specified in s. 11.20 (2s), in such
14 manner as the board may prescribe, the name of each candidate or personal
15 campaign committee to whom the conduit intends to transfer one or more
16 contributions during the 21-day period following the date on which the report is due
17 to be filed and the amount to be transferred to that candidate or committee.

18 2. A conduit who or which is required to file reports under this paragraph shall
19 also report to the board, at the times specified in s. 11.20 (2t), in such manner as the
20 board may prescribe, the name of each candidate or personal campaign committee
21 to whom the conduit transferred one or more contributions during the 21-day period
22 ending on each date specified in s. 11.20 (2t) and the date and amount of that transfer.

23 (c) 1. If any committee identified under s. 11.05 (3) (c), other than a conduit,
24 intends to receive any contribution, make any disbursement or incur any obligation
25 to make a disbursement for the purpose of advocating the election or defeat of a

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1 clearly identified candidate for a state office specified in s. 11.31 (1) (a) to (f) at the
2 general or a special election, or any such candidate who seeks a nomination for such
3 an office at a primary election, without cooperation or consultation with a candidate
4 or agent or authorized committee of a candidate who is supported or whose opponent
5 is opposed, and not in concert with or at the request or suggestion of such a candidate,
6 agent or committee, the committee shall report to the board at the times specified in
7 s. 11.20 (2s), in such manner as the board may prescribe, the name of each candidate
8 who is supported or whose opponent is opposed and the total amount of contributions
9 to be received, disbursements to be made and obligations to be incurred for such a
10 purpose in support or opposition to that candidate during the 21-day period
11 following the date on which the report is due to be filed.

12 2. A committee which is required to file reports under this paragraph shall also
13 report to the board, at the times specified in s. 11.20 (2t), in such manner as the board
14 may prescribe, the amount and date of each contribution received, disbursement
15 made or obligation incurred for the purpose of advocating the election or defeat of a
16 candidate specified in this paragraph in the manner specified in this paragraph, and
17 the name of the candidate in support of or in opposition to whom the contribution was
18 received, disbursement made or obligation incurred, during the 21-day period
19 ending on each date specified in s. 11.20 (2t).

20 3. A committee which files a report under this paragraph concerning a
21 disbursement is not required to file a report pertaining to the same disbursement
22 under par. (a).

23 (d) All information reported by a registrant under this subsection shall also be
24 included in the next regular report of the registrant under s. 11.20.

25 **SECTION 20.** 11.12 (7) of the statutes is created to read:

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1 11.12 (7) (a) Except as provided in par. (c), if a candidate at the general or a
2 special election for a state office specified in s. 11.31 (1) (a) to (f) does^{not} accept a grant
3 under s. 11.50, that candidate or the candidate's personal campaign committee shall
4 report to the board the information specified in s. 11.06 (1) pertaining to all
5 contributions received no later than 24 hours after receipt of any contribution, in
6 such manner as the board may prescribe, if the candidate or personal campaign
7 committee receives, during the campaign of that candidate, as defined in s. 11.26
8 (17), or if the candidate has an opponent whose name is certified to appear on the
9 ballot as a candidate for the party nomination of his or her party in a primary election
10 in that campaign, during the period beginning on the day after the date of the
11 primary election and ending on the date of the election, total contributions that equal
12 more than the following amount or value, as adjusted under par. (d):

13 1. For candidates for the offices of governor and lieutenant governor jointly,
14 \$330,000 from all political party committees or \$1,670,000 from all contributors.

15 2. For a candidate for the office of attorney general, \$65,000 from all political
16 party committees or \$200,000 from all contributors.

17 3. For a candidate for the office of secretary of state or state treasurer, \$33,000
18 from all political party committees or \$100,000 from all contributors.

19 4. For a candidate for the office of justice or state superintendent, \$100,000
20 from all contributors.

21 5. For a candidate for the office of state senator, \$25,000 from all political party
22 committees or \$125,000 from all contributors.

23 6. For a candidate for the office of representative to the assembly, \$12,500 from
24 all political party committees or \$62,500 from all contributors.

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1 (b) The first report filed by a candidate or personal campaign committee under
2 par. (a) during any campaign shall include the information required under par. (a)
3 for all contributions received since the closing date for the preceding report filed by
4 that candidate or committee as provided in s. 11.20 (8).

5 (c) For purposes of computing the applicable amount under par. (a), if one of the
6 candidates of a political party for the office of governor or lieutenant governor has
7 an opponent whose name is certified to appear on the ballot as a candidate for the
8 party nomination of his or her party in the September primary election, the
9 contributions received on or before the date of the primary election by the candidate
10 who has an opponent in that election shall be excluded.

11 (d) 1. In this paragraph, "consumer price index" means the average of the
12 consumer price index over each 12-month period, all items, U.S. city average, as
13 determined by the bureau of labor statistics of the federal department of labor.

14 2. The dollar amounts of the total contributions under par. (a) shall be subject
15 to a biennial adjustment to be determined by rule of the board in accordance with this
16 subdivision. To determine the adjustment, the board shall calculate the percentage
17 difference between the consumer price index for the 12-month period ending on
18 December 31 of each odd-numbered year and the consumer price index for the base
19 period, calendar year 2001. For each biennium, the board shall multiply the amount
20 of each contribution amount under par. (a) by the percentage difference in the
21 consumer price indices. The board shall adjust each amount to substitute that result
22 for the existing amount to the extent required to reflect any difference, rounded to
23 the nearest multiple of \$25. The amount so determined shall then be in effect until
24 a subsequent rule is promulgated under this subdivision. Notwithstanding s. 227.24
25 (1) (a), (2) (b) and (3), determinations under this subdivision may be promulgated as

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1 11.20 (2m) Election reports under s. 11.12 with respect to a special election for
2 an office specified in s. 11.31 (1) (a) to (f) shall be received by the board no earlier than
3 4 days and no later than 10 days after that election. Election reports under s. 11.12
4 with respect to any other special election shall be received by the appropriate filing
5 officer no earlier than 23 days and no later than 30 days after each that special
6 election, unless a continuing report is required to be filed under sub. (4) on or before
7 the 30th day after the special election.

8 **SECTION 24.** 11.20 (2s) of the statutes is created to read:

9 11.20 (2s) A registrant who or which is required to file reports under s. 11.12
10 (6) (b) 1. or (c) 1. with respect to a candidate at the general election shall file the
11 reports on the 63rd, 42nd and 21st day prior to that election. A registrant who is
12 required to file reports under s. 11.12 (6) (b) 1. or (c) 1. with respect to a special
13 election shall file a report on the 21st day prior to that election.

14 **SECTION 25.** 11.20 (2t) of the statutes is created to read:

15 11.20 (2t) A registrant who or which is required to file reports under s. 11.12
16 (6) (b) 2. or (c) 2. with respect to a candidate at the general election shall file the

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17 reports no later than the 39th and 18th days prior to that election.

A registrant who or which is required to file reports under s. 11.12 (6) (b) 2. or (c) 2. with respect to a candidate at a special election shall file the reports no later than the 18th day prior to that election.

18 **SECTION 26.** 11.20 (3) (d) of the statutes is amended to read:

19 11.20 (3) (d) A registered committee or individual other than a candidate or
20 personal campaign committee making or accepting contributions, making
21 disbursements or incurring obligations in support of or in opposition to one or more
22 candidates for office at an election, or supporting or opposing other committees or
23 individuals who are engaging in such activities, shall file a preelection report. A
24 registered committee or individual other than a candidate or personal campaign
25 committee making or accepting contributions, making disbursements or incurring

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1 an emergency rule under s. 227.24 without providing evidence that the emergency
2 rule is necessary for the public peace, health, safety or welfare and without a finding
3 of emergency.

4 **SECTION 21.** 11.16 (5) of the statutes is amended to read:

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

20 **SECTION 22.** 11.20 (2e) of the statutes is created to read:

21 11.20 (2e) Postelection reports under s. 11.06 (1) with respect to an election for
22 a state office specified in s. 11.31 (1) (a) to (f) shall be received by the board no earlier
23 than 4 days after and no later than 10 days after each general election at which that
24 office is filled.

25 **SECTION 23.** 11.20 (2m) of the statutes is amended to read:

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1 obligations in support of or in opposition to one or more candidates for an office
2 specified in s. 11.31 (1) (a) to (f) at the general election or a special election, or
3 supporting or opposing other committees or individuals who are engaging in such
4 activities, shall file a postelection report.

5 **SECTION 27.** 11.20 (3) (g) of the statutes is amended to read:

6 11.20 (3) (g) A contribution, disbursement or obligation in support of or in
7 opposition to a candidate at an election which is made, accepted or incurred during
8 the period covered by the preelection report, or by a postelection report following the
9 general election or a special election, is considered to be made, accepted or incurred
10 in support of or in opposition to that candidate at the election, regardless of whether
11 the candidate is opposed at the election.

12 **SECTION 28.** 11.20 (8) (intro.) of the statutes is amended to read:

13 11.20 (8) (intro.) Reports filed under subs. (2), (2e), (2m), (2s), (2t), (4) and (4m)
14 shall include all contributions received and transactions made as of the end of:

15 **SECTION 29.** 11.20 (8) (ak) and (aL) of the statutes are created to read:

16 11.20 (8) (ak) The day on which the report is due in the case of the report
17 required under s. 11.12 (6) (b) 1. or (c) 1.

18 (aL) The 3rd day prior to the date on which the report is due in the case of the
19 report required under s. 11.12 (6) (b) 2. or (c) 2.

20 **SECTION 30.** 11.20 (8) (am) of the statutes is created to read:

21 11.20 (8) (am) The 3rd day after the election in the case of the postelection
22 report that follows the general election or a special election for an office specified in
23 s. 11.31 (1) (a) to (f).

24 **SECTION 31.** 11.20 (8) (an) of the statutes is created to read:

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1 11.20 (8) (an) The 22nd day after the election in the case of a postelection report
2 that follows a special election for an office other than an office specified in s. 11.31
3 (1) (a) to (f).

4 **SECTION 32.** 11.20 (12) of the statutes is amended to read:

5 11.20 (12) If a candidate is unopposed in a primary or election, the obligation
6 to file the reports required by this chapter does not cease. Except as provided in ss.
7 11.05 (2r) and 11.19 (2), a registrant who makes or receives no contributions, makes
8 no disbursements or incurs no obligations shall so report on the applicable dates
9 designated in subs. (2), (2e), (2m), (2t) and (4).

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

11 11.21 (15) Inform each candidate who files an application to become eligible to
12 receive a grant from the ~~Wisconsin election campaign~~ clean government fund of the
13 dollar amount of the applicable disbursement limitation under s. 11.31 (1), adjusted
14 as provided in s. 11.31 (9), which applies to the office for which such person is a
15 candidate. Failure to receive the notice required by this subsection does not
16 constitute a defense to a violation of s. 11.27 (1) or 11.31.

17 **SECTION 34.** 11.24 (1t) of the statutes is created to read:

18 11.24 (1t) No candidate for a state office specified in s. 11.31 (1) (a) to (f) or
19 personal campaign committee of such a candidate at any election other than a
20 primary election may receive and accept any contribution during the period
21 beginning on the 10th day preceding that election and ending on the date of that
22 election.

23 **SECTION 35.** 11.24 (1w) of the statutes is created to read:

24 11.24 (1w) (a) No candidate or personal campaign committee ~~of a candidate~~
25 ~~candidate~~ of a candidate who accepts a grant under s. 11.50 may accept any

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1 contribution from a committee identified under s. 11.05 (3) (c) as a special interest
2 committee.

3 (b) No committee identified under s. 11.05 (3) (c) as a special interest committee
4 may intentionally make any contribution to a candidate or personal campaign
5 committee of a candidate who has qualified to receive a grant under s. 11.50.

6 **SECTION 36.** 11.26 (1) (intro.) of the statutes is amended to read:

7 11.26 (1) (intro.) No Except as authorized in sub. (10), no individual may make
8 any contribution or contributions to a candidate for election or nomination to any of
9 the following offices and to any individual or committee under s. 11.06 (7) acting
10 solely in support of such a candidate or solely in opposition to the candidate's
11 opponent to the extent of more than a total of the amounts specified per candidate:

12 **SECTION 37.** 11.26 (1m) of the statutes is created to read:

13 11.26 (1m) (a) Except as provided in par. (b), no individual who is a candidate
14 for state office and who files a sworn statement and application to receive a grant
15 from the clean government fund may receive and accept more than the amount or
16 value of contributions provided in this subsection for the office for which he or she
17 is a candidate during any campaign, or if the individual has an opponent whose name
18 is certified to appear on the ballot as a candidate for the nomination of his or her party
19 in a primary election in that campaign, after the date of the primary election, from
20 all individuals, including contributions from the individual to his or her own
21 campaign. Except as provided in sub. (10a), the amount or value is:

22 1. For candidates for the offices of governor and lieutenant governor jointly,
23 \$1,000,000.

24 2. For a candidate for the office of attorney general, \$200,000.

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1 3. For a candidate for the office of secretary of state, state treasurer, state
2 superintendent or justice, \$100,000.

3 4. For a candidate for the office of state senator, \$75,000.

4 5. For a candidate for the office of representative to the assembly, \$37,500.

5 (b) For purposes of computing the applicable amount under par. (a), if one of
6 the candidates of a political party for the office of governor or lieutenant governor has
7 an opponent whose name is certified to appear on the ballot as a candidate for the
8 party nomination of his or her party in the September primary election, the
9 contributions received on or before the date of the primary election by the candidate
10 who has an opponent in the election shall be excluded.

11 **SECTION 38.** 11.26 (2) (intro.) of the statutes is amended to read:

12 11.26 (2) (intro.) No committee other than a political party committee or
13 ~~legislative campaign committee~~ may make any contribution or contributions to a
14 candidate for election or nomination to any of the following offices and to any
15 individual or committee under s. 11.06 (7) acting solely in support of such a candidate
16 or solely in opposition to the candidate's opponent to the extent of more than a total
17 of the amounts specified per candidate:

18 **SECTION 39.** 11.26 (2) (a) of the statutes is amended to read:

19 11.26 (2) (a) Candidates for governor, lieutenant governor, secretary of state,
20 state treasurer, attorney general, state superintendent or justice, 4% of the value of
21 the disbursement level specified in the schedule under s. 11.31 (1), as adjusted under
22 s. 11.31 (9).

23 **SECTION 40.** 11.26 (4) of the statutes is amended to read:

24 11.26 (4) ~~No~~ Except as authorized in sub. (10), no individual may make any
25 contribution or contributions to all candidates for state and local offices and to any

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1 individuals who or committees which are subject to a registration requirement under
2 s. 11.05, including ~~legislative campaign committees and~~ committees of a political
3 party, to the extent of more than a total of \$10,000 in any calendar year.

4 **SECTION 41.** 11.26 (8) of the statutes is amended to read:

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

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

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

17 **SECTION 42.** 11.26 (9) (a) of the statutes is renumbered 11.26 (9) (a) (intro.) and
18 amended to read:

19 11.26 (9) (a) (intro.) No Except as provided in par. (aa), no individual who is a
20 candidate for state ~~or local~~ office and who files a sworn statement and application to
21 receive a grant from the clean government fund may receive and accept more than
22 ~~65% of the value of the total disbursement level determined under s. 11.31 the~~
23 amount or value of contributions provided in this subsection for the office for which
24 he or she is a candidate during any ~~primary and election~~ campaign ~~combined, or if~~
25 the individual has an opponent whose name is certified to appear on the ballot as a

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1 candidate for the nomination of his or her party at a primary election, after the date
2 of the primary election in that campaign, from all committees subject to a filing
3 requirement, including political party and legislative campaign committees. Except
4 as provided in sub. (10a), the amount or value of contributions is:

5 **SECTION 43.** 11.26 (9) (a) 1. to 5. of the statutes are created to read:

6 11.26 (9) (a) 1. For candidates for the offices of governor and lieutenant
7 governor jointly, \$330,000.

8 2. For a candidate for the office of attorney general, \$65,000.

9 3. For a candidate for the office of secretary of state, state treasurer, justice or
10 state superintendent, \$33,000.

11 4. For a candidate for the office of state senator, \$25,000.

12 5. For a candidate for the office of representative to the assembly, \$12,500.

13 **SECTION 44.** 11.26 (9) (aa) of the statutes is created to read:

14 11.26 (9) (aa) For purposes of computing the applicable amount under par. (a),
15 if one of the candidates of a political party for the office of governor or lieutenant
16 governor has an opponent whose name is certified to appear on the ballot as a
17 candidate for the party nomination of his or her party in the September primary
18 election, the contributions received on or before the date of the primary election by
19 the candidate who has the opponent in that election shall be excluded.

20 **SECTION 45.** 11.26 (9) (am) of the statutes is created to read:

21 11.26 (9) (am) No individual who is a candidate for state or local office, other
22 than an office specified in par. (a), may receive and accept more than 65% of the value
23 of the total disbursement level determined under s. 11.31 (1), as adjusted under s.
24 11.31 (9), for the office for which he or she is a candidate during any primary and

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1 or his or her personal campaign committee from a committee which is registered with
2 the federal elections commission as the authorized committee of the candidate under
3 2 USC 432 (e) shall be treated as a contribution made by the candidate to his or her
4 own campaign. The contribution limit of sub. (4) applies to amounts contributed by
5 such a candidate personally to the candidate's own campaign and to other
6 campaigns, except that a candidate may exceed the limitation if authorized under
7 this subsection to contribute more than the amount specified to the candidate's own
8 campaign, up to the amount of the limitation. Except as provided in sub. (10a), the
9 limitation is:

10 **SECTION 49.** 11.26 (10) (a) 1. to 5. ^{and (b)} of the statutes are created to read:

11 11.26 (10) (a) 1. For candidates for the offices of governor and lieutenant
12 governor jointly, \$1,000,000.

13 2. For a candidate for the office of attorney general, \$200,000.

14 3. For a candidate for the office of secretary of state, state treasurer, state
15 superintendent or justice, \$100,000.

16 4. For a candidate for the office of state senator, \$75,000.

17 5. For a candidate for the office of representative to the assembly, \$37,500.

18 (b) For purposes of computing the applicable amount under par. (a), if one of
19 the candidates of a political party for the office of governor or lieutenant governor has
20 an opponent whose name is certified to appear on the ballot as a candidate for the
21 party nomination of his or her party in the September primary election, the
22 contributions received on or before the date of the primary election by the candidate
23 who has an opponent in that election shall be excluded.

24 **SECTION 50.** 11.26 (10a) of the statutes is created to read:

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1 election campaign combined from all committees subject to a filing requirement,
2 including political party committees.

3 **SECTION 46.** 11.26 (9) (b) of the statutes is amended to read:

4 11.26 (9) (b) No individual who is a candidate for a state or local office, other
5 than an office specified in par. (a), may receive and accept more than 45% of the value
6 of the total disbursement level determined under s. 11.31 (1), as adjusted under s.
7 11.31 (9), for the office for which he or she is a candidate during any primary and
8 election campaign combined from all committees other than political party and
9 legislative campaign committees subject to a filing requirement.

10 **SECTION 47.** 11.26 (9) (c) of the statutes is repealed.

11 **SECTION 48.** 11.26 (10) of the statutes is renumbered 11.26 (10) (a) (intro.) and
12 amended to read:

13 11.26 (10) (a) (intro.) No Except as provided in par. (b), no candidate for state
14 office who files a sworn statement and application to receive a grant from the
15 Wisconsin election campaign clean government fund may make contributions of
16 more than 200% of the amounts amount or value of the limitation specified in sub-
17 (4) this subsection to the candidate's own campaign from the candidate's personal
18 funds or property or the personal funds or property which are owned jointly or as
19 marital property with the candidate's spouse, unless the board determines that the
20 candidate is not eligible to receive a grant, or the candidate withdraws his or her
21 application under s. 11.50 (2) (h), or s. 11.50 (2) (i) applies. The limitation prescribed
22 in this subsection applies during any campaign, or if a candidate has an opponent
23 whose name is certified to appear on the ballot as a candidate for the nomination of
24 his or her party at a primary election, after the date of the primary election in that
25 campaign. For purposes of this subsection, any contribution received by a candidate

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1 11.26 (10a) (a) In this subsection, "consumer price index" means the average
2 of the consumer price index over each 12-month period, all items, U.S. city average,
3 as determined by the bureau of labor statistics of the federal department of labor.

4 (b) The dollar amounts of the limitations under sub. (1m), (9) (a) and (10)^(a) shall
5 be subject to a biennial adjustment to be determined by rule of the board in
6 accordance with this subsection. To determine the adjustment, the board shall
7 calculate the percentage difference between the consumer price index for the
8 12-month period ending on December 31 of each odd-numbered year and the
9 consumer price index for the base period, calendar year 2001. For each biennium,
10 the board shall multiply the amount of each limitation under sub. (1m), (9) (a) and
11 (10) by the percentage difference in the consumer price indices. The board shall
12 adjust the amount of each limitation to substitute that result for the existing amount
13 to the extent required to reflect any difference, rounded to the nearest multiple of
14 \$25. The amount so determined shall then be in effect until a subsequent rule is
15 promulgated under this subsection. Notwithstanding s. 227.24 (1) (a), (2) (b) and (3),
16 determinations under this subsection may be promulgated as an emergency rule
17 under s. 227.24 without providing evidence that the emergency rule is necessary for
18 the public peace, health, safety or welfare and without a finding of emergency.

19 **SECTION 51.** 11.26 (13) of the statutes is amended to read:

20 11.26 (13) Except as provided in sub. (9), contributions received from the
21 ~~Wisconsin election campaign~~ clean government fund are not subject to limitation by
22 this section.

23 **SECTION 52.** 11.265 of the statutes is repealed.

24 **SECTION 53.** 11.31 (1) (a) of the statutes is amended to read:

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1 11.31 (1) (a) Candidates for governor, ~~\$1,078,200 and lieutenant governor~~
2 ~~jointly, \$2,000,000 in the election.~~

3 SECTION 54. 11.31 (1) (b) of the statutes is repealed.

4 SECTION 55. 11.31 (1) (c) and (d) of the statutes are amended to read:

5 11.31 (1) (c) Candidates for attorney general, ~~\$539,000~~ ~~\$400,000 in the election.~~

6 (d) Candidates for secretary of state, state treasurer, justice or state
7 superintendent, ~~\$215,625~~ ~~\$200,000 in the election.~~

8 SECTION 56. 11.31 (1) (e) and (f) of the statutes are amended to read:

9 11.31 (1) (e) Candidates for state senator, ~~\$34,500 total in the primary and~~
10 ~~election, with disbursements not exceeding \$21,575 for either the primary or the~~
11 ~~election~~ ~~\$150,000 in the election.~~

12 (f) Candidates for representative to the assembly, ~~\$17,250 total in the primary~~
13 ~~and election, with disbursements not exceeding \$10,775 for either the primary or the~~
14 ~~election~~ ~~\$75,000 in the election.~~

15 SECTION 57. 11.31 (2) of the statutes is amended to read:

16 11.31 (2) LIMITATION IMPOSED. No candidate for state office at a spring or general
17 election who files a sworn statement and application to receive a grant from the
18 ~~Wisconsin election campaign clean government~~ fund may make or authorize total
19 disbursements from the his or her campaign treasury in any campaign to the extent
20 of more than the amount prescribed in sub. (1), adjusted as provided under sub. (9),
21 unless the board determines that the candidate is not eligible to receive a grant, the
22 candidate withdraws his or her application under s. 11.50 (2) (h), or s. ~~11.50 (2) (i)~~ sub.
23 (3p) applies. No candidate for state office at a special election who files a sworn
24 statement and application to receive a grant from the ~~Wisconsin election campaign~~
25 clean government fund may make or authorize total disbursements from the his or

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1 her campaign treasury in any campaign to the extent of more than the amount
2 prescribed under sub. (1), adjusted as provided under sub. (9), for the preceding
3 spring or general election for the same office, unless the board determines that the
4 candidate is not eligible to receive a grant, the candidate withdraws his or her
5 application under s. 11.50 (2) (h), or ~~s. 11.50 (2) (i)~~ sub. (3p) applies.

6 **SECTION 58.** 11.31 (2m) of the statutes is repealed.

7 **SECTION 59.** 11.31 (3) of the statutes is repealed.

8 **SECTION 60.** 11.31 (3m) of the statutes is repealed. (cs)

9 **SECTION 61.** 11.31 (3p) of the statutes is created to read:

10 11.31 (3p) ~~INDEPENDENT DISBURSEMENTS AND EXCESS CONTRIBUTIONS~~ EXCEPTION. ^{CANDIDATES RECEIVING ADDITIONAL GRANTS}

11 If a candidate receives a grant under s. 11.50 (9) (b) ~~or (ba)~~ ^{or (bb)}, the disbursement
12 limitation of that candidate for the campaign in which the grant is received is
13 increased by the amount of that grant.

14 **SECTION 62.** 11.31 (4) of the statutes is repealed.

15 **SECTION 63.** 11.31 (7) (a) of the statutes is amended to read:

16 11.31 (7) (a) For purposes of this section, except as provided in par. (e), the
17 “campaign” of a candidate extends from July 1 preceding the date on which the spring
18 primary or election occurs or January 1 preceding the date on which the September
19 primary or general election occurs for the office which the candidate seeks, or from
20 the date of the candidate’s public announcement, whichever is earlier, through the
21 last day of the month following the month in which the election ~~or primary~~ is held
22 for the office which the candidate seeks, except that if a candidate for an office
23 specified in s. 11.31 (1) (a) to (f) has an opponent whose name is certified to appear
24 on the ballot as a candidate for the nomination of his or her party at a primary
25 election, the campaign of that candidate extends from the day after the date of the

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1 primary election through the last day of the month following the month in which the
2 election is held for the office which the candidate seeks.

3 **SECTION 64.** 11.31 (7) (e) of the statutes is created to read:

4 11.31 (7) (e) For purposes of computing the applicable amount under par. (a),
5 if one of the candidates of a political party for the office of governor or lieutenant
6 governor has an opponent whose name is certified to appear on the ballot as a
7 candidate for the party nomination of his or her party in the September primary
8 election, the disbursements made or obligated to be made on or before the date of the
9 primary election by the candidate who has an opponent shall be excluded.

10 **SECTION 65.** 11.31 (9) of the statutes is created to read:

11 11.31 (9) **ADJUSTMENT OF DISBURSEMENT LEVELS.** (a) In this subsection,
12 "consumer price index" means the average of the consumer price index over each
13 12-month period, all items, U.S. city average, as determined by the bureau of labor
14 statistics of the federal department of labor.

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 consumer price index for the 12-month period
19 ending on December 31 of each odd-numbered year and the consumer price index for
20 the base period, calendar year 2001. For each biennium, the board shall multiply
21 that result by the percentage difference in the consumer price indices. The board
22 shall adjust the disbursement levels specified under sub. (1) to substitute that result
23 for the existing levels to the extent required to reflect any difference, rounded to the
24 nearest multiple of \$25 in the case of amounts of \$1 or more, which amounts shall
25 be in effect until a subsequent rule is promulgated under this subsection.

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

5 **SECTION 66.** 11.50 (title) of the statutes is amended to read:

6 **11.50 (title)** ~~Wisconsin election campaign~~ **Clean government fund.**

7 **SECTION 67.** 11.50 (1) (b) of the statutes is amended to read:

8 11.50 (1) (b) “Fund” means the ~~Wisconsin election campaign~~ clean government
9 fund.

10 **SECTION 68.** 11.50 (2) (a) of the statutes is amended to read:

11 11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may
12 file an application with the board requesting approval to participate in the fund. The
13 application shall be filed no later than the applicable deadline for filing nomination
14 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.
15 on the 7th day after the primary or date on which the primary would be held if
16 required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day
17 after appointment in the case of candidates appointed to fill vacancies. ~~The~~ ^{restored}

18 ~~as authorized in par. (a)~~ the application shall contain a sworn statement that the
19 candidate and his or her authorized agents have complied with the contribution
20 limitations prescribed in s. 11.26 and the disbursement limitations prescribed under
21 s. 11.31 (1), as adjusted under s. 11.31 (9), at all times to which such limitations have
22 applied to his or her candidacy and will continue to comply with the limitations at
23 all times to which the limitations apply to his or her candidacy for the office in
24 contest, unless the board determines that the candidate is not eligible to receive a

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1 grant, the candidate withdraws his or her application under par. (h), or ~~par. (i) s.~~
2 11.31 (3p) applies.

3 **SECTION 69.** 11.50 (2) (b) (intro.) of the statutes is amended to read:

4 11.50 (2) (b) (intro.) The Except as provided in par. (bm), the board shall
5 approve the application of an eligible candidate for participation if:

6 **SECTION 70.** 11.50 (2) (b) 5. of the statutes is renumbered 11.50 (2) (b) 5. (intro.)
7 and amended to read:

8 11.50 (2) (b) 5. (intro.) The financial reports filed by or on behalf of the
9 candidate as of the date of the spring or September primary, or the date that the
10 special primary is or would be held, if required, indicate that the candidate has
11 received at least the amount provided in this subdivision, from contributions of
12 money, other than loans, made by individuals, who are residents of this state
13 period ending on the date of the spring primary and July 1 preceding such date in other
14 the case of candidates at the spring election, or the date of the September primary than
15 and January 1 preceding such date in the case of candidates at the general election, contributions
16 or the date that a special primary will or would be held, if required, and 90 days received
17 preceding such date or the date a special election is ordered, whichever is earlier, in through
18 the case of special election candidates, which contributions are in the aggregate candidate
19 amount of \$100 or less, and which are fully identified and itemized as to the exact
20 source thereof. In the case of a candidate for legislative office, the contributions
21 may only be received from individuals who are residents of the district in which the candidate
22 seeks office. A contribution received from a conduit which is identified by the conduit
23 as originating from an individual shall be considered a contribution made by the
24 individual. Only the first \$100 of an aggregate contribution of more than \$100 may
25 be counted toward the required percentage. For a candidate at the spring or general

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1 election for an office identified in s. 11.26 (1) (a) or a candidate at a special election,
 2 the required amount to qualify for a grant is 5% of the candidate's authorized
 3 disbursement limitation under s. 11.31. For any other candidate at the general
 4 election, the required amount to qualify for a grant is 10% of the candidate's
 5 authorized disbursement limitation under s. 11.31. Except as provided in sub. (9a),
 6 the amount of contributions required under this subdivision is:

7 **SECTION 71.** 11.50 (2) (b) 5. a. to e. of the statutes are created to read:

8 11.50 (2) (b) 5. a. For candidates for the offices of governor and lieutenant
 9 governor jointly, \$80,400.

10 b. For a candidate for the office of attorney general, \$16,200.

11 c. For a candidate for the office of secretary of state, state treasurer, justice or
 12 state superintendent, \$8,040.

13 d. For a candidate for the office of state senator, \$6,000.

14 e. For a candidate for the office of representative to the assembly, \$3,000.

15 **SECTION 72.** 11.50 (2) (bm) of the statutes is created to read:

16 11.50 (2) (bm) The board shall not approve the application of an eligible
 17 candidate for the office of governor or lieutenant governor of the same political party
 18 unless both candidates qualify to receive a grant under this subsection.

19 **SECTION 73.** 11.50 (2) (g) of the statutes is amended to read:

20 11.50 (2) (g) ^{Pres} A ~~Each~~ candidate ~~except a candidate who receives a grant under~~
 21 ~~sub. (9) (b) or (b1)~~ who voluntarily files an application to receive a grant in
 22 accordance with this subsection accepts and agrees to comply with the contribution
 23 limitations prescribed in s. 11.26 and the disbursement limitations imposed under
 24 s. 11.31 (2), as adjusted under s. 11.31 (9) as binding upon himself or herself and his
 25 or her agents during the campaign as defined in s. 11.31 (7), as a precondition to

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1 receipt of a grant under this section, unless the board determines that the candidate
2 is not eligible to receive a grant, the candidate withdraws the application under par.
3 (h), or ~~par. (i)~~ s. 11.31 (3p) applies.

4 **SECTION 74.** 11.50 (2) (i) of the statutes is repealed.

5 **SECTION 75.** 11.50 (3) of the statutes is repealed.

6 **SECTION 76.** 11.50 (4) of the statutes is repealed and recreated to read:

7 11.50 (4) AMOUNT OF GRANTS. Except as provided in sub. (9) (b) and (ba), each
8 eligible candidate for the same office who qualifies for grant under this section shall
9 receive an equal amount.

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

11 11.50 (5) TIME OF DISBURSEMENT. The state treasurer shall make the
12 disbursements to the campaign depository account of each eligible candidate under
13 ~~subs. (3) and (4)~~ by the end of the 3rd business day following notice from the board
14 under s. 7.08 (2) (c) or (cm). ~~Eligible candidates for governor and lieutenant governor~~
15 ~~of the same political party may combine accounts if desired, except that the state~~
16 treasurer shall make disbursements for eligible candidates for the office of governor
17 and lieutenant governor jointly to the campaign depository account of the candidate
18 for governor.

19 **SECTION 78.** 11.50 (6) of the statutes is repealed.

20 **SECTION 79.** 11.50 (9) (title) of the statutes is amended to read:

21 11.50 (9) (title) ~~LIMITATION ON~~ AMOUNT OF GRANTS.

22 **SECTION 80.** 11.50 (9) of the statutes is renumbered 11.50 (9) (a) (intro.) and
23 amended to read:

24 11.50 (9) (a) (intro.) The Except as provided in pars. (b), ~~(ba)~~ and sub. (9a),
25 the total grant available to an eligible candidate may not exceed that amount which,

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1 make an additional grant to the eligible candidate who accepts a grant in an amount
 2 equal to the total amount of obligations and disbursements not previously reported
 3 as obligations to advocate the election of the certified opposing candidate or to oppose
 4 the election of the eligible candidate who accepts the grant. *as reported under s. 11.12(6)(c)*

5 **SECTION 83.** 11.50 (9) (ba) of the statutes is created to read:

6 11.50 (9) (ba) If an eligible candidate who accepts a grant is opposed by one or
 7 more candidates in a general or special election who are required, or whose personal
 8 campaign committees are required, to file a report under s. 11.12 (7), then the board
 9 shall make an additional grant to the eligible candidate who accepts a grant in an
 10 amount equal to the total amount or value of contributions accepted by the opposing
 11 candidate or candidates exceeding the amount specified for the office sought by the
 12 candidate or candidates under s. 11.12 (7) (a) for contributions from political party
 13 committees or from all contributors, or if both amounts specified in s. 11.12 (7) (a) are
 14 exceeded, an amount equal to the excess over both amounts specified. *as reported by the opposing candidate under s. 11.12(7)(a)*

15 **SECTION 84.** 11.50 (9a) of the statutes is created to read:

16 11.50 (9a) ADJUSTMENT OF QUALIFYING AND GRANT AMOUNTS. (a) In this
 17 subsection, "consumer price index" means the average of the consumer price index
 18 over each 12-month period, all items, U.S. city average, as determined by the bureau
 19 of labor statistics of the federal department of labor.

20 (b) The dollar amounts of all qualifying amounts specified in sub. (2) (b) 5. and
 21 all grant amounts specified in sub. (9) shall be subject to a biennial adjustment to be
 22 determined by rule of the board in accordance with this subsection. To determine the
 23 adjustment, the board shall calculate the percentage difference between the
 24 consumer price index for the 12-month period ending on December 31 of each
 25 odd-numbered year and the consumer price index for the base period, calendar year

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1 ~~when added to all other contributions accepted from sources other than individuals,~~
2 ~~political party committees and legislative campaign committees, is equal to 45% of~~
3 ~~the disbursement level specified for the applicable office under s. 11.31. The board~~
4 ~~shall scrutinize accounts and reports and records kept under this chapter to assure~~
5 ~~that applicable limitations under ss. 11.26 (9) and 11.31 are not exceeded and any~~
6 ~~violation is reported. is:~~

7 (am) No candidate or campaign treasurer may accept grants exceeding the
8 amount authorized by this subsection.

9 **SECTION 81.** 11.50 (9) (a) 1. to 5. of the statutes are created to read:

10 11.50 (9) (a) 1. For candidates for the office of governor and lieutenant governor
11 jointly, \$670,000.

12 2. For a candidate for the office of attorney general, \$135,000.

13 3. For a candidate for the office of secretary of state, state treasurer,
14 superintendent or justice, \$67,000.

15 4. For a candidate for the office of state senator, \$50,000.

16 5. For a candidate for the office of representative to the assembly, \$25,000.

17 **SECTION 82.** 11.50 (9) (b) of the statutes is created to read:

18 11.50 (9) (b) If an eligible candidate who accepts a grant is opposed by one or
19 more candidates in a general or special election whose names are certified under s.
20 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot, and if an obligation is incurred or
21 a disbursement is made to oppose the election of the eligible candidate who accepts
22 a grant or to support a certified opponent of that candidate without cooperation or
23 consultation with any certified opposing candidate or such a candidate's agent or
24 authorized committee, and not in concert with, or at the request or suggestion of any
25 certified opposing candidate's agent or authorized committee, then the board shall

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1 2001. For each biennium, the board shall multiply each qualifying amount and grant
2 amount by the percentage difference in the consumer price indices. The board shall
3 adjust each qualifying amount and grant amount to substitute that result for the
4 existing amount to the extent required to reflect any difference, rounded to the
5 nearest multiple of \$25. The amounts so determined shall then be in effect until a
6 subsequent rule is promulgated under this subsection. Notwithstanding s. 227.24
7 (1) (a), (2) (b) and (3), determinations under this subsection may be promulgated as
8 an emergency rule under s. 227.24 without providing evidence that the emergency
9 rule is necessary for the public peace, health, safety or welfare and without a finding
10 of emergency.

11 **SECTION 85.** 11.50 (11) (e) of the statutes is amended to read:

12 11.50 (11) (e) No candidate may expend, authorize the expenditure of or incur
13 any obligation to expend any grant if he or she violates the pledge required under
14 sub. (2) (a) as a precondition to receipt of a grant, except as authorized in sub. (2) (h)
15 or (i).

16 **SECTION 86.** 11.60 (3s) and (3t) of the statutes are created to read:

17 11.60 (3s) Notwithstanding sub. (1), if any candidate or other individual or
18 committee, including a conduit, accepts or transfers a contribution, makes a
19 disbursement or incurs an obligation to make a disbursement for the purpose of
20 supporting or opposing a candidate for an office specified in s. 11.31 (1) (a) to (f) or
21 for a purpose specified in s. 11.01 (16) (a) 3. without first registering under s. 11.05
22 (1), (2) or (2g) to the extent required under s. 11.05 (1), (2) and (2g), or without
23 reporting the information required under s. 11.12 (6) (b) or (c) or (7) or 11.20 (3) or
24 (4) with respect to that contribution, disbursement or obligation, to the extent
25 required under ss. 11.12 (6) (b) and (c) and (7) and 11.20 (3) and (4), the candidate

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1 or other individual or committee may be required to forfeit not more than \$500 per
2 day for each day of continued violation.

3 (3t) Notwithstanding sub. (1), if any candidate or other individual or
4 committee, including a conduit, accepts or transfers one or more contributions,
5 makes one or more disbursements or incurs one or more obligations to make
6 disbursements for the purpose of supporting or opposing a candidate for an office
7 specified in s. 11.31 (1) (a) to (f) or for a purpose specified in s. 11.01 (16) (a) 3. in an
8 amount or value that differs from the amount reported by that individual or
9 committee under s. 11.12 (6) (b) or (c) or (7) or 11.20 (3) or (4):

10 (a) By more than 5% but not more than 10% cumulatively, the individual or
11 committee shall forfeit 4 times the amount or value of the difference.

12 (b) By more than 10% but not more than 15% cumulatively, the individual or
13 committee shall forfeit 6 times the amount or value of the difference.

14 (c) By more than 15% cumulatively, the individual or committee shall forfeit
15 8 times the amount of the difference.

16 **SECTION 87.** 11.61 (1) (a) of the statutes is amended to read:

17 11.61 (1) (a) ~~Whoever~~ Except as provided in par. (d), whoever intentionally
18 violates s. 11.05 (1), (2), (2g) or (2r), 11.07 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or
19 11.24 (1) may be fined not more than \$10,000 or imprisoned not more than 3 years
20 or both.

21 **SECTION 88.** 11.61 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 283,
22 is amended to read:

23 11.61 (1) (a) ~~Whoever~~ Except as provided in par. (d), whoever intentionally
24 violates s. 11.05 (1), (2), (2g) or (2r), 11.07 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or

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1 11.24 (1) may be fined not more than \$10,000 or imprisoned for not more than 4 years
2 and 6 months or both.

3 **SECTION 89.** 11.61 (1) (b) of the statutes is amended to read:

4 11.61 (1) (b) ~~Whoever~~ Except as provided in par. (d), whoever intentionally
5 violates s. 11.25, 11.26, 11.27 (1), 11.30 (1) or 11.38 where the intentional violation
6 does not involve a specific figure, or where the intentional violation concerns a figure
7 which exceeds \$100 in amount or value may be fined not more than \$10,000 or
8 imprisoned not more than 3 years or both.

9 **SECTION 90.** 11.61 (1) (b) of the statutes, as affected by 1997 Wisconsin Act 283,
10 is amended to read:

11 11.61 (1) (b) ~~Whoever~~ Except as provided in par. (d), whoever intentionally
12 violates s. 11.25, 11.26, 11.27 (1), 11.30 (1) or 11.38 where the intentional violation
13 does not involve a specific figure, or where the intentional violation concerns a figure
14 which exceeds \$100 in amount or value may be fined not more than \$10,000 or
15 imprisoned for not more than 4 years and 6 months or both.

16 **SECTION 91.** 11.61 (1) (c) of the statutes is amended to read:

17 11.61 (1) (c) ~~Whoever~~ Except as provided in par. (d), whoever intentionally
18 violates any provision of this chapter other than those provided in par. (a) and
19 whoever intentionally violates any provision under par. (b) where the intentional
20 violation concerns a specific figure which does not exceed \$100 in amount or value
21 may be fined not more than \$1,000 or imprisoned not more than 6 months or both.

22 **SECTION 92.** 11.61 (1) (d) of the statutes is created to read:

23 11.61 (1) (d) Whoever, with intent to conceal or deceive, accepts or transfers a
24 contribution, makes a disbursement or incurs an obligation to make a disbursement
25 for the purpose of supporting or opposing a candidate for an office specified in s. 11.31

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1 (1) (a) to (f) or for a purpose specified in s. 11.01 (16) (a) 3. without first registering
2 under s. 11.05 (1), (2) or (2g), to the extent required under s. 11.05 (1), (2) and (2g),
3 or without reporting the information required under s. 11.12 (6) (b) or (c) or (7) or
4 11.20 (3) or (4) with respect to that contribution, disbursement or obligation, to the
5 extent required under ss. 11.12 (6) (b) and (c) and (7) and 11.20 (3) and (4), may be
6 fined not more than \$10,000 or imprisoned for not more than 5 years, or both.

7 **SECTION 93.** 11.62 of the statutes is created to read:

8 **11.62 Nullification of election. (1)** If one or more violations that are
9 punishable under s. 11.60 (3t) (c) are of sufficient severity to have affected the result
10 of an election, the board or the district attorney for any county where such a violation
11 occurs, or any candidate who is adversely affected by the result of the election, may
12 commence a civil action to obtain a judgment nullifying the election, vacating the
13 office filled at the election and ordering a special election to be held to fill the office
14 vacated by the judgment.

15 (2) Notwithstanding s. 5.05 (1) (c), if a candidate is a party to an action
16 commenced under this section, the action may not be compromised or settled without
17 consent of the candidate. If an action under this section is commenced by the board
18 or a district attorney and any unsuccessful candidate whose name appeared on the
19 ballot at the election is not a party to the action, the board or district attorney shall
20 provide at least 30 days' written notice to each such candidate of any intent of the
21 board or district attorney to compromise and settle the action. Notwithstanding s.
22 5.05 (1) (c), during the 30-day period following service of notice, the board or district
23 attorney shall not compromise and settle the action and any candidate upon whom
24 notice is served may intervene in the action. If any such candidate intervenes in the
25 action within the 30-day period following service of notice, the board or district

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1 attorney shall not compromise or settle the action. If no nonconsenting candidate
2 who is adversely affected by the result of the election is a party to the action and no
3 such candidate intervenes in the action within the 30-day period following service
4 of notice, the party commencing the action may compromise and settle the action.

5 **SECTION 94.** 14.58 (20) of the statutes is amended to read:

6 14.58 (20) ~~ELECTION CAMPAIGN CLEAN GOVERNMENT FUND.~~ Make disbursements
7 to each candidate certified under s. 7.08 (2) (c) or (cm) by the elections board as
8 eligible to receive moneys from the ~~Wisconsin election campaign~~ clean government
9 fund.

10 **SECTION 95.** 20.510 (1) (q) of the statutes is amended to read:

11 20.510 (1) (q) ~~Wisconsin election campaign~~ Clean government fund. As a
12 continuing appropriation, from the ~~Wisconsin election campaign~~ clean government
13 fund, the ~~moneys~~ amounts determined under s. 11.50 to provide for payments to
14 eligible candidates certified under s. 7.08 (2) (c) and (cm).

15 **SECTION 96.** 20.855 (4) (b) of the statutes is repealed.

16 **SECTION 97.** 20.855 (4) (ba) of the statutes is created to read:

17 20.855 (4) (ba) *Lobbying expenditure tax revenue transfer.* A sum sufficient
18 equal to the amounts determined by the secretary of revenue under s. 77.9973, to be
19 transferred from the general fund to the clean government fund annually on
20 September 16.

21 **SECTION 98.** 20.855 (4) (bb) of the statutes is created to read:

22 20.855 (4) (bb) *Clean government fund supplement.* A sum sufficient equal to
23 the amounts required to make full payment of grants which candidates qualify to
24 receive from the clean government fund, to be transferred from the general fund to

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1 the clean government fund no later than the time required to make payments of
2 grants under s. 11.50 (5).

3 **SECTION 99.** 25.17 (1) (ys) of the statutes is amended to read:

4 25.17 (1) (ys) ~~Wisconsin election campaign~~ Clean government fund (s. 25.42);

5 **SECTION 100.** 25.42 of the statutes is amended to read:

6 **25.42 ~~Wisconsin election campaign~~ Clean government fund.** All moneys
7 appropriated under s. 20.855 (4) ~~(b)~~ (ba) and (bb) together with all moneys reverting
8 to the state under s. 11.50 (8) and all gifts, bequests and devises received under s.
9 11.50 (13) constitute the ~~Wisconsin election campaign~~ clean government fund, to be
10 expended for the purposes of s. 11.50. All moneys in the fund not disbursed by the
11 state treasurer shall continue to accumulate indefinitely.

12 **SECTION 101.** 71.10 (3) of the statutes is repealed.

13 **SECTION 102.** Chapter 77 (title) of the statutes is amended to read:

14 **CHAPTER 77**

15 **TAXATION OF FOREST CROPLANDS;**

16 **REAL ESTATE TRANSFER FEES;**

17 **SALES AND USE TAXES; COUNTY**

18 **AND SPECIAL DISTRICT SALES**

19 **AND USE TAXES; MANAGED FOREST**

20 **LAND; TEMPORARY RECYCLING**

21 **SURCHARGE; LOCAL FOOD AND**

22 **BEVERAGE TAX; LOCAL RENTAL**

23 **CAR TAX; PREMIER RESORT AREA**

24 **TAXES; STATE RENTAL VEHICLE**

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25**FEE; DRY CLEANING FEES;
LOBBYING EXPENDITURE TAX**

SECTION 103. Subchapter XIII of chapter 77 [precedes 77.997] of the statutes is created to read:

**CHAPTER 77
SUBCHAPTER XIII
LOBBYING EXPENDITURE TAX**

77.997 Definition. In this subchapter, “lobbying expenditure” has the meaning given under s. 13.62 (10r).

77.9971 Imposition. A tax is imposed on every person, except an organization described in section 501 (c) (3) of the Internal Revenue Code, that is exempt from federal income taxation under section 501 (a) of the Internal Revenue Code and a governmental unit, as defined in s. 281.65 (2) (am), at the rate of 10% on lobbying expenditures that are reportable to the ethics board under s. 13.68 (1).

77.9972 Administration. (1) The department of revenue shall levy, enforce and collect the tax under this subchapter.

(2) The tax under this subchapter and a completed return prescribed by the department of revenue are due on March 1 and September 1.

(3) Sections 77.59 (1) to (6), (8) and (8m), 77.60 (1) to (7), (9) and (10), 77.61 (5) and (12) to (14) and 77.62, as they apply to the taxes under subch. III, apply to the tax under this subchapter.

77.9973 Certification. Annually no later than September 15, the secretary of revenue shall certify to the secretary of administration the amount of taxes collected under this subchapter for the preceding 12-month period ending on June 30.

BILL**1 SECTION 104. Nonstatutory provisions.**

2 (1) Notwithstanding section 990.001 (11) of the statutes, if a court finds that
3 any provision of this act is unconstitutional, the entire act is void.

4 SECTION 105. Initial applicability.

5 (1) The treatment of sections 11.12 (7) (d), 11.26 (10a), 11.31 (9) and 11.50 (9a)
6 of the statutes first applies to adjustments for the biennium beginning on January
7 1, 2002.

8 (2) The treatment of subchapter XIII of chapter 77 of the statutes first applies
9 to lobbying expenditures made during the 6-month period ending on December 31,
10 2000.

11 **SECTION 106. Effective dates.** This act takes effect on the day after
12 publication, except as follows:

13 (1) The treatment of sections 11.61 (1) (a) (by SECTION 88) and 11.61 (1) (b) (by
14 SECTION 92) of the statutes takes effect on December 31, 1999.

15 (END)

**1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

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9 In addition to these amounts, the bill provides that a candidate who accepts a grant shall receive an additional grant in an amount equal to 1) the amount of any independent disbursements that are made to oppose that candidate or to support that candidate's opponent; 2) the total amount of contributions that conduits report they have transferred or intend to transfer to opposing candidates; and 3) the total amount of contributions accepted by opposing candidates above the level for which 24-hour reports are required.

JWS 31-22

Section #. 11.26 (17) (a) of the statutes is amended to read:

11.26 (17) (a) For purposes of application of the limitations imposed in subs. (1), ^(1m) (2), (9) and (10), the "campaign" of a candidate begins and ends at the times specified in this subsection.

~~History: 1973 c. 334; 1975 c. 93 ss. 89 to 95, 119 (1); 1975 c. 200; 1977 c. 107, 187; 1977 c. 427 s. 132; 1979 c. 263, 328; 1979 c. 355 s. 32; 1983 a. 183, 186; 1985 a. 303 ss. 44 to 55m, 86; 1987 a. 27, 370; 1989 a. 31, 192; 1995 a. 27 s. 9145 (1); 1995 a. 219, 225.~~

except as otherwise provided in subs. (1m), (9) and (10)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

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SECTION 1. 11.50 (9) (bb) of the statutes is created to read:

11.50 (9) (bb) If any eligible candidate who accepts a grant is opposed by one or more candidates in a general or special election whose names are certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot, and if a conduit has accepted or intends to accept one or more contributions which the conduit has transferred or intends to transfer to the certified opposing candidate and the contributions are required to be reported by the conduit under s. 11.12 (6) (b), then the board shall make an additional grant to the eligible candidate who accepts a grant in an amount equal to the amount or value of contributions accepted by the opposing candidate or candidates, as reported by the conduit under s. 11.12 (6) (b).



DNOTE
State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2225/84
JTK&JK:cmh:km

GRANTED MON 4/5

1999 BILL

refer cat.

1 **AN ACT** *to repeal* 11.01 (12s), 11.05 (3) (o), 11.26 (9) (c), 11.265, 11.31 (1) (b), 11.31
2 (2m), 11.31 (3), 11.31 (3m), 11.31 (4), 11.50 (2) (i), 11.50 (3), 11.50 (6), 20.855 (4)
3 (b) and 71.10 (3); *to renumber and amend* 11.12 (6), 11.26 (9) (a), 11.26 (10),
4 11.50 (2) (b) 5. and 11.50 (9); *to amend* 5.02 (13), 5.02 (18), 7.08 (2) (c) and (cm),
5 8.35 (4) (b), 10.02 (3) (b) 2m., 11.01 (5m), 11.05 (3) (c), 11.05 (9) (b), 11.06 (2),
6 11.06 (7m) (a), 11.06 (7m) (c), 11.09 (3), 11.12 (5), 11.16 (5), 11.20 (2m), 11.20 (3)
7 (d), 11.20 (3) (g), 11.20 (8) (intro.), 11.20 (12), 11.21 (15), 11.26 (1) (intro.), 11.26
8 (2) (intro.), 11.26 (2) (a), 11.26 (4), 11.26 (8), 11.26 (9) (b), 11.26 (13), 11.26 (17)
9 (a), 11.31 (1) (a), 11.31 (1) (c) and (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (7) (a),
10 11.50 (title), 11.50 (1) (b), 11.50 (2) (a), 11.50 (2) (b) (intro.), 11.50 (2) (g), 11.50
11 (5), 11.50 (9) (title), 11.50 (11) (e), 11.61 (1) (a), 11.61 (1) (a), 11.61 (1) (b), 11.61
12 (1) (b), 11.61 (1) (c), 14.58 (20), 20.510 (1) (q), 25.17 (1) (ys), 25.42 and chapter
13 77 (title); *to repeal and recreate* 11.50 (4); and *to create* 11.01 (16) (a) 3.,
14 11.05 (3) (d), 11.12 (6) (b) to (d), 11.12 (7), 11.20 (2e), 11.20 (2s), 11.20 (2t), 11.20

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1 (8)(ak) and (aL), 11.20 (8)(am), 11.20 (8)(an), 11.24 (1t), 11.24 (1w), 11.26 (1m),
2 11.26 (9) (a) 1. to 5., 11.26 (9) (aa), 11.26 (9) (am), 11.26 (10) (a) 1. to 5. and (b),
3 11.26 (10a), 11.31 (3p), 11.31 (7) (e), 11.31 (9), 11.50 (2) (b) 5. a. to e., 11.50 (2)
4 (bm), 11.50 (9) (a) 1. to 5., 11.50 (9) (b), 11.50 (9) (ba), 11.50 (9) (bb), 11.50 (9a),
5 11.60 (3s) and (3t), 11.61 (1) (d), 11.62, 20.855 (4) (ba), 20.855 (4) (bb) and
6 subchapter XIII of chapter 77 [precedes 77.997] of the statutes; **relating to:**
7 campaign financing, imposition of a lobbying expenditure tax, providing
8 exemptions from emergency rule procedures, granting rule-making authority,
9 making appropriations and providing penalties.

Analysis by the Legislative Reference Bureau

This bill makes numerous changes in the campaign finance law and imposes a tax on lobbying expenditures. Significant changes include:

Filing of campaign finance reports

Currently, a committee making contributions or a candidate or other individual or committee accepting contributions, making disbursements (expenditures) or incurring obligations in support of or opposition to a candidate is generally required to file a report no later than the eighth day before a primary or election at which the candidate seeks nomination or election to office. The report must disclose contributions made or accepted, disbursements made and obligations incurred through the 14th day prior to the primary or election.

Currently, if a candidate for state office receives one or more contributions from a single contributor aggregating \$500 or more during the 14-day period preceding an election, the candidate must report to the elections board the information currently required to be disclosed pertaining to contributions received by the candidate no later than 24 hours following receipt of any such contribution or contributions.

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

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recipient as a conduit and provide to that recipient the information about the contribution that is necessary for the recipient to file its campaign finance reports.

This bill requires each conduit that has accepted or intends to accept any contribution to be transferred to a candidate for a major state office (governor, lieutenant governor, attorney general, secretary of state, state treasurer, state superintendent of public instruction, justice of the supreme court, state senator or representative to the assembly) at the general election or a special election to report to the elections board, in the case of the general election, on the 63rd, 42nd and 21st day prior to that election, and in the case of a special election, on the 21st day prior to that election, specifying the name of each candidate to whom the conduit intends to transfer any contribution during the 21-day period following the date on which the report is due to be filed and the amount to be transferred to that candidate.

The bill similarly requires each committee, other than a conduit, that intends to receive any contribution, make any disbursement or incur any obligation to make a disbursement for the purpose of advocating the election or defeat of a candidate for a major state office at the general election or a special election independently of any candidate who is supported or whose opponent is opposed to report to the elections board on the 63rd, 42nd and 21st day prior to that election, and in the case of a special election, on the 21st day prior to that election, specifying the name of each candidate who is supported or whose opponent is opposed and the total amount of contributions to be received, disbursements to be made and obligations to be incurred for that purpose during the 21-day period following the date on which the report is due to be filed.

The bill also requires conduits and committees other than conduits who or which are subject to these special reporting requirements to file additional reports on the 39th and 18th days preceding each general election and the 18th day preceding each special election itemizing actual contributions transferred and received, disbursements made and obligations incurred during the 21-day periods ending on the 42nd and 21st days preceding the election.

In addition, the bill provides that if a candidate for a major state office at the general or a special election does not enter into an agreement to accept a public grant in return for abiding by disbursement limitations and contribution restrictions, the candidate must report to the elections board all information currently required to be disclosed pertaining to any contributions received by the candidate no later than 24 hours following receipt of any contribution or contributions after that candidate receives total contributions equal to more than the following amounts during his or her campaign, or if the candidate has an opponent whose name is certified to appear on the ballot as a candidate for the party nomination of his or her party in a primary election in that campaign, during the period beginning after the date of that primary election:

1. For candidates for the offices of governor and lieutenant governor jointly, \$330,000 from all political party committees or \$1,670,000 from all ~~contributors~~ ^{individuals}
2. For a candidate for the office of attorney general, \$65,000 from all political party committees or \$200,000 from all ~~contributors~~ ^{individuals}

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3. For a candidate for the office of secretary of state or state treasurer, \$33,000 from all political party committees or ~~\$100,000~~ ^{\$167,000} from all ~~contributors~~ ^{individuals}

4. For a candidate for the office of justice or state superintendent, \$100,000 from all ~~contributors~~ ^{individuals}

5. For a candidate for the office of state senator, \$25,000 from all political party committees or \$125,000 from all ~~contributors~~ ^{individuals}

6. For a candidate for the office of representative to the assembly, \$12,500 from all political party committees or \$62,500 from all ~~contributors~~ ^{individuals}

Under the bill, these amounts are subject to a biennial cost-of-living adjustment beginning in 2002, in accordance with a formula tied to the "consumer price index" determined by the U.S. department of labor.

The bill also requires each candidate at the general election, and each committee or individual making disbursements or incurring obligations in support of or in opposition to a candidate at the general or a special election, to file an additional report on the tenth day after the election.

Mass media activities

Currently, individuals who accept contributions, organizations that make or accept contributions, and individuals who or organizations that 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 and organization that makes a communication by means of a newspaper, periodical, commercial billboard or radio or television station, other than a communication by a corporation, cooperative or nonpolitical voluntary association limited to its members, shareholders or subscribers, during the period beginning on the 60th day preceding an election and ending on the date of that election which includes a reference to a candidate at that election, an office to be filled at that election or a political party to register with the appropriate filing officer and to file financial reports with that officer to the same extent as currently required of individuals who and organizations that engage in activity for the purpose of influencing elections.

Disbursement 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 who declines to accept one and declines to file an affidavit of voluntary compliance with disbursement and contribution limitations. Under current law, the disbursement limitations apply to a candidate's entire primary and election campaign combined. Additionally, the disbursement levels for candidates for the offices of state senator and representative to the assembly are subdivided between the primary and election campaign periods in such a way that only about 60% of the

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total applicable disbursement level for either office may be allocated by a candidate to either the primary or the election campaign period.

This bill:

1. Eliminates disbursement levels and limitations applicable to candidates for state office, except the offices of court of appeals judge, circuit judge and district attorney, on or before the date of the primary election for those offices.
2. 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	[\$2,000,000
Lieutenant governor	323,475	for both offices]
Attorney general	539,000	400,000
Secretary of state	215,625	200,000
State treasurer	215,625	200,000
Supreme court justice	215,625	200,000
State superintendent	215,625	200,000
State senator	34,500	150,000
Representative to the assembly	17,250	75,000

3. Provides that disbursement limitations do not apply until after the date of a primary election for a candidate who has an opponent whose name appears on the ballot as a candidate for the nomination of his or her party at the primary election.

4. Creates a biennial cost-of-living adjustment that causes the statutory disbursement levels to be adjusted biennially, beginning in 2002, in accordance with a formula tied to the "consumer price index" determined by the U.S. department of labor.

5. Deletes current law that permits a candidate who does not accept a grant to continue to bind an opponent to disbursement and contribution limitations by filing an affidavit of voluntary compliance.

6. Deletes current law that makes disbursement limitations inapplicable to a candidate who accepts a grant when the candidate has an opponent who could have qualified for a grant but declines to accept one, and who declines to file an affidavit of voluntary compliance with disbursement and self-contribution limitations. However, the bill increases the disbursement limitation of the candidate who accepts a grant by an amount equal to 1) the amount of any independent disbursements that are made to oppose that candidate or to support that candidate's opponent; 2) the total amount of contributions that conduits report they have transferred or intend to transfer to opposing candidates; and 3) the total amount of contributions accepted by opposing candidates above the level for which 24-hour reports are required (see below).

Contributions that are received by committees for the purpose of making independent disbursements

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

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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.

This 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.

Contribution limitations

Current law specifies limitations on the maximum amount of contributions that may be given to and accepted by a candidate for state or local office from any single individual or committee. Under current law, a candidate who receives a grant may make contributions to his or her own campaign in an amount or value not exceeding 200% of the limitation applicable to other individuals making contributions to his or her campaign. Current law also limits the total contributions that a candidate for state or local office may accept from all political committees, including political party and legislative campaign committees, and from the Wisconsin election campaign fund to 65% of the value of the statutory disbursement level specified for the office that the candidate seeks. The total amount that a candidate may accept from committees other than political party and legislative campaign committees and from the Wisconsin election campaign fund is limited to 45% of that disbursement level.

This bill deletes the current aggregate limitations on contributions that may be received from committees and instead imposes an aggregate contribution limitation on the total amount or value of contributions that a candidate who accepts a grant may accept from all committees, including political party committees, during the entire campaign of the candidate, or if the candidate has an opponent for the nomination of his or her party at a primary election, after the date of the primary election, as follows:

1. For candidates for the offices of governor and lieutenant governor jointly, \$330,000.
2. For a candidate for the office of attorney general, \$65,000.
3. For a candidate for the office of secretary of state, state treasurer, justice or state superintendent, \$33,000.
4. For a candidate for the office of state senator, \$25,000.
5. For a candidate for the office of representative to the assembly, \$12,500.

The bill also imposes an aggregate contribution limitation on the total amount or value of contributions that a candidate who accepts a grant may accept from all individuals, including contributions by an individual to his or her own campaign, during the entire campaign of the candidate, or if the candidate has an opponent for the nomination of his or her party at a primary election, after the date of the primary election, as follows:

1. For candidates for the offices of governor and lieutenant governor jointly, \$1,000,000.

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2. For a candidate for the office of attorney general, \$200,000.
3. For a candidate for the office of secretary of state, state treasurer, state superintendent of public instruction or justice of the supreme court, \$100,000.
4. For a candidate for the office of state senator, \$75,000.
5. For a candidate for the office of representative to the assembly, \$37,500.

Under the bill, a candidate is not subject to the limitation upon contributions by a single individual to his or her campaign.

Under the bill, the aggregate contribution limitations are subject to a biennial cost-of-living adjustment, beginning in 2002, in accordance with a formula tied to the "consumer price index" determined by the U.S. department of labor.

Other contribution restrictions

This bill prohibits every candidate for a major state office (governor, lieutenant governor, attorney general, secretary of state, state treasurer, superintendent of public instruction or justice of the supreme court) from accepting any contribution during the period beginning on the tenth day preceding any election other than a primary election and ending on the date of that election.

Wisconsin election campaign fund**I. SOURCES AND USES OF FUNDS**

Under current law, the Wisconsin election campaign fund is financed through an individual income tax "checkoff". Every individual filing a state income tax return who has a tax liability or is entitled to a tax refund may direct that \$1 of general purpose revenue be transferred to the fund. Individuals filing a joint return may separately choose whether to direct that the \$1 transfer be made. All moneys transferred to the fund are placed in accounts for specified state offices, and candidates for those offices at the general or a special election may qualify for grants from the fund to be used for specified campaign expenses. No moneys in the fund may be used for any other purpose. Grants at special elections are funded by reallocating moneys set aside to provide grants to candidates at the general election, to the extent that moneys are available.

This bill changes the name of the Wisconsin election campaign fund to the "clean government fund". The bill deletes the checkoff procedure and provides, instead, for the revenue to the fund to be raised by levying a tax on lobbying expenditures (see below), with the balance to be transferred to the fund, as needed, from general purpose revenue.

**II. GRANT ELIGIBILITY
REQUIREMENTS AND AMOUNTS**

Under current law, public financing from the Wisconsin election campaign fund is available to 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. To receive a grant, a candidate must file an application with the state elections board no later than the deadline for filing nomination papers. Following the primary election or the date on which a primary would be held, if required, the board

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determines whether a candidate who applies for a grant meets the following eligibility requirements:

1. If the candidate seeks a partisan state office at a general election, the candidate must have received at least six percent of the total votes cast in the primary and won the primary. If the candidate seeks a partisan state office at a special election, the candidate must either: a) appear on the ballot or in the column of a political party whose candidate for the same office at the preceding general election received at least six percent of the vote; or b) receive at least six percent of the votes cast at the special election.

2. The candidate must have an opponent in the election.

3. The candidate must receive, during a specified time period, a specified amount through contributions from individuals of \$100 or less. The contributions may be received by the candidate directly from individuals or may be transferred to the candidate by a conduit. For a candidate for the office of governor, lieutenant governor, secretary of state, state treasurer, attorney general, justice of the supreme court or superintendent of public instruction, the amount is five percent of the authorized disbursement level for the office that the candidate seeks. For a candidate for the office of state senator or representative to the assembly, the amount is ten percent of the authorized disbursement level for the office that the candidate seeks.

Under current law, a candidate for any office who accepts a grant must comply with statutorily prescribed contribution and disbursement limitations, unless one or more of the candidate's opponents who receive at least six percent of the votes cast for all candidates for that office at a partisan primary, if a primary was held, do not accept a grant and do not voluntarily comply with the contribution and disbursement limitations for that office. The maximum grant that a candidate may receive is the amount that, when added to all other contributions accepted from sources other than individuals, political party committees and legislative campaign committees, is equal to 45% of the authorized disbursement level for the office that the candidate seeks, if there are sufficient moneys in the Wisconsin election campaign fund to finance the full amount of grants for which candidates qualify.

This bill requires a candidate for any office who desires to qualify for a grant from the clean government fund to receive contributions from individuals, other than contributions transferred by conduits, in amounts of \$100 or less in the following total amounts:

1. For candidates for the offices of governor and lieutenant governor jointly, \$80,400.
2. For a candidate for the office of attorney general, \$16,200.
3. For a candidate for the office of secretary of state, state treasurer, justice of the supreme court or state superintendent of public instruction, \$8,040.
4. For a candidate for the office of state senator, \$6,000.
5. For a candidate for the office of representative to the assembly, \$3,000.

The bill also requires that the contributions must be received from individuals who are residents of this state and in the case of a candidate for legislative office, the

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contributions must be received from individuals who reside in the district in which the candidate seeks office.

In addition, the bill requires a candidate who seeks a grant to agree not to accept any contributions from special interest ("political action") committees.

The bill revises grant amounts to the following, irrespective of contributions received from other sources:

1. For candidates for the office of governor and lieutenant governor jointly, \$670,000.
2. For a candidate for the office of attorney general, \$135,000.
3. For a candidate for the office of secretary of state, state treasurer, superintendent of public instruction or justice of the supreme court, \$67,000.
4. For a candidate for the office of state senator, \$50,000.
5. For a candidate for the office of representative to the assembly, \$25,000.

In addition to these amounts, the bill provides that a candidate who accepts a grant shall receive an additional grant in an amount equal to 1) the amount of any ~~independent disbursements that are made~~ to oppose that candidate or to support that candidate's opponent; 2) the total amount of contributions that conduits report they have transferred or intend to transfer to opposing candidates; and 3) the total amount of contributions accepted by opposing candidates above the level for which 24-hour reports are required.

Under the bill, qualifying amounts and grant amounts are subject to a biennial cost-of-living adjustment, beginning in 2002, in accordance with a formula tied to the "consumer price index" determined by the U.S. department of labor.

Penalties for violations

Currently, violators of the campaign finance law are subject to a forfeiture (civil penalty) of not more than \$500 for each violation, except that violators of contribution limitations are subject to a forfeiture of not more than treble the amount unlawfully contributed. In addition, currently, any person who is delinquent in filing a report is subject to a forfeiture of not more than \$50 or one percent of the annual salary of the office for which a candidate is being supported or opposed, whichever is greater, for each day of delinquency. Currently, any person who makes an unlawful contribution is subject to a forfeiture of treble 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 provides that if any candidate or other individual or committee, including a conduit, accepts or transfers a contribution, makes a disbursement or incurs an obligation to make a disbursement for the purpose of supporting or

Contributions
that are
received by
committees
for the
purpose of
making
independent
disbursements

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opposing a candidate for a major state office (governor, lieutenant governor, attorney general, secretary of state, state treasurer, state superintendent of public instruction or justice of the supreme court) or for the purpose of making certain communications by means of communications media (see above) without first registering and reporting to the extent required under the bill, the offender is subject to a forfeiture (civil penalty) of not more than \$500 for each day of violation. The bill also provides that if any of these individuals or committees accepts or transfers one or more contributions, makes one or more disbursements or incurs one or more obligations to make disbursements for such a purpose in an amount that is more or less than the amount reported by that individual or committee:

1. By more than 5% but not more than 10%, the individual or committee must forfeit four times the amount of the difference.

2. By more than 10% but not more than 15%, the individual or committee must forfeit six times the amount of the difference.

3. By more than 15%, the individual or committee must forfeit eight times the amount of the difference.

The bill also provides that if the amount of contributions accepted or transferred, disbursements made or obligations incurred differs from the amount reported by at least 15%, and the violations are of sufficient severity to have affected the result of the election, the elections board, the district attorney for any county where a violation occurs or any candidate who is adversely affected by the result of the election in connection with which the violation occurred may file suit to have the election nullified and to have a new election ordered for the affected office.

In addition, the bill imposes a new penalty upon any person who, with intent to conceal or deceive, accepts or transfers a contribution, makes a disbursement or incurs an obligation to make a disbursement for the purpose of supporting or opposing a candidate for a major state office or for the purpose of making certain communications by means of communications media (see above) without registering or reporting to the extent required under the bill, consisting of a fine of not more than \$10,000 or imprisonment for not more than five years, or both (equivalent to a class E felony).

Lobbying expenditure tax

This bill imposes a tax on lobbying principals (persons who employ lobbyists) at the rate of ten percent on lobbying expenditures that are reportable to the ethics board. The tax is payable to the department of revenue semiannually.

Nonseverability

Currently, if any part of an act is found by a court to be invalid, those parts that are valid are severed from the invalid part and the severed parts continue in force. This bill provides that if any part of the act resulting from enactment of the bill is found by a court to be invalid, then all parts of the act are void.

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

8 **SECTION 2.** 5.02 (18) of the statutes is amended to read:

9 5.02 (18) "September primary" means the primary held the 2nd Tuesday in
10 September to nominate candidates to be voted for at the general election, and to
11 determine which candidates for state offices other than district attorney may
12 participate in the ~~Wisconsin election campaign~~ clean government fund.

13 **SECTION 3.** 7.08 (2) (c) and (cm) of the statutes are amended to read:

14 7.08 (2) (c) As soon as possible after the canvass of the spring and September
15 primary votes, but no later than the first Tuesday in March and the 4th Tuesday in
16 September, transmit to the state treasurer a certified list of all eligible candidates
17 for state office who have filed applications under s. 11.50 (2) and ~~whom~~ who the board
18 determines to be eligible to receive payments from the ~~Wisconsin election campaign~~
19 clean government fund. The board shall also transmit a similar list of candidates
20 who the board determines to be eligible to receive a grant under s. 11.50 (9) (b) or (ba)
21 within 3 days after any candidate qualifies to receive such a grant. Each list shall

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

4 (cm) As soon as possible after the canvass of a special primary, or the date that
5 the primary would be held, if required, transmit to the state treasurer a certified list
6 of all eligible candidates for state office who have filed applications under s. 11.50 (2)
7 and ~~whom~~ who the board determines to be eligible to receive a grant from the
8 ~~Wisconsin election campaign~~ clean government fund prior to the election. The board
9 shall also transmit a similar list of candidates, if any, who have filed applications
10 under s. 11.50 (2) and ~~whom~~ who the board determines to be eligible to receive a grant
11 under s. 11.50 (1) (a) 2. after the special election. ~~The~~ or a grant under s. 11.50 (9)
12 (b) or (ba) within 3 days after any candidate qualifies to receive such a grant. Each
13 list shall contain each candidate's name, the mailing address indicated upon the
14 candidate's registration form, the office for which the individual is a candidate and
15 the party or principle which he or she represents, if any.

16 **SECTION 4.** 8.35 (4) (b) of the statutes is amended to read:

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

24 **SECTION 5.** 10.02 (3) (b) 2m. of the statutes is amended to read:

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1 10.02 (3) (b) 2m. At the September primary, the elector shall select the party
2 ballot of his or her choice or the ballot containing the names of the independent
3 candidates for state office, and make a cross [X] in the square at the right of or
4 depress the lever or button next to the candidate's name for each office for whom the
5 elector intends to vote or insert or write in the name of the elector's choice for a party
6 candidate, if any. In order to qualify for participation in the ~~Wisconsin election~~
7 ~~campaign~~ clean government fund, a candidate for state office at the September
8 primary, other than a candidate for district attorney, must receive at least 6% of all
9 votes cast on all ballots for the office for which he or she is a candidate, in addition
10 to other requirements.

11 **SECTION 6.** 11.01 (5m) of the statutes is amended to read:

12 11.01 (5m) "Conduit" means an individual who or ~~an organization~~ a committee
13 which receives a contribution of money and transfers the contribution to another
14 individual or ~~organization~~ committee without exercising discretion as to the amount
15 which is transferred and the individual to whom or ~~organization~~ committee to which
16 the transfer is made.

17 **SECTION 7.** 11.01 (12s) of the statutes is repealed.

18 **SECTION 8.** 11.01 (16) (a) 3. of the statutes is created to read:

19 11.01 (16) (a) 3. A communication that is made by means of one or more
20 communications media, other than a communication that is exempt from reporting
21 under s. 11.29, that is made during the period beginning on the 60th day preceding
22 an election and ending on the date of that election and that includes a reference to
23 a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on
24 the ballot at that election, an office to be filled at that election or a political party.

25 **SECTION 9.** 11.05 (3) (c) of the statutes is amended to read:

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1 11.05 (3) (c) In the case of a committee, a statement as to whether the
2 committee is a personal campaign committee, a political party committee, a
3 ~~legislative campaign committee~~, a support committee or a special interest
4 committee.

5 **SECTION 10.** 11.05 (3) (d) of the statutes is created to read:

6 11.05 (3) (d) An indication of whether the proposed registrant is a conduit.

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

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

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

15 **SECTION 13.** 11.06 (2) of the statutes is amended to read:

16 11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding
17 sub. (1), if a disbursement is made or obligation incurred by an individual other than
18 a candidate or by a committee or group which is not primarily organized for political
19 purposes, and the disbursement does not constitute a contribution to any candidate
20 or other individual, committee or group, the disbursement or obligation is required
21 to be reported only if the purpose is to expressly advocate the election or defeat of a
22 clearly identified candidate or the adoption or rejection of a referendum or if the
23 disbursement is made or the obligation incurred for a purpose is specified in s. 11.01
24 (16)(a) 3. The exemption provided by this subsection shall in no case be construed

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1 to apply to a political party, ~~legislative campaign~~, personal campaign or support
2 committee.

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

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

19 **SECTION 15.** 11.06 (7m) (c) of the statutes is amended to read:

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

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

3 **SECTION 16.** 11.09 (3) of the statutes is amended to read:

4 11.09 (3) Each registrant whose filing officer is the board, who or which makes
5 disbursements in connection with elections for offices which serve or referenda
6 which affect only one county or portion thereof, except a candidate, personal
7 campaign committee, political party committee or other committee making
8 disbursements in support of or in opposition to a candidate for state senator,
9 representative to the assembly, court of appeals judge or circuit judge, shall file a
10 duplicate original of each financial report filed with the board with the county clerk
11 or board of election commissioners of the county in which the elections in which the
12 registrant participates are held. Such reports shall be filed no later than the
13 applicable dates specified under s. 11.20 (2), (2e), (2m), (2s), (2t) and (4) for the filing
14 of each report with the board.

15 **SECTION 17.** 11.12 (5) of the statutes is amended to read:

16 11.12 (5) If Except as otherwise required under sub. (7), if any contribution or
17 contributions of \$500 or more cumulatively are received by a candidate for state office
18 or by a committee or individual from a single contributor later than 15 days prior to
19 a primary or election such that it is not included in the preprimary or preelection
20 report submitted under s. 11.20 (3), the treasurer of the committee or the individual
21 receiving the contribution shall within 24 hours of receipt inform the appropriate
22 filing officer of the information required under s. 11.06 (1) in such manner as the
23 board may prescribe. The information shall also be included in the treasurer's or
24 individual's next regular report. For purposes of the reporting requirement under
25 this subsection, only contributions received during the period beginning with the day

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1 after the last date covered on the preprimary or preelection report, and ending with
2 the day before the primary or election need be reported.

3 **SECTION 18.** 11.12 (6) of the statutes is renumbered 11.12 (6) (a) and amended
4 to read:

5 11.12 (6) (a) ~~If~~ Except as provided in par. (b), if any disbursement of more than
6 \$20 cumulatively is made to advocate the election or defeat of a clearly identified
7 candidate by an individual or committee later than 15 days prior to a primary or
8 election in which the candidate's name appears on the ballot without cooperation or
9 consultation with a candidate or agent or authorized committee of a candidate who
10 is supported or opposed, and not in concert with or at the request or suggestion of
11 such a candidate, agent or committee, the individual or treasurer of the committee
12 shall, within 24 hours of making the disbursement, inform the appropriate filing
13 officer of the information required under s. 11.06 (1) in such manner as the board may
14 prescribe. ~~The information shall also be included in the next regular report of the~~
15 ~~individual or committee under s. 11.20.~~ For purposes of this subsection paragraph,
16 disbursements cumulate beginning with the day after the last date covered on the
17 preprimary or preelection report and ending with the day before the primary or
18 election. Upon receipt of a report under this subsection paragraph, the filing officer
19 shall, within 24 hours of receipt, mail a copy of the report to all candidates for any
20 office in support of or opposition to one of whom a disbursement identified in the
21 report is made.

22 **SECTION 19.** 11.12 (6) (b) to (d) of the statutes are created to read:

23 11.12 (6) (b) 1. If any conduit has accepted or intends to accept any contribution
24 to be transferred to a candidate or personal campaign committee of a candidate for
25 a state office specified in s. 11.31 (1) (a) to (f) at the general or a special election; or

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1 to any such candidate who seeks a nomination for such an office at a primary election,
2 the conduit shall report to the board at the times specified in s. 11.20 (2s), in such
3 manner as the board may prescribe, the name of each candidate or personal
4 campaign committee to whom the conduit intends to transfer one or more
5 contributions during the 21-day period following the date on which the report is due
6 to be filed and the amount to be transferred to that candidate or committee.

7 2. A conduit who or which is required to file reports under this paragraph shall
8 also report to the board, at the times specified in s. 11.20 (2t), in such manner as the
9 board may prescribe, the name of each candidate or personal campaign committee
10 to whom the conduit transferred one or more contributions during the 21-day period
11 ending on each date specified in s. 11.20 (2t) and the date and amount of that transfer.

12 (c) 1. If any committee identified under s. 11.05 (3) (c), other than a conduit,
13 intends to receive any contribution, make any disbursement or incur any obligation
14 to make a disbursement for the purpose of advocating the election or defeat of a
15 clearly identified candidate for a state office specified in s. 11.31 (1) (a) to (f) at the
16 general or a special election, or any such candidate who seeks a nomination for such
17 an office at a primary election, without cooperation or consultation with a candidate
18 or agent or authorized committee of a candidate who is supported or whose opponent
19 is opposed, and not in concert with or at the request or suggestion of such a candidate,
20 agent or committee, the committee shall report to the board at the times specified in
21 s. 11.20 (2s), in such manner as the board may prescribe, the name of each candidate
22 who is supported or whose opponent is opposed and the total amount of contributions
23 to be received, disbursements to be made and obligations to be incurred for such a
24 purpose in support or opposition to that candidate during the 21-day period
25 following the date on which the report is due to be filed.

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1 2. A committee which is required to file reports under this paragraph shall also
2 report to the board, at the times specified in s. 11.20 (2t), in such manner as the board
3 may prescribe, the amount and date of each contribution received, disbursement
4 made or obligation incurred for the purpose of advocating the election or defeat of a
5 candidate specified in this paragraph in the manner specified in this paragraph, and
6 the name of the candidate in support of or in opposition to whom the contribution was
7 received, disbursement made or obligation incurred, during the 21-day period
8 ending on each date specified in s. 11.20 (2t).

9 3. A committee which files a report under this paragraph concerning a
10 disbursement is not required to file a report pertaining to the same disbursement
11 under par. (a).

12 (d) All information reported by a registrant under this subsection shall also be
13 included in the next regular report of the registrant under s. 11.20.

14 **SECTION 20.** 11.12 (7) of the statutes is created to read:

15 11.12 (7) (a) Except as provided in par. (c), if a candidate at the general or a
16 special election for a state office specified in s. 11.31 (1) (a) to (f) does not accept a
17 grant under s. 11.50, that candidate or the candidate's personal campaign committee
18 shall report to the board the information specified in s. 11.06 (1) pertaining to all
19 contributions received no later than 24 hours after receipt of any contribution, in
20 such manner as the board may prescribe, if the candidate or personal campaign
21 committee receives, during the campaign of that candidate, as defined in s. 11.26
22 (17), or if the candidate has an opponent whose name is certified to appear on the
23 ballot as a candidate for the party nomination of his or her party in a primary election
24 in that campaign, during the period beginning on the day after the date of the

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1 primary election and ending on the date of the election, total contributions that equal
2 more than the following amount or value, as adjusted under par. (d):

3 1. For candidates for the offices of governor and lieutenant governor jointly,
4 \$330,000 from all political party committees or \$1,670,000 from all ~~contributors~~ ^{individuals}

5 2. For a candidate for the office of attorney general, \$65,000 from all political
6 party committees or \$200,000 from all ~~contributors~~ ^{individuals}

7 3. For a candidate for the office of secretary of state or state treasurer, \$33,000
8 from all political party committees or ~~\$100,000~~ ^{\$167,000} from all ~~contributors~~ ^{individuals}

9 4. For a candidate for the office of justice or state superintendent, \$100,000
10 from all ~~contributors~~ ^{individuals}

11 5. For a candidate for the office of state senator, \$25,000 from all political party
12 committees or \$125,000 from all ~~contributors~~ ^{individuals}

13 6. For a candidate for the office of representative to the assembly, \$12,500 from
14 all political party committees or \$62,500 from all ~~contributors~~ ^{individuals}

15 (b) The first report filed by a candidate or personal campaign committee under
16 par. (a) during any campaign shall include the information required under par. (a)
17 for all contributions received since the closing date for the preceding report filed by
18 that candidate or committee as provided in s. 11.20 (8).

19 (c) For purposes of computing the applicable amount under par. (a), if one of the
20 candidates of a political party for the office of governor or lieutenant governor has
21 an opponent whose name is certified to appear on the ballot as a candidate for the
22 party nomination of his or her party in the September primary election, the
23 contributions received on or before the date of the primary election by the candidate
24 who has an opponent in that election shall be excluded.

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1 (d) 1. In this paragraph, "consumer price index" means the average of the
2 consumer price index over each 12-month period, all items, U.S. city average, as
3 determined by the bureau of labor statistics of the federal department of labor.

4 2. The dollar amounts of the total contributions under par. (a) shall be subject
5 to a biennial adjustment to be determined by rule of the board in accordance with this
6 subdivision. To determine the adjustment, the board shall 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 2001. For each biennium, the board shall multiply the amount
10 of each contribution amount under par. (a) by the percentage difference in the
11 consumer price indices. The board shall adjust each amount to substitute that result
12 for the existing amount to the extent required to reflect any difference, rounded to
13 the nearest multiple of \$25. The amount so determined shall then be in effect until
14 a subsequent rule is promulgated under this subdivision. Notwithstanding s. 227.24
15 (1) (a), (2) (b) and (3), determinations under this subdivision may be promulgated as
16 an emergency rule under s. 227.24 without providing evidence that the emergency
17 rule is necessary for the public peace, health, safety or welfare and without a finding
18 of emergency.

19 **SECTION 21.** 11.16 (5) of the statutes is amended to read:

20 11.16 (5) ESCROW AGREEMENTS. Any personal campaign committee, or political
21 party committee ~~or legislative campaign committee~~ may, pursuant to a written
22 escrow agreement with more than one candidate, solicit contributions for and
23 conduct a joint fund raising effort or program on behalf of more than one named
24 candidate. The agreement shall specify the percentage of the proceeds to be
25 distributed to each candidate by the committee conducting the effort or program.

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1 The committee shall include this information in all solicitations for the effort or
2 program. All contributions received and disbursements made by the committee in
3 connection with the effort or program shall be received and disbursed through a
4 separate depository account under s. 11.14 (1) that is identified in the agreement.
5 For purposes of s. 11.06 (1), the committee conducting the effort or program shall
6 prepare a schedule in the form prescribed by the board supplying all required
7 information under s. 11.06 (1) and items qualifying for exclusion under s. 11.31 (6)
8 for the effort or program, and shall transmit a copy of the schedule to each candidate
9 who receives any of the proceeds within the period prescribed in s. 11.06 (4) (c).

10 **SECTION 22.** 11.20 (2e) of the statutes is created to read:

11 11.20 (2c) Postelection reports under s. 11.06 (1) with respect to an election for
12 a state office specified in s. 11.31 (1) (a) to (f) shall be received by the board no earlier
13 than 4 days after and no later than 10 days after each general election at which that
14 office is filled.

15 **SECTION 23.** 11.20 (2m) of the statutes is amended to read:

16 11.20 (2m) Election reports under s. 11.12 with respect to a special election for
17 an office specified in s. 11.31 (1) (a) to (f) shall be received by the board no earlier than
18 4 days and no later than 10 days after that election. Election reports under s. 11.12
19 with respect to any other special election shall be received by the appropriate filing
20 officer no earlier than 23 days and no later than 30 days after each that special
21 election, unless a continuing report is required to be filed under sub. (4) on or before
22 the 30th day after the special election.

23 **SECTION 24.** 11.20 (2s) of the statutes is created to read:

24 11.20 (2s) A registrant who or which is required to file reports under s. 11.12
25 (6) (b) 1. or (c) 1. with respect to a candidate at the general election shall file the

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1 reports on the 63rd, 42nd and 21st day prior to that election. A registrant who is
2 required to file reports under s. 11.12 (6) (b) 1. or (c) 1. with respect to a special
3 election shall file a report on the 21st day prior to that election.

4 **SECTION 25.** 11.20 (2t) of the statutes is created to read:

5 11.20 (2t) A registrant who or which is required to file reports under s. 11.12
6 (6) (b) 2. or (c) 2. with respect to a candidate at the general election shall file the
7 reports no later than the 39th and 18th days prior to that election. A registrant who
8 or which is required to file reports under s. 11.12 (6) (b) 2. or (c) 2. with respect to a
9 candidate at a special election shall file the reports no later than the 18th day prior
10 to that election.

11 **SECTION 26.** 11.20 (3) (d) of the statutes is amended to read:

12 11.20 (3) (d) A registered committee or individual other than a candidate or
13 personal campaign committee making or accepting contributions, making
14 disbursements or incurring obligations in support of or in opposition to one or more
15 candidates for office at an election, or supporting or opposing other committees or
16 individuals who are engaging in such activities, shall file a preelection report. A
17 registered committee or individual other than a candidate or personal campaign
18 committee making or accepting contributions, making disbursements or incurring
19 obligations in support of or in opposition to one or more candidates for an office
20 specified in s. 11.31 (1) (a) to (f) at the general election or a special election, or
21 supporting or opposing other committees or individuals who are engaging in such
22 activities, shall file a postelection report.

23 **SECTION 27.** 11.20 (3) (g) of the statutes is amended to read:

24 11.20 (3) (g) A contribution, disbursement or obligation in support of or in
25 opposition to a candidate at an election which is made, accepted or incurred during

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1 the period covered by the preelection report, or by a postelection report following the
2 general election or a special election, is considered to be made, accepted or incurred
3 in support of or in opposition to that candidate at the election, regardless of whether
4 the candidate is opposed at the election.

5 **SECTION 28.** 11.20 (8) (intro.) of the statutes is amended to read:

6 11.20 (8) (intro.) Reports filed under subs. (2), (2e), (2m), (2s), (2t), (4) and (4m)
7 shall include all contributions received and transactions made as of the end of:

8 **SECTION 29.** 11.20 (8) (ak) and (aL) of the statutes are created to read:

9 11.20 (8) (ak) The day on which the report is due in the case of the report
10 required under s. 11.12 (6) (b) 1. or (c) 1.

11 (aL) The 3rd day prior to the date on which the report is due in the case of the
12 report required under s. 11.12 (6) (b) 2. or (c) 2.

13 **SECTION 30.** 11.20 (8) (am) of the statutes is created to read:

14 11.20 (8) (am) The 3rd day after the election in the case of the postelection
15 report that follows the general election or a special election for an office specified in
16 s. 11.31 (1) (a) to (f).

17 **SECTION 31.** 11.20 (8) (an) of the statutes is created to read:

18 11.20 (8) (an) The 22nd day after the election in the case of a postelection report
19 that follows a special election for an office other than an office specified in s. 11.31
20 (1) (a) to (f).

21 **SECTION 32.** 11.20 (12) of the statutes is amended to read:

22 11.20 (12) If a candidate is unopposed in a primary or election, the obligation
23 to file the reports required by this chapter does not cease. Except as provided in ss.
24 11.05 (2r) and 11.19 (2), a registrant who makes or receives no contributions, makes

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1 no disbursements or incurs no obligations shall so report on the applicable dates
2 designated in subs. (2), ~~(2e)~~, ~~(2m)~~, ~~(2t)~~ and (4).

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

4 11.21 (15) Inform each candidate who files an application to become eligible to
5 receive a grant from the ~~Wisconsin election campaign~~ clean government fund of the
6 dollar amount of the applicable disbursement limitation under s. 11.31 (1), adjusted
7 as provided in s. 11.31 (9), which applies to the office for which such person is a
8 candidate. Failure to receive the notice required by this subsection does not
9 constitute a defense to a violation of s. 11.27 (1) or 11.31.

10 **SECTION 34.** 11.24 (1t) of the statutes is created to read:

11 11.24 (1t) No candidate for a state office specified in s. 11.31 (1) (a) to (f) or
12 personal campaign committee of such a candidate at any election other than a
13 primary election may receive and accept any contribution during the period
14 beginning on the 10th day preceding that election and ending on the date of that
15 election.

16 **SECTION 35.** 11.24 (1w) of the statutes is created to read:

17 11.24 (1w) (a) No candidate or personal campaign committee of a candidate
18 who accepts a grant under s. 11.50 may accept any contribution from a committee
19 identified under s. 11.05 (3) (c) as a special interest committee.

20 (b) No committee identified under s. 11.05 (3) (c) as a special interest committee
21 may intentionally make any contribution to a candidate or personal campaign
22 committee of a candidate who has qualified to receive a grant under s. 11.50.

23 **SECTION 36.** 11.26 (1) (intro.) of the statutes is amended to read:

24 11.26 (1) (intro.) ~~No~~ Except as authorized in sub. (10), no individual may make
25 any contribution or contributions to a candidate for election or nomination to any of

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1 the following offices and to any individual or committee under s. 11.06 (7) acting
2 solely in support of such a candidate or solely in opposition to the candidate's
3 opponent to the extent of more than a total of the amounts specified per candidate:

4 **SECTION 37.** 11.26 (1m) of the statutes is created to read:

5 11.26 (1m) (a) Except as provided in par. (b), no individual who is a candidate
6 for state office and who files a sworn statement and application to receive a grant
7 from the clean government fund may receive and accept more than the amount or
8 value of contributions provided in this subsection for the office for which he or she
9 is a candidate during any campaign, or if the individual has an opponent whose name
10 is certified to appear on the ballot as a candidate for the nomination of his or her party
11 in a primary election in that campaign, after the date of the primary election, from
12 all individuals, including contributions from the individual to his or her own
13 campaign. Except as provided in sub. (10a), the amount or value is:

14 1. For candidates for the offices of governor and lieutenant governor jointly,
15 \$1,000,000.

16 2. For a candidate for the office of attorney general, \$200,000.

17 3. For a candidate for the office of secretary of state, state treasurer, state
18 superintendent or justice, \$100,000.

19 4. For a candidate for the office of state senator, \$75,000.

20 5. For a candidate for the office of representative to the assembly, \$37,500.

21 (b) For purposes of computing the applicable amount under par. (a), if one of
22 the candidates of a political party for the office of governor or lieutenant governor has
23 an opponent whose name is certified to appear on the ballot as a candidate for the
24 party nomination of his or her party in the September primary election, the

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1 contributions received on or before the date of the primary election by the candidate
2 who has an opponent in the election shall be excluded.

3 **SECTION 38.** 11.26 (2) (intro.) of the statutes is amended to read:

4 11.26 (2) (intro.) No committee other than a political party committee or
5 ~~legislative campaign committee~~ may make any contribution or contributions to a
6 candidate for election or nomination to any of the following offices and to any
7 individual or committee under s. 11.06 (7) acting solely in support of such a candidate
8 or solely in opposition to the candidate's opponent to the extent of more than a total
9 of the amounts specified per candidate:

10 **SECTION 39.** 11.26 (2) (a) of the statutes is amended to read:

11 11.26 (2) (a) Candidates for governor, lieutenant governor, secretary of state,
12 state treasurer, attorney general, state superintendent or justice, 4% of the value of
13 the disbursement level specified in the schedule under s. 11.31 (1), as adjusted under
14 s. 11.31 (9).

15 **SECTION 40.** 11.26 (4) of the statutes is amended to read:

16 11.26 (4) ~~No~~ Except as authorized in sub. (10), no individual may make any
17 contribution or contributions to all candidates for state and local offices and to any
18 individuals who or committees which are subject to a registration requirement under
19 s. 11.05, including ~~legislative campaign committees and~~ committees of a political
20 party, to the extent of more than a total of \$10,000 in any calendar year.

21 **SECTION 41.** 11.26 (8) of the statutes is amended to read:

22 11.26 (8) (a) No political party as defined in s. 5.02 (13) may receive more than
23 a total of \$150,000 in value of its contributions in any biennium from all other
24 committees, excluding contributions from ~~legislative campaign committees and~~
25 transfers between party committees of the party. In this paragraph, a biennium

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1 commences with January 1 of each odd-numbered year and ends with December 31
2 of each even-numbered year.

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

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

9 **SECTION 42.** 11.26 (9) (a) of the statutes is renumbered 11.26 (9) (a) (intro.) and
10 amended to read:

11 11.26 (9) (a) (intro.) ~~No~~ Except as provided in par. (aa), no individual who is a
12 candidate for state or local office and who files a sworn statement and application to
13 receive a grant from the clean government fund may receive and accept more than
14 ~~65% of the value of the total disbursement level determined under s. 11.31~~ the
15 amount or value of contributions provided in this subsection for the office for which
16 he or she is a candidate during any ~~primary and election~~ campaign combined, or if
17 the individual has an opponent whose name is certified to appear on the ballot as a
18 candidate for the nomination of his or her party at a primary election, after the date
19 of the primary election in that campaign, from all committees subject to a filing
20 requirement, including political party and legislative campaign committees. Except
21 as provided in sub. (10a), the amount or value of contributions is:

22 **SECTION 43.** 11.26 (9) (a) 1. to 5. of the statutes are created to read:

23 11.26 (9) (a) 1. For candidates for the offices of governor and lieutenant
24 governor jointly, \$330,000.

25 2. For a candidate for the office of attorney general, \$65,000.

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1 3. For a candidate for the office of secretary of state, state treasurer, justice or
2 state superintendent, \$33,000.

3 4. For a candidate for the office of state senator, \$25,000.

4 5. For a candidate for the office of representative to the assembly, \$12,500.

5 **SECTION 44.** 11.26 (9) (aa) of the statutes is created to read:

6 11.26 (9) (aa) For purposes of computing the applicable amount under par. (a),
7 if one of the candidates of a political party for the office of governor or lieutenant
8 governor has an opponent whose name is certified to appear on the ballot as a
9 candidate for the party nomination of his or her party in the September primary
10 election, the contributions received on or before the date of the primary election by
11 the candidate who has the opponent in that election shall be excluded.

12 **SECTION 45.** 11.26 (9) (am) of the statutes is created to read:

13 11.26 (9) (am) No individual who is a candidate for state or local office, other
14 than an office specified in par. (a), may receive and accept more than 65% of the value
15 of the total disbursement level determined under s. 11.31 (1), as adjusted under s.
16 11.31 (9), for the office for which he or she is a candidate during any primary and
17 election campaign combined from all committees subject to a filing requirement,
18 including political party committees.

19 **SECTION 46.** 11.26 (9) (b) of the statutes is amended to read:

20 11.26 (9) (b) No individual who is a candidate for a state or local office, other
21 than an office specified in par. (a), may receive and accept more than 45% of the value
22 of the total disbursement level determined under s. 11.31 (1), as adjusted under s.
23 11.31 (9), for the office for which he or she is a candidate during any primary and
24 election campaign combined from all committees other than political party ~~and~~
25 ~~legislative campaign~~ committees subject to a filing requirement.

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1 **SECTION 47.** 11.26 (9) (c) of the statutes is repealed.

2 **SECTION 48.** 11.26 (10) of the statutes is renumbered 11.26 (10) (a) (intro.) and
3 amended to read:

4 11.26 (10) (a) (intro.) ~~No~~ Except as provided in par. (b), no candidate for state
5 office who files a sworn statement and application to receive a grant from the
6 ~~Wisconsin election campaign~~ clean government fund may make contributions of
7 more than ~~200% of the amounts~~ amount or value of the limitation specified in sub-
8 ~~(1) this subsection~~ to the candidate's own campaign from the candidate's personal
9 funds or property or the personal funds or property which are owned jointly or as
10 marital property with the candidate's spouse, unless the board determines that the
11 candidate is not eligible to receive a grant, or the candidate withdraws his or her
12 application under s. 11.50 (2) (h), or s. 11.50 (2) (i) applies. The limitation prescribed
13 in this subsection applies during any campaign, or if a candidate has an opponent
14 whose name is certified to appear on the ballot as a candidate for the nomination of
15 his or her party at a primary election, after the date of the primary election in that
16 campaign. For purposes of this subsection, any contribution received by a candidate
17 or his or her personal campaign committee from a committee which is registered with
18 the federal elections commission as the authorized committee of the candidate under
19 2 USC 432 (e) shall be treated as a contribution made by the candidate to his or her
20 own campaign. The contribution limit of sub. (4) applies to amounts contributed by
21 such a candidate personally to the candidate's own campaign and to other
22 campaigns, except that a candidate may exceed the limitation if authorized under
23 this subsection to contribute more than the amount specified to the candidate's own
24 campaign, up to the amount of the limitation. Except as provided in sub. (10a), the
25 limitation is:

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1 **SECTION 49.** 11.26 (10) (a) 1. to 5. and (b) of the statutes are created to read:

2 11.26 (10) (a) 1. For candidates for the offices of governor and lieutenant
3 governor jointly, \$1,000,000.

4 2. For a candidate for the office of attorney general, \$200,000.

5 3. For a candidate for the office of secretary of state, state treasurer, state
6 superintendent or justice, \$100,000.

7 4. For a candidate for the office of state senator, \$75,000.

8 5. For a candidate for the office of representative to the assembly, \$37,500.

9 (b) For purposes of computing the applicable amount under par. (a), if one of
10 the candidates of a political party for the office of governor or lieutenant governor has
11 an opponent whose name is certified to appear on the ballot as a candidate for the
12 party nomination of his or her party in the September primary election, the
13 contributions received on or before the date of the primary election by the candidate
14 who has an opponent in that election shall be excluded.

15 **SECTION 50.** 11.26 (10a) of the statutes is created to read:

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

19 (b) The dollar amounts of the limitations under sub. (1m), (9) (a) and (10) (a)
20 shall be subject to a biennial adjustment to be determined by rule of the board in
21 accordance with this subsection. To determine the adjustment, the board shall
22 calculate the percentage difference between the consumer price index for the
23 12-month period ending on December 31 of each odd-numbered year and the
24 consumer price index for the base period, calendar year 2001. For each biennium,
25 the board shall multiply the amount of each limitation under sub. (1m), (9) (a) and

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

9 **SECTION 51.** 11.26 (13) of the statutes is amended to read:

10 11.26 (13) Except as provided in sub. (9), contributions received from the
11 ~~Wisconsin election campaign~~ clean government fund are not subject to limitation by
12 this section.

13 **SECTION 52.** 11.26 (17) (a) of the statutes is amended to read:

14 11.26 (17) (a) For purposes of application of the limitations imposed in subs.
15 (1), (1m), (2), (9) and (10), the "campaign" of a candidate begins and ends at the times
16 specified in this subsection, except as otherwise provided in subs. (1m), (9) and (10).

17 **SECTION 53.** 11.265 of the statutes is repealed.

18 **SECTION 54.** 11.31 (1) (a) of the statutes is amended to read:

19 11.31 (1) (a) Candidates for governor, ~~\$1,078,200~~ and lieutenant governor
20 jointly, \$2,000,000.

21 **SECTION 55.** 11.31 (1) (b) of the statutes is repealed.

22 **SECTION 56.** 11.31 (1) (c) and (d) of the statutes are amended to read:

23 11.31 (1) (c) Candidates for attorney general, ~~\$539,000~~ \$400,000.

24 (d) Candidates for secretary of state, state treasurer, justice or state
25 superintendent, ~~\$215,625~~ \$200,000.

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1 **SECTION 57.** 11.31 (1) (e) and (f) of the statutes are amended to read:

2 11.31 (1) (e) Candidates for state senator, ~~\$34,500 total in the primary and~~
3 ~~election, with disbursements not exceeding \$21,575 for either the primary or the~~
4 ~~election~~ \$150,000.

5 (f) Candidates for representative to the assembly, ~~\$17,250 total in the primary~~
6 ~~and election, with disbursements not exceeding \$10,775 for either the primary or the~~
7 ~~election~~ \$75,000.

8 **SECTION 58.** 11.31 (2) of the statutes is amended to read:

9 11.31 (2) LIMITATION IMPOSED. No candidate for state office at a spring or general
10 election who files a sworn statement and application to receive a grant from the
11 ~~Wisconsin election campaign clean government~~ fund may make or authorize total
12 disbursements from the his or her campaign treasury in any campaign to the extent
13 of more than the amount prescribed in sub. (1), adjusted as provided under sub. (9).
14 unless the board determines that the candidate is not eligible to receive a grant, the
15 candidate withdraws his or her application under s. 11.50 (2) (h), or ~~s. 11.50 (2) (i)~~ sub.
16 (3p) applies. No candidate for state office at a special election who files a sworn
17 statement and application to receive a grant from the ~~Wisconsin election campaign~~
18 ~~clean government~~ fund may make or authorize total disbursements from the his or
19 her campaign treasury in any campaign to the extent of more than the amount
20 prescribed under sub. (1), adjusted as provided under sub. (9). for the preceding
21 spring or general election for the same office, unless the board determines that the
22 candidate is not eligible to receive a grant, the candidate withdraws his or her
23 application under s. 11.50 (2) (h), or ~~s. 11.50 (2) (i)~~ sub. (3p) applies.

24 **SECTION 59.** 11.31 (2m) of the statutes is repealed.

25 **SECTION 60.** 11.31 (3) of the statutes is repealed.

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1 **SECTION 61.** 11.31 (3m) of the statutes is repealed.

2 **SECTION 62.** 11.31 (3p) of the statutes is created to read:

3 **11.31 (3p) CANDIDATES RECEIVING ADDITIONAL GRANTS; EXCEPTION.** If a candidate
4 receives a grant under s. 11.50 (9) (b), (ba) or (bb), the disbursement limitation of that
5 candidate for the campaign in which the grant is received is increased by the amount
6 of that grant.

7 **SECTION 63.** 11.31 (4) of the statutes is repealed.

8 **SECTION 64.** 11.31 (7) (a) of the statutes is amended to read:

9 **11.31 (7) (a)** For purposes of this section, except as provided in par. (e), the
10 “campaign” of a candidate extends from July 1 preceding the date on which the spring
11 primary or election occurs or January 1 preceding the date on which the September
12 primary or general election occurs for the office which the candidate seeks, or from
13 the date of the candidate’s public announcement, whichever is earlier, through the
14 last day of the month following the month in which the election ~~or primary~~ is held
15 for the office which the candidate seeks, except that if a candidate for an office
16 specified in s. 11.31 (1) (a) to (f) has an opponent whose name is certified to appear
17 on the ballot as a candidate for the nomination of his or her party at a primary
18 election, the campaign of that candidate extends from the day after the date of the
19 primary election through the last day of the month following the month in which the
20 election is held for the office which the candidate seeks.

21 **SECTION 65.** 11.31 (7) (e) of the statutes is created to read:

22 **11.31 (7) (e)** For purposes of computing the applicable amount under par. (a),
23 if one of the candidates of a political party for the office of governor or lieutenant
24 governor has an opponent whose name is certified to appear on the ballot as a
25 candidate for the party nomination of his or her party in the September primary

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1 election, the disbursements made or obligated to be made on or before the date of the
2 primary election by the candidate who has an opponent shall be excluded.

3 **SECTION 66.** 11.31 (9) of the statutes is created to read:

4 11.31 (9) ADJUSTMENT OF DISBURSEMENT LEVELS. (a) In this subsection,
5 "consumer price index" means the average of the consumer price index over each
6 12-month period, all items, U.S. city average, as determined by the bureau of labor
7 statistics of the federal department of labor.

8 (b) The dollar amounts of all disbursement levels specified in sub. (1) shall be
9 subject to a biennial adjustment to be determined by rule of the board in accordance
10 with this subsection. To determine the adjustment, the board shall calculate the
11 percentage difference between the consumer price index for the 12-month period
12 ending on December 31 of each odd-numbered year and the consumer price index for
13 the base period, calendar year 2001. For each biennium, the board shall multiply
14 that result by the percentage difference in the consumer price indices. The board
15 shall adjust the disbursement levels specified under sub. (1) to substitute that result
16 for the existing levels to the extent required to reflect any difference, rounded to the
17 nearest multiple of \$25 in the case of amounts of \$1 or more, which amounts shall
18 be in effect until a subsequent rule is promulgated under this subsection.
19 Notwithstanding s. 227.24 (1) (a), (2) (b) and (3), determinations under this
20 subsection may be promulgated as an emergency rule under s. 227.24 without
21 providing evidence that the emergency rule is necessary for the public peace, health,
22 safety or welfare, and without a finding of emergency.

23 **SECTION 67.** 11.50 (title) of the statutes is amended to read:

24 **11.50 (title) ~~Wisconsin election campaign~~ Clean government fund.**

25 **SECTION 68.** 11.50 (1) (b) of the statutes is amended to read:

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1 11.50 (1) (b) "Fund" means the ~~Wisconsin election campaign~~ clean government
2 fund.

3 **SECTION 69.** 11.50 (2) (a) of the statutes is amended to read:

4 11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may
5 file an application with the board requesting approval to participate in the fund. The
6 application shall be filed no later than the applicable deadline for filing nomination
7 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.
8 on the 7th day after the primary or date on which the primary would be held if
9 required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day
10 after appointment in the case of candidates appointed to fill vacancies. The
11 application shall contain a sworn statement that the candidate and his or her
12 authorized agents have complied with the contribution limitations prescribed in s.
13 11.26 and the disbursement limitations prescribed under s. 11.31 (1), as adjusted
14 under s. 11.31 (9), at all times to which such limitations have applied to his or her
15 candidacy and will continue to comply with the limitations at all times to which the
16 limitations apply to his or her candidacy for the office in contest, unless the board
17 determines that the candidate is not eligible to receive a grant, the candidate
18 withdraws his or her application under par. (h), or ~~par. (i)~~ s. 11.31 (3p) applies.

19 **SECTION 70.** 11.50 (2) (b) (intro.) of the statutes is amended to read:

20 11.50 (2) (b) (intro.) ~~The~~ Except as provided in par. (bm), the board shall
21 approve the application of an eligible candidate for participation if:

22 **SECTION 71.** 11.50 (2) (b) 5. of the statutes is renumbered 11.50 (2) (b) 5. (intro.)
23 and amended to read:

24 11.50 (2) (b) 5. (intro.) The financial reports filed by or on behalf of the
25 candidate as of the date of the spring or September primary, or the date that the

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

24 **SECTION 72.** 11.50 (2) (b) 5. a. to e. of the statutes are created to read:

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1 11.50 (2) (b) 5. a. For candidates for the offices of governor and lieutenant
2 governor jointly, \$80,400.

3 b. For a candidate for the office of attorney general, \$16,200.

4 c. For a candidate for the office of secretary of state, state treasurer, justice or
5 state superintendent, \$8,040.

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

7 e. For a candidate for the office of representative to the assembly, \$3,000.

8 **SECTION 73.** 11.50 (2) (bm) of the statutes is created to read:

9 11.50 (2) (bm) The board shall not approve the application of an eligible
10 candidate for the office of governor or lieutenant governor of the same political party
11 unless both candidates qualify to receive a grant under this subsection.

12 **SECTION 74.** 11.50 (2) (g) of the statutes is amended to read:

13 11.50 (2) (g) A candidate who voluntarily files an application to receive a grant
14 in accordance with this subsection accepts and agrees to comply with the
15 contribution limitations prescribed in s. 11.26 and the disbursement limitations
16 imposed under s. 11.31 (2), as adjusted under s. 11.31 (9) as binding upon himself or
17 herself and his or her agents during the campaign as defined in s. 11.31 (7), as a
18 precondition to receipt of a grant under this section, unless the board determines
19 that the candidate is not eligible to receive a grant, the candidate withdraws the
20 application under par. (h), or ~~par. (i)~~ s. 11.31 (3p) applies.

21 **SECTION 75.** 11.50 (2) (i) of the statutes is repealed.

22 **SECTION 76.** 11.50 (3) of the statutes is repealed.

23 **SECTION 77.** 11.50 (4) of the statutes is repealed and recreated to read:

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1 11.50 (4) AMOUNT OF GRANTS. Except as provided in sub. (9) (b) and (ba), each
2 eligible candidate for the same office who qualifies for grant under this section shall
3 receive an equal amount.

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

5 11.50 (5) TIME OF DISBURSEMENT. The state treasurer shall make the
6 disbursements to the campaign depository account of each eligible candidate under
7 ~~subs. (3) and (4)~~ by the end of the 3rd business day following notice from the board
8 under s. 7.08 (2) (c) or (cm). ~~Eligible candidates for governor and lieutenant governor~~
9 ~~of the same political party may combine accounts if desired, except that the state~~
10 ~~treasurer shall make disbursements for eligible candidates for the office of governor~~
11 ~~and lieutenant governor jointly to the campaign depository account of the candidate~~
12 for governor.

13 **SECTION 79.** 11.50 (6) of the statutes is repealed.

14 **SECTION 80.** 11.50 (9) (title) of the statutes is amended to read:

15 11.50 (9) (title) ~~LIMITATION ON~~ AMOUNT OF GRANTS.

16 **SECTION 81.** 11.50 (9) of the statutes is renumbered 11.50 (9) (a) (intro.) and
17 amended to read:

18 11.50 (9) (a) (intro.) ~~The~~ Except as provided in pars. (b), (ba) and (bb) and sub.
19 (9a), the total grant available to an eligible candidate ~~may not exceed that amount~~
20 ~~which, when added to all other contributions accepted from sources other than~~
21 ~~individuals, political party committees and legislative campaign committees, is~~
22 ~~equal to 45% of the disbursement level specified for the applicable office under s.~~
23 ~~11.31. The board shall scrutinize accounts and reports and records kept under this~~
24 ~~chapter to assure that applicable limitations under ss. 11.26 (9) and 11.31 are not~~
25 ~~exceeded and any violation is reported. is:~~

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1 (am) No candidate or campaign treasurer may accept grants exceeding the
2 amount authorized by this subsection.

3 **SECTION 82.** 11.50 (9) (a) 1. to 5. of the statutes are created to read:

4 11.50 (9) (a) 1. For candidates for the office of governor and lieutenant governor
5 jointly, \$670,000.

6 2. For a candidate for the office of attorney general, \$135,000.

7 3. For a candidate for the office of secretary of state, state treasurer,
8 superintendent or justice, \$67,000.

9 4. For a candidate for the office of state senator, \$50,000.

10 5. For a candidate for the office of representative to the assembly, \$25,000.

11 **SECTION 83.** 11.50 (9) (b) of the statutes is created to read:

12 11.50 (9) (b) If an eligible candidate who accepts a grant is opposed by one or
13 more candidates in a general or special election whose names are certified under s.

14 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot, and if ^{a committee intends to receive} ~~an obligation is incurred~~ or ^{receives}
15 ^{that are intended to be used or that are used} ~~disbursement is made~~ to oppose the election of the eligible candidate who accepts ^{any}
16 a grant or to support a certified opponent of that candidate without cooperation or ^{or}

17 consultation with any certified opposing candidate or such a candidate's agent or ^{contributions}
18 authorized committee, and not in concert with, or at the request or suggestion of any

19 certified opposing candidate's agent or authorized committee, then the board shall

20 make an additional grant to the eligible candidate who accepts a grant in an amount
21 equal to the total amount of ^{contributions received for the purpose of advocating} ~~obligations and disbursements not previously reported~~

22 ~~as obligations to advocate~~ the election of the certified opposing candidate or ^{for the purpose of opposing} ~~oppose~~
23 the election of the eligible candidate who accepts the grant, as reported ^{by committees} under s. 11.12

24 (6) (c).

25 **SECTION 84.** 11.50 (9) (ba) of the statutes is created to read:

BILL

1 11.50 (9) (ba) If an eligible candidate who accepts a grant is opposed by one or
2 more candidates in a general or special election who are required, or whose personal
3 campaign committees are required, to file a report under s. 11.12 (7), then the board
4 shall make an additional grant to the eligible candidate who accepts a grant in an
5 amount equal to the total amount or value of contributions accepted by the opposing
6 candidate or candidates exceeding the amount specified for the office sought by the
7 candidate or candidates under s. 11.12 (7) (a) for contributions from political party
8 committees or from all contributors, or if both amounts specified in s. 11.12 (7) (a) are
9 exceeded, an amount equal to the excess over both amounts specified, as reported by
10 the opposing candidate under s. 11.12 (7) (a).

11 **SECTION 85.** 11.50 (9) (bb) of the statutes is created to read:

12 11.50 (9) (bb) If any eligible candidate who accepts a grant is opposed by one or
13 more candidates in a general or special election whose names are certified under s.
14 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot, and if a conduit has accepted or
15 intends to accept one or more contributions which the conduit has transferred or
16 intends to transfer to the certified opposing candidate and the contributions are
17 required to be reported by the conduit under s. 11.12 (6) (b), then the board shall
18 make an additional grant to the eligible candidate who accepts a grant in an amount
19 equal to the amount or value of contributions accepted by the opposing candidate or
20 candidates, as reported by the conduit under s. 11.12 (6) (b).

21 **SECTION 86.** 11.50 (9a) of the statutes is created to read:

22 11.50 (9a) **ADJUSTMENT OF QUALIFYING AND GRANT AMOUNTS.** (a) In this
23 subsection, "consumer price index" means the average of the consumer price index
24 over each 12-month period, all items, U.S. city average, as determined by the bureau
25 of labor statistics of the federal department of labor.

BILL

1 (b) The dollar amounts of all qualifying amounts specified in sub. (2) (b) 5. and
2 all grant amounts specified in sub. (9) shall be subject to a biennial adjustment to be
3 determined by rule of the board in accordance with this subsection. To determine the
4 adjustment, the board shall calculate the percentage difference between the
5 consumer price index for the 12-month period ending on December 31 of each
6 odd-numbered year and the consumer price index for the base period, calendar year
7 2001. For each biennium, the board shall multiply each qualifying amount and grant
8 amount by the percentage difference in the consumer price indices. The board shall
9 adjust each qualifying amount and grant amount to substitute that result for the
10 existing amount to the extent required to reflect any difference, rounded to the
11 nearest multiple of \$25. The amounts so determined shall then be in effect until a
12 subsequent rule is promulgated under this subsection. Notwithstanding s. 227.24
13 (1) (a), (2) (b) and (3), determinations under this subsection may be promulgated as
14 an emergency rule under s. 227.24 without providing evidence that the emergency
15 rule is necessary for the public peace, health, safety or welfare and without a finding
16 of emergency.

17 **SECTION 87.** 11.50 (11) (e) of the statutes is amended to read:

18 11.50 (11) (e) No candidate may expend, authorize the expenditure of or incur
19 any obligation to expend any grant if he or she violates the pledge required under
20 sub. (2) (a) as a precondition to receipt of a grant, except as authorized in sub. (2) (h)
21 or (i).

22 **SECTION 88.** 11.60 (3s) and (3t) of the statutes are created to read:

23 11.60 (3s) Notwithstanding sub. (1), if any candidate or other individual or
24 committee, including a conduit, accepts or transfers a contribution, makes a
25 disbursement or incurs an obligation to make a disbursement for the purpose of

BILL

1 supporting or opposing a candidate for an office specified in s. 11.31 (1) (a) to (f) or
2 for a purpose specified in s. 11.01 (16) (a) 3. without first registering under s. 11.05
3 (1), (2) or (2g) to the extent required under s. 11.05 (1), (2) and (2g), or without
4 reporting the information required under s. 11.12 (6) (b) or (c) or (7) or 11.20 (3) or
5 (4) with respect to that contribution, disbursement or obligation, to the extent
6 required under ss. 11.12 (6) (b) and (c) and (7) and 11.20 (3) and (4), the candidate
7 or other individual or committee may be required to forfeit not more than \$500 per
8 day for each day of continued violation.

9 (3t) Notwithstanding sub. (1), if any candidate or other individual or
10 committee, including a conduit, accepts or transfers one or more contributions,
11 makes one or more disbursements or incurs one or more obligations to make
12 disbursements for the purpose of supporting or opposing a candidate for an office
13 specified in s. 11.31 (1) (a) to (f) or for a purpose specified in s. 11.01 (16) (a) 3. in an
14 amount or value that differs from the amount reported by that individual or
15 committee under s. 11.12 (6) (b) or (c) or (7) or 11.20 (3) or (4):

16 (a) By more than 5% but not more than 10% cumulatively, the individual or
17 committee shall forfeit 4 times the amount or value of the difference.

18 (b) By more than 10% but not more than 15% cumulatively, the individual or
19 committee shall forfeit 6 times the amount or value of the difference.

20 (c) By more than 15% cumulatively, the individual or committee shall forfeit
21 8 times the amount of the difference.

22 **SECTION 89.** 11.61 (1) (a) of the statutes is amended to read:

23 11.61 (1) (a) ~~Whoever~~ Except as provided in par. (d), whoever intentionally
24 violates s. 11.05 (1), (2), (2g) or (2r), 11.07 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or

BILL

1 11.24 (1) may be fined not more than \$10,000 or imprisoned not more than 3 years
2 or both.

3 **SECTION 90.** 11.61 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 283,
4 is amended to read:

5 11.61 (1) (a) ~~Whoever~~ Except as provided in par. (d), whoever intentionally
6 violates s. 11.05 (1), (2), (2g) or (2r), 11.07 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or
7 11.24 (1) may be fined not more than \$10,000 or imprisoned for not more than 4 years
8 and 6 months or both.

9 **SECTION 91.** 11.61 (1) (b) of the statutes is amended to read:

10 11.61 (1) (b) ~~Whoever~~ Except as provided in par. (d), whoever intentionally
11 violates s. 11.25, 11.26, 11.27 (1), 11.30 (1) or 11.38 where the intentional violation
12 does not involve a specific figure, or where the intentional violation concerns a figure
13 which exceeds \$100 in amount or value may be fined not more than \$10,000 or
14 imprisoned not more than 3 years or both.

15 **SECTION 92.** 11.61 (1) (b) of the statutes, as affected by 1997 Wisconsin Act 283,
16 is amended to read:

17 11.61 (1) (b) ~~Whoever~~ Except as provided in par. (d), whoever intentionally
18 violates s. 11.25, 11.26, 11.27 (1), 11.30 (1) or 11.38 where the intentional violation
19 does not involve a specific figure, or where the intentional violation concerns a figure
20 which exceeds \$100 in amount or value may be fined not more than \$10,000 or
21 imprisoned for not more than 4 years and 6 months or both.

22 **SECTION 93.** 11.61 (1) (c) of the statutes is amended to read:

23 11.61 (1) (c) ~~Whoever~~ Except as provided in par. (d), whoever intentionally
24 violates any provision of this chapter other than those provided in par. (a) and
25 whoever intentionally violates any provision under par. (b) where the intentional

BILL

1 violation concerns a specific figure which does not exceed \$100 in amount or value
2 may be fined not more than \$1,000 or imprisoned not more than 6 months or both.

3 **SECTION 94.** 11.61 (1) (d) of the statutes is created to read:

4 11.61 (1) (d) Whoever, with intent to conceal or deceive, accepts or transfers a
5 contribution, makes a disbursement or incurs an obligation to make a disbursement
6 for the purpose of supporting or opposing a candidate for an office specified in s. 11.31
7 (1) (a) to (f) or for a purpose specified in s. 11.01 (16) (a) 3. without first registering
8 under s. 11.05 (1), (2) or (2g), to the extent required under s. 11.05 (1), (2) and (2g),
9 or without reporting the information required under s. 11.12 (6) (b) or (c) or (7) or
10 11.20 (3) or (4) with respect to that contribution, disbursement or obligation, to the
11 extent required under ss. 11.12 (6) (b) and (c) and (7) and 11.20 (3) and (4), may be
12 fined not more than \$10,000 or imprisoned for not more than 5 years, or both.

13 **SECTION 95.** 11.62 of the statutes is created to read:

14 **11.62 Nullification of election.** (1) If one or more violations that are
15 punishable under s. 11.60 (3t) (c) are of sufficient severity to have affected the result
16 of an election, the board or the district attorney for any county where such a violation
17 occurs, or any candidate who is adversely affected by the result of the election, may
18 commence a civil action to obtain a judgment nullifying the election, vacating the
19 office filled at the election and ordering a special election to be held to fill the office
20 vacated by the judgment.

21 (2) Notwithstanding s. 5.05 (1) (c), if a candidate is a party to an action
22 commenced under this section, the action may not be compromised or settled without
23 consent of the candidate. If an action under this section is commented by the board
24 or a district attorney and any unsuccessful candidate whose name appeared on the
25 ballot at the election is not a party to the action, the board or district attorney shall

BILL**SECTION 95**

1 provide at least 30 days' written notice to each such candidate of any intent of the
2 board or district attorney to compromise and settle the action. Notwithstanding s.
3 5.05 (1) (c), during the 30-day period following service of notice, the board or district
4 attorney shall not compromise and settle the action and any candidate upon whom
5 notice is served may intervene in the action. If any such candidate intervenes in the
6 action within the 30-day period following service of notice, the board or district
7 attorney shall not compromise or settle the action. If no nonconsenting candidate
8 who is adversely affected by the result of the election is a party to the action and no
9 such candidate intervenes in the action within the 30-day period following service
10 of notice, the party commencing the action may compromise and settle the action.

11 **SECTION 96.** 14.58 (20) of the statutes is amended to read:

12 14.58 (20) ~~ELECTION CAMPAIGN CLEAN GOVERNMENT FUND.~~ Make disbursements
13 to each candidate certified under s. 7.08 (2) (c) or (cm) by the elections board as
14 eligible to receive moneys from the ~~Wisconsin election campaign clean government~~
15 fund.

16 **SECTION 97.** 20.510 (1) (q) of the statutes is amended to read:

17 20.510 (1) (q) ~~Wisconsin election campaign~~ Clean government fund. As a
18 continuing appropriation, from the ~~Wisconsin election campaign clean government~~
19 fund, the ~~moneys~~ amounts determined under s. 11.50 to provide for payments to
20 eligible candidates certified under s. 7.08 (2) (c) and (cm).

21 **SECTION 98.** 20.855 (4) (b) of the statutes is repealed.

22 **SECTION 99.** 20.855 (4) (ba) of the statutes is created to read:

23 20.855 (4) (ba) *Lobbying expenditure tax revenue transfer.* A sum sufficient
24 equal to the amounts determined by the secretary of revenue under s. 77.9973, to be

BILL

1 transferred from the general fund to the clean government fund annually on
2 September 16.

3 **SECTION 100.** 20.855 (4) (bb) of the statutes is created to read:

4 20.855 (4) (bb) *Clean government fund supplement.* A sum sufficient equal to
5 the amounts required to make full payment of grants which candidates qualify to
6 receive from the clean government fund, to be transferred from the general fund to
7 the clean government fund no later than the time required to make payments of
8 grants under s. 11.50 (5).

9 **SECTION 101.** 25.17 (1) (ys) of the statutes is amended to read:

10 25.17 (1) (ys) ~~Wisconsin election campaign~~ Clean government fund (s. 25.42);

11 **SECTION 102.** 25.42 of the statutes is amended to read:

12 **25.42 Wisconsin election campaign Clean government fund.** All moneys
13 appropriated under s. 20.855 (4) ~~(b)~~ (ba) and (bb) together with all moneys reverting
14 to the state under s. 11.50 (8) and all gifts, bequests and devises received under s.
15 11.50 (13) constitute the ~~Wisconsin election campaign~~ clean government fund, to be
16 expended for the purposes of s. 11.50. All moneys in the fund not disbursed by the
17 state treasurer shall continue to accumulate indefinitely.

18 **SECTION 103.** 71.10 (3) of the statutes is repealed.

19 **SECTION 104.** Chapter 77 (title) of the statutes is amended to read:

20

CHAPTER 77

21

TAXATION OF FOREST CROPLANDS;

22

REAL ESTATE TRANSFER FEES;

23

SALES AND USE TAXES; COUNTY

24

AND SPECIAL DISTRICT SALES

25

AND USE TAXES; MANAGED FOREST

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1 **LAND; TEMPORARY RECYCLING**
2 **SURCHARGE; LOCAL FOOD AND**
3 **BEVERAGE TAX; LOCAL RENTAL**
4 **CAR TAX; PREMIER RESORT AREA**
5 **TAXES; STATE RENTAL VEHICLE**
6 **FEE; DRY CLEANING FEES;**
7 **LOBBYING EXPENDITURE TAX**

8 **SECTION 105.** Subchapter XIII of chapter 77 [precedes 77.997] of the statutes
9 is created to read:

10 **CHAPTER 77**

11 **SUBCHAPTER XIII**

12 **LOBBYING EXPENDITURE TAX**

13 **77.997 Definition.** In this subchapter, “lobbying expenditure” has the
14 meaning given under s. 13.62 (10r).

15 **77.9971 Imposition.** A tax is imposed on every person, except an organization
16 described in section 501 (c) (3) of the Internal Revenue Code, that is exempt from
17 federal income taxation under section 501 (a) of the Internal Revenue Code and a
18 governmental unit, as defined in s. 281.65 (2) (am), at the rate of 10% on lobbying
19 expenditures that are reportable to the ethics board under s. 13.68 (1).

20 **77.9972 Administration.** (1) The department of revenue shall levy, enforce
21 and collect the tax under this subchapter.

22 (2) The tax under this subchapter and a completed return prescribed by the
23 department of revenue are due on March 1 and September 1.

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1 **(3)** Sections 77.59 (1) to (6), (8) and (8m), 77.60 (1) to (7), (9) and (10), 77.61 (5)
2 and (12) to (14) and 77.62, as they apply to the taxes under subch. III, apply to the
3 tax under this subchapter.

4 **77.9973 Certification.** Annually no later than September 15, the secretary
5 of revenue shall certify to the secretary of administration the amount of taxes
6 collected under this subchapter for the preceding 12-month period ending on June
7 30.

8 **SECTION 106. Nonstatutory provisions.**

9 (1) Notwithstanding section 990.001 (11) of the statutes, if a court finds that
10 any provision of this act is unconstitutional, the entire act is void.

11 **SECTION 107. Initial applicability.**

12 (1) The treatment of sections 11.12 (7) (d), 11.26 (10a), 11.31 (9) and 11.50 (9a)
13 of the statutes first applies to adjustments for the biennium beginning on January
14 1, 2002.

15 (2) The treatment of subchapter XIII of chapter 77 of the statutes first applies
16 to lobbying expenditures made during the 6-month period ending on December 31,
17 2000.

18 **SECTION 108. Effective dates.** This act takes effect on the day after
19 publication, except as follows:

20 (1) The treatment of sections 11.61 (1) (a) (by SECTION 90) and 11.61 (1) (b) (by
21 SECTION 94) of the statutes takes effect on December 31, 1999.

22

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2225/4dn

JTK.....

cmj

This redraft changes two items:

1. It changes the triggers for 24-hour reports by candidates who do not accept grants under proposed s. 11.12 (7) (a) so that the smaller amounts apply to aggregate contributions received from political party committees and the larger amounts apply to aggregate contributions received from individuals (rather than aggregate contributions received from all contributors). Also, for candidates for the office of secretary of state or state treasurer, the trigger for aggregate contributions received from individuals ~~is~~ under this paragraph is \$167,000 (rather than \$100,000).

2. It changes the requirements for obtaining an additional grant under proposed s. 11.50 (9) (b) (and for lifting of a disbursement limitation under proposed s. 11.31 (3p)) so that the amount of the additional grant (and the increased disbursement limitation) is tied to aggregate contributions received or to be received by independent committees, rather than by obligations incurred or disbursements made by the committees. If we were to use both contributions and obligations or disbursements as a trigger, we would double count the same money.

Please let me know if this is not in accord with your intent.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2225/4dn
JTK:cmh:km

April 5, 1999

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Please let me know if this is not in accord with your intent.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 4/5/99

To: Senator Ellis

Relating to LRB drafting number: LRB-2225

Topic

Campaign finance changes

Subject(s)

Elections - campaign finance

1. **JACKET** the draft for introduction Senator Michael Ellis

in the Senate or the Assembly _____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jeffery T. Kuesel, Managing Attorney
Telephone: (608) 266-6778