

1999 SENATE BILL 190

June 8, 1999 – Introduced by COMMITTEE ON AGRICULTURE, ENVIRONMENTAL RESOURCES AND CAMPAIGN FINANCE REFORM. Referred to Committee on Agriculture, Environmental Resources and Campaign Finance Reform.

1 **AN ACT to repeal** 11.01 (5m), 11.01 (12s), 11.05 (3) (o), 11.05 (9) (b), 11.06 (11),
2 11.24 (1m), 11.26 (9) (c), 11.26 (12m), 11.265, 11.31 (1) (b), 11.31 (2m), 11.31 (3),
3 11.31 (3m), 11.31 (4), 11.50 (2) (i), 11.50 (3), 11.50 (6), 20.855 (4) (b) and 71.10
4 (3); **to renumber** 11.05 (9) (a); **to renumber and amend** 11.12 (6), 11.50 (2)
5 (b) 5. and 11.50 (9); **to amend** 5.02 (13), 5.02 (18), 7.08 (2) (c) and (cm), 8.35 (4)
6 (b), 10.02 (3) (b) 2m., 11.05 (3) (c), 11.05 (3) (n), 11.06 (2), 11.06 (7m) (a), 11.06
7 (7m) (c), 11.09 (3), 11.12 (5), 11.16 (5), 11.20 (2m), 11.20 (3) (d), 11.20 (3) (g), 11.20
8 (8) (intro.), 11.20 (12), 11.21 (15), 11.26 (1) (intro.), 11.26 (1) (a), 11.26 (1) (b),
9 11.26 (1) (c), 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (4), 11.26 (8), 11.26 (9) (a), 11.26
10 (9) (b), 11.26 (9) (b), 11.26 (10), 11.26 (13), 11.26 (17) (a), 11.31 (1) (a), 11.31 (1)
11 (c), 11.31 (1) (d), 11.31 (1) (e) and (f), 11.31 (2), 11.38 (1) (a) 3., 11.50 (title), 11.50
12 (1) (b), 11.50 (2) (a), 11.50 (2) (b) (intro.), 11.50 (2) (b) 1. to 3., 11.50 (2) (b) 4., 11.50
13 (2) (g), 11.50 (5), 11.50 (9) (title), 11.50 (11) (e), 11.61 (1) (a), 11.61 (1) (a), 11.61
14 (1) (b), 11.61 (1) (b), 11.61 (1) (c), 14.58 (20), 20.510 (1) (q), 25.17 (1) (ys), 25.42

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1 and chapter 77 (title); **to repeal and recreate** 11.50 (4); and **to create** 11.05
2 (14), 11.12 (6) (c) and (d), 11.12 (7), 11.12 (8), 11.20 (2e), 11.20 (8) (am), 11.20 (8)
3 (an), 11.24 (1s), 11.24 (1t), 11.24 (1w), 11.26 (1m), 11.26 (10a), 11.31 (1) (cm),
4 11.31 (3p), 11.31 (9), 11.50 (2) (b) 3m., 11.50 (2) (b) 3s., 11.50 (2) (b) 5. a. to f., 11.50
5 (2) (bm), 11.50 (9) (a) 1. to 6., 11.50 (9) (b), 11.50 (9) (ba), 11.50 (9a), 11.60 (3s)
6 and (3t), 11.61 (1) (d), 20.855 (4) (ba), 20.855 (4) (bb) and subchapter XIII of
7 chapter 77 [precedes 77.997] of the statutes; **relating to:** campaign financing,
8 imposition of a lobbying expenditure tax, providing exemptions from
9 emergency rule procedures, granting rule-making authority, making
10 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.

This bill requires each candidate at the general or a special election for the office of governor, lieutenant governor, attorney general, secretary of state, justice of the supreme court, state senator or representative to the assembly who does not accept a public grant (see below) and who intends to make any disbursement or who incurs or intends to incur any obligation to make a disbursement after the candidate has made disbursements in his or her campaign exceeding the amount of the disbursement limitation for the office that the candidate seeks, to report to the elections board, no later than 21 days prior to the activity intended to be funded by

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the disbursement or obligation, the information that is currently required to be reported pertaining to disbursements made and obligations incurred by candidates.

The bill similarly requires each committee that intends to make any disbursement or that incurs or intends to 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, no later than 21 days prior to the activity intended to be funded by the disbursement or obligation, specifying the name of each candidate who is supported or whose opponent is opposed and the total amount of disbursements to be made and obligations to be incurred for that purpose.

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:

1. For candidates for the offices of governor and lieutenant governor jointly, \$500,000 from all committees or \$1,500,000 from all contributors.
2. For a candidate for the office of attorney general, \$100,000 from all committees or \$300,000 from all contributors.
3. For a candidate for the office of secretary of state, state treasurer or state superintendent of public instruction, \$50,000 from all committees or \$150,000 from all contributors.
4. For a candidate for the office of justice, \$225,000 from all contributors.
5. For a candidate for the office of state senator, \$25,000 from all committees or \$75,000 from all contributors.
6. For a candidate for the office of representative to the assembly, \$12,500 from all committees or \$37,500 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, or 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. Currently, when a

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person is alleged to have violated registration and reporting requirements, the state has the burden of proving that the violation occurred.

This bill provides that, whenever any person publishes, disseminates or broadcasts any communication that includes a reference to a candidate for an office to be filled at an election, during the 60-day period preceding that election or during the 30-day period preceding any primary for that election, and the communication is substantially directed toward the electorate for that election, it is presumed that the communication is made for the purpose of influencing the election or nomination for election of that candidate, unless the person making the communication establishes, by a preponderance of the evidence, that the communication was not made for that purpose.

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 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	600,000
Supreme court justice	215,625	300,000
Secretary of state	215,625	200,000
State treasurer	215,625	200,000
State superintendent of public instruction	215,625	200,000
State senator	34,500	100,000
Representative to the assembly	17,250	50,000

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3. 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.

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.

5. Increases the disbursement limitation of any candidate who accepts a public grant by 1) an amount equal to 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 obligations incurred or proposed to be incurred and disbursements proposed to be made that have not previously been reported as obligations by any opposing candidate who does not accept a public grant exceeding the amount of the disbursement limitation for the office that the candidate seeks; and 3) the total amount of contributions accepted by opposing candidates above the level for which 24-hour reports are required.

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.

Treatment of conduits

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 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. In most cases, a conduit is required to register and file campaign finance reports unless the conduit does not transfer any contributions to candidates or to personal campaign, legislative campaign or political party committees.

This bill treats a contribution of money transferred by a conduit as a contribution from the conduit rather than from the individual contributor for purposes of reporting by the ultimate recipient, and for purposes of determining adherence to contribution limitations and qualifying contributions for public grants.

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Under the bill, conduit contributions made by a committee are included within the aggregate limitation upon contributions that may be received from committees (see below). These conduit contributions may not be used to qualify for a public grant.

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.

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

<u>Office</u>	<u>Current Limit</u>	<u>Proposed Limit</u>
Governor, Lieutenant governor, Secretary of state, State treasurer, Attorney general, State superintendent of public instruction, Justice of the supreme court	\$ 10,000	\$ 1,000
State senator	\$ 1,000	\$ 500
Representative to the assembly	\$ 500	\$ 250

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, as follows:

1. For candidates for the offices of governor and lieutenant governor jointly, \$500,000.
2. For a candidate for the office of attorney general, \$150,000.
3. For a candidate for the office of justice of the supreme court, \$75,000.
4. For a candidate for the office of secretary of state, state treasurer or state superintendent of public instruction, \$50,000.
5. For a candidate for the office of state senator, \$25,000.
6. For a candidate for the office of representative to the assembly, \$12,500.

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.

SENATE BILL 190***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 from a special interest (“political action”) committee during the period beginning on the 30th day preceding any election other than a primary election and ending on the date of that election. The bill also prohibits every such candidate 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 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

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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 fund to receive contributions from individuals who are residents of this state in amounts of \$100 or less in the following total amounts:

1. For candidates for the offices of governor and lieutenant governor jointly, \$80,000.
2. For a candidate for the office of attorney general, \$24,000.
3. For a candidate for the office of justice of the supreme court, \$12,000.
4. For a candidate for the office of secretary of state, state treasurer or state superintendent of public instruction, \$8,000.
5. For a candidate for the office of state senator, \$4,000.
6. For a candidate for the office of representative to the assembly, \$2,000.

In addition, the bill requires a candidate for the office of justice of the supreme court who seeks a grant to agree not to accept any contributions from special interest ("political action") committees or political party 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, \$1,500,000.
2. For a candidate for the office of attorney general, \$150,000.
3. For a candidate for the office of justice of the supreme court, \$225,000.
4. For a candidate for the office of secretary of state, state treasurer or superintendent of public instruction, \$150,000.
5. For a candidate for the office of state senator, \$75,000.

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6. For a candidate for the office of representative to the assembly, \$37,500.

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 obligations incurred or proposed to be incurred and disbursements proposed to be made that have not previously been reported as obligations by an opposing candidate who does not accept a grant exceeding the amount of the disbursement limitation for the office that the candidate seeks; 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.

The bill also requires each candidate, in order to qualify to receive a grant, to file with the elections board, no later than five days before the deadline for filing an application to receive a grant, an application to receive a grant or a statement that the candidate intends to qualify to receive a grant. In addition, the bill requires each candidate, in order to receive a grant, to file with the elections board a specified number of signatures of electors of the jurisdiction or district in which the candidate seeks office that have not been filed by an opposing candidate for the same office.

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 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 relating to candidates (see

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above) without first registering and reporting to the extent required under the bill, the offender must pay a forfeiture (civil penalty) of \$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%, the individual or committee must forfeit six times the amount of the difference.

The bill also 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 relating to candidates (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 10% 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 relating to reporting of mass media activities, reporting of proposed disbursements and obligations by committees and individuals acting independently of candidates and provision of supplemental grants to candidates who are opposed or whose opponents are supported by those proposed disbursements or obligations are found by a court to be invalid, then all of those 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

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1 other affiliated committees authorized to operate under the same name. For
2 purposes of ch. 11, the term does not include a ~~legislative campaign committee or a~~
3 committee filing an oath under s. 11.06 (7).

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

5 5.02 (18) “September primary” means the primary held the 2nd Tuesday in
6 September to nominate candidates to be voted for at the general election, and to
7 determine which candidates for state offices other than district attorney may
8 participate in the ~~Wisconsin election campaign~~ clean government fund.

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

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

21 (cm) As soon as possible after the canvass of a special primary, or the date that
22 the primary would be held, if required, transmit to the state treasurer a certified list
23 of all eligible candidates for state office who have filed applications under s. 11.50 (2)
24 and ~~whom~~ who the board determines to be eligible to receive a grant from the
25 ~~Wisconsin election campaign~~ clean government fund prior to the election. The board

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1 shall also transmit a similar list of candidates, if any, who have filed applications
2 under s. 11.50 (2) and ~~whom~~ who the board determines to be eligible to receive a grant
3 under s. 11.50 (1) (a) 2. after the special election. ~~The~~ or a grant under s. 11.50 (9)
4 (b) or (ba) within 3 days after any candidate qualifies to receive such a grant. Each
5 list shall contain each candidate's name, the mailing address indicated upon the
6 candidate's registration form, the office for which the individual is a candidate and
7 the party or principle which he or she represents, if any.

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

9 8.35 **(4)** (b) Notwithstanding par. (a), any unspent and unencumbered moneys
10 received by a candidate from the ~~Wisconsin election campaign~~ clean government
11 fund shall be immediately transferred to any candidate who is appointed to replace
12 such candidate, upon filing of a proper application therefor under s. 11.50 (2). If there
13 is no candidate appointed or if no proper application is filed within 7 days of the date
14 on which the vacancy occurs, such moneys shall revert to the state as provided in s.
15 11.50 (8).

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

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

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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 repealed.

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

5 **SECTION 8.** 11.05 (3) (c) of the statutes is amended to read:

6 11.05 **(3)** (c) In the case of a committee, a statement as to whether the
7 committee is a personal campaign committee, a political party committee, a
8 ~~legislative campaign committee~~, a support committee or a special interest
9 committee.

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

11 11.05 **(3)** (n) In the case of a labor organization, or separate segregated fund
12 under s. 11.38 (1) (a) 2. ~~or conduit established by a labor organization~~, a statement
13 as to whether the organization is incorporated, and if so, the date of incorporation
14 and whether or not such incorporation is under ch. 181.

15 **SECTION 10.** 11.05 (3) (o) of the statutes is repealed.

16 **SECTION 11.** 11.05 (9) (a) of the statutes is renumbered 11.05 (9).

17 **SECTION 12.** 11.05 (9) (b) of the statutes is repealed.

18 **SECTION 13.** 11.05 (14) of the statutes is created to read:

19 11.05 **(14)** PRESUMPTION CONCERNING CERTAIN COMMUNICATIONS. Whenever any
20 person publishes, disseminates or broadcasts, or causes to be published,
21 disseminated or broadcast, any communication that includes a reference to a clearly
22 identified candidate for an office to be filled at a general, spring or special election,
23 during the 60-day period preceding that election or during the 30-day period
24 preceding any primary for that election, and the communication is substantially
25 directed toward the electorate at that election, it is presumed that the

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1 communication is made for the purpose of influencing the election or nomination for
2 election of that candidate, unless the person making the communication or causing
3 the communication to be made establishes, by a preponderance of the evidence, that
4 the communication was not made for that purpose.

5 **SECTION 14.** 11.06 (2) of the statutes is amended to read:

6 11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding
7 sub. (1), if a disbursement is made or obligation incurred by an individual other than
8 a candidate or by a committee or group which is not primarily organized for political
9 purposes, and the disbursement does not constitute a contribution to any candidate
10 or other individual, committee or group, the disbursement or obligation is required
11 to be reported only if the purpose is to expressly advocate the election or defeat of a
12 clearly identified candidate or the adoption or rejection of a referendum or if the
13 disbursement is made or the obligation is incurred for the purpose of making a
14 communication specified in s. 11.05 (14). The exemption provided by this subsection
15 shall in no case be construed to apply to a political party, legislative campaign,
16 personal campaign or support committee.

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

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

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1 to another candidate, and that the committee does not act in concert with, or at the
2 request or suggestion of, such a candidate or agent or authorized committee of such
3 a candidate who benefits from a disbursement made in opposition to another
4 candidate, the committee filing the oath may not make any contributions in support
5 of any candidate of the party at the general or special election or in opposition to any
6 such candidate's opponents exceeding the amounts specified in s. 11.26 (2), except as
7 authorized in par. (c).

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

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

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

17 **SECTION 18.** 11.09 (3) of the statutes is amended to read:

18 11.09 **(3)** Each registrant whose filing officer is the board, who or which makes
19 disbursements in connection with elections for offices which serve or referenda
20 which affect only one county or portion thereof, except a candidate, personal
21 campaign committee, political party committee or other committee making
22 disbursements in support of or in opposition to a candidate for state senator,
23 representative to the assembly, court of appeals judge or circuit judge, shall file a
24 duplicate original of each financial report filed with the board with the county clerk
25 or board of election commissioners of the county in which the elections in which the

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1 registrant participates are held. Such reports shall be filed no later than the
2 applicable dates specified under s. 11.20 (2), (2e), (2m) and (4) for the filing of each
3 report with the board.

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

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

17 **SECTION 20.** 11.12 (6) of the statutes is renumbered 11.12 (6) (a) and amended
18 to read:

19 11.12 (6) (a) If any disbursement of more than \$20 cumulatively is made to
20 advocate the election or defeat of a clearly identified candidate by an individual or
21 committee later than 15 days prior to a primary or election in which the candidate's
22 name appears on the ballot without cooperation or consultation with a candidate or
23 agent or authorized committee of a candidate who is supported or opposed, and not
24 in concert with or at the request or suggestion of such a candidate, agent or
25 committee, the individual or treasurer of the committee shall, within 24 hours of

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1 making the disbursement, inform the appropriate filing officer of the information
2 required under s. 11.06 (1) in such manner as the board may prescribe. The
3 ~~information shall also be included in the next regular report of the individual or~~
4 ~~committee under s. 11.20.~~ For purposes of this subsection paragraph, disbursements
5 cumulate beginning with the day after the last date covered on the preprimary or
6 preelection report and ending with the day before the primary or election. Upon
7 receipt of a report under this subsection paragraph, the filing officer shall, within 24
8 hours of receipt, mail a copy of the report to all candidates for any office in support
9 of or opposition to one of whom a disbursement identified in the report is made.

10 **SECTION 21.** 11.12 (6) (c) and (d) of the statutes are created to read:

11 11.12 **(6)** (c) 1. If any committee identified under s. 11.05 (3) (c) intends to make
12 any disbursement or incurs or intends to incur any obligation to make a
13 disbursement for the purpose of advocating the election or defeat of a clearly
14 identified candidate for a state office specified in s. 11.31 (1) (a) to (f) at the general
15 or a special election, or any such candidate who seeks a nomination for such an office
16 at a primary election, without cooperation or consultation with a candidate or agent
17 or authorized committee of a candidate who is supported or whose opponent is
18 opposed, and not in concert with or at the request or suggestion of such a candidate,
19 agent or committee, the committee shall, no later than 21 days prior to the activity
20 intended to be funded by the disbursement or obligation, report to the board in such
21 manner as the board may prescribe, the name of each candidate who is supported or
22 whose opponent is opposed and the total amount of disbursements to be made and
23 obligations incurred or to be incurred for such a purpose in support or opposition to
24 that candidate.

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1 2. A committee which files a report under this paragraph concerning a
2 disbursement is not required to file a report pertaining to the same disbursement
3 under par. (a).

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

6 **SECTION 22.** 11.12 (7) of the statutes is created to read:

7 11.12 (7) (a) If a candidate at the general or a special election for a state office
8 specified in s. 11.31 (1) (a) to (f) does not accept a grant under s. 11.50, that candidate
9 or the candidate's personal campaign committee shall report to the board the
10 information specified in s. 11.06 (1) pertaining to all contributions received no later
11 than 24 hours after receipt of any contribution, in such manner as the board may
12 prescribe, if the candidate or personal campaign committee receives, during the
13 campaign of that candidate, as defined in s. 11.26 (17), total contributions that equal
14 more than the following amount or value, as adjusted under par. (d):

15 1. For candidates for the offices of governor and lieutenant governor jointly,
16 \$500,000 from all committees or \$1,500,000 from all contributors.

17 2. For a candidate for the office of attorney general, \$100,000 from all
18 committees or \$300,000 from all contributors.

19 3. For a candidate for the office of justice, \$225,000 from all contributors.

20 4. For a candidate for the office of secretary of state, state treasurer or state
21 superintendent, \$50,000 from all committees or \$150,000 from all contributors.

22 5. For a candidate for the office of state senator, \$25,000 from all committees
23 or \$75,000 from all contributors.

24 6. For a candidate for the office of representative to the assembly, \$12,500 from
25 all committees or \$37,500 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 (d) 1. In this paragraph, “consumer price index” means the average of the
6 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 2. The dollar amounts of the total contributions under par. (a) shall be subject
9 to a biennial adjustment to be determined by rule of the board in accordance with this
10 subdivision. 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 contribution amount under par. (a) by the percentage difference in the
15 consumer price indices. The board shall adjust each amount to substitute that result
16 for the existing amount to the extent required to reflect any difference, rounded to
17 the nearest multiple of \$25. The amount so determined shall then be in effect until
18 a subsequent rule is promulgated under this subdivision. Notwithstanding s. 227.24
19 (1) (a), (2) (b) and (3), determinations under this subdivision may be promulgated as
20 an emergency rule under s. 227.24 without providing evidence that the emergency
21 rule is necessary for the public peace, health, safety or welfare and without a finding
22 of emergency.

23 **SECTION 23.** 11.12 (8) of the statutes is created to read:

24 11.12 (8) If a candidate at the general or a special election for a state office
25 specified in s. 11.31 (1) (a) to (f) who does not accept a grant under s. 11.50 intends

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1 to make any disbursement or incurs or intends to incur an obligation to make any
2 disbursement after that candidate has made disbursements during his or her
3 campaign, as defined in s. 11.31 (7), exceeding the amount specified in s. 11.31 (1) (a)
4 to (f), as adjusted under s. 11.31 (9), for the office which the candidate seeks, that
5 candidate or the candidate's personal campaign committee shall, no later than 21
6 days prior to the activity intended to be funded by the disbursement or obligation,
7 report to the board the information required under s. 11.06 (1) in such manner as the
8 board may prescribe. The report shall include the same information concerning any
9 proposed disbursement or obligation that is required to be reported for a
10 disbursement that has been made or an obligation that has been incurred. The
11 information required under s. 11.06 (1) shall also be included in the next regular
12 report of the candidate or committee under s. 11.20.

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

14 11.16 (5) ESCROW AGREEMENTS. Any personal campaign committee, or political
15 party committee ~~or legislative campaign committee~~ may, pursuant to a written
16 escrow agreement with more than one candidate, solicit contributions for and
17 conduct a joint fund raising effort or program on behalf of more than one named
18 candidate. The agreement shall specify the percentage of the proceeds to be
19 distributed to each candidate by the committee conducting the effort or program.
20 The committee shall include this information in all solicitations for the effort or
21 program. All contributions received and disbursements made by the committee in
22 connection with the effort or program shall be received and disbursed through a
23 separate depository account under s. 11.14 (1) that is identified in the agreement.
24 For purposes of s. 11.06 (1), the committee conducting the effort or program shall
25 prepare a schedule in the form prescribed by the board supplying all required

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1 information under s. 11.06 (1) and items qualifying for exclusion under s. 11.31 (6)
2 for the effort or program, and shall transmit a copy of the schedule to each candidate
3 who receives any of the proceeds within the period prescribed in s. 11.06 (4) (c).

4 **SECTION 25.** 11.20 (2e) of the statutes is created to read:

5 11.20 (2e) Postelection reports under s. 11.06 (1) with respect to an election for
6 a state office specified in s. 11.31 (1) (a) to (f) shall be received by the board no earlier
7 than 4 days after and no later than 10 days after each general election at which that
8 office is filled.

9 **SECTION 26.** 11.20 (2m) of the statutes is amended to read:

10 11.20 (2m) Election reports under s. 11.12 with respect to a special election for
11 an office specified in s. 11.31 (1) (a) to (f) shall be received by the board no earlier than
12 4 days and no later than 10 days after that election. Election reports under s. 11.12
13 with respect to any other special election shall be received by the appropriate filing
14 officer no earlier than 23 days and no later than 30 days after each that special
15 election, unless a continuing report is required to be filed under sub. (4) on or before
16 the 30th day after the special election.

17 **SECTION 27.** 11.20 (3) (d) of the statutes is amended to read:

18 11.20 (3) (d) A registered committee or individual other than a candidate or
19 personal campaign committee making or accepting contributions, making
20 disbursements or incurring obligations in support of or in opposition to one or more
21 candidates for office at an election, or supporting or opposing other committees or
22 individuals who are engaging in such activities, shall file a preelection report. A
23 registered committee or individual other than a candidate or personal campaign
24 committee making or accepting contributions, making disbursements or incurring
25 obligations in support of or in opposition to one or more candidates for an office

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1 specified in s. 11.31 (1) (a) to (f) at the general election or a special election, or
2 supporting or opposing other committees or individuals who are engaging in such
3 activities, shall file a postelection report.

4 **SECTION 28.** 11.20 (3) (g) of the statutes is amended to read:

5 11.20 (3) (g) A contribution, disbursement or obligation in support of or in
6 opposition to a candidate at an election which is made, accepted or incurred during
7 the period covered by the preelection report, or by a postelection report following the
8 general election or a special election, is considered to be made, accepted or incurred
9 in support of or in opposition to that candidate at the election, regardless of whether
10 the candidate is opposed at the election.

11 **SECTION 29.** 11.20 (8) (intro.) of the statutes is amended to read:

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

14 **SECTION 30.** 11.20 (8) (am) of the statutes is created to read:

15 11.20 (8) (am) The 3rd day after the election in the case of the postelection
16 report that follows the general election or a special election for an office specified in
17 s. 11.31 (1) (a) to (f).

18 **SECTION 31.** 11.20 (8) (an) of the statutes is created to read:

19 11.20 (8) (an) The 22nd day after the election in the case of a postelection report
20 that follows a special election for an office other than an office specified in s. 11.31
21 (1) (a) to (f).

22 **SECTION 32.** 11.20 (12) of the statutes is amended to read:

23 11.20 (12) If a candidate is unopposed in a primary or election, the obligation
24 to file the reports required by this chapter does not cease. Except as provided in ss.
25 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) 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 (1m) of the statutes is repealed.

11 **SECTION 35.** 11.24 (1s) of the statutes is created to read:

12 11.24 (1s) 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 from a committee
15 identified as a special interest committee under s. 11.05 (3) (c) during the period
16 beginning on the 30th day preceding that election and ending on the date of that
17 election.

18 **SECTION 36.** 11.24 (1t) of the statutes is created to read:

19 11.24 (1t) No candidate for a state office specified in s. 11.31 (1) (a) to (f) or
20 personal campaign committee of such a candidate at any election other than a
21 primary election may receive and accept any contribution during the period
22 beginning on the 10th day preceding that election and ending on the date of that
23 election.

24 **SECTION 37.** 11.24 (1w) of the statutes is created to read:

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

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

9 **SECTION 38.** 11.26 (1) (intro.) of the statutes is amended to read:

10 11.26 **(1)** (intro.) No Except as authorized in sub. (10), no individual may make
11 any contribution or contributions to a candidate for election or nomination to any of
12 the following offices and to any individual or committee under s. 11.06 (7) acting
13 solely in support of such a candidate or solely in opposition to the candidate's
14 opponent to the extent of more than a total of the amounts specified per candidate:

15 **SECTION 39.** 11.26 (1) (a) of the statutes is amended to read:

16 11.26 **(1)** (a) Candidates for governor, lieutenant governor, secretary of state,
17 state treasurer, attorney general, state superintendent or justice, ~~\$10,000~~ \$1,000.

18 **SECTION 40.** 11.26 (1) (b) of the statutes is amended to read:

19 11.26 **(1)** (b) Candidates for state senator, ~~\$1,000~~ \$500.

20 **SECTION 41.** 11.26 (1) (c) of the statutes is amended to read:

21 11.26 **(1)** (c) Candidates for representative to the assembly, ~~\$500~~ \$250.

22 **SECTION 42.** 11.26 (1m) of the statutes is created to read:

23 11.26 **(1m)** No individual who is a candidate for state office and who files a
24 sworn statement and application to receive a grant from the clean government fund
25 may receive and accept from individuals more than the amount or value of

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1 contributions provided in this subsection for the office for which he or she is a
2 candidate during any campaign, including contributions from the individual to his
3 or her own campaign:

4 (a) For candidates for the offices of governor and lieutenant governor jointly,
5 \$500,000.

6 (b) For a candidate for the office of attorney general, \$150,000.

7 (c) For a candidate for the office of justice, \$75,000.

8 (d) For a candidate for the office of secretary of state, state treasurer or state
9 superintendent, \$50,000.

10 (e) For a candidate for the office of state senator, \$25,000.

11 (f) For a candidate for the office of representative to the assembly, \$12,500.

12 **SECTION 43.** 11.26 (2) (intro.) of the statutes is amended to read:

13 11.26 (2) (intro.) No committee other than a political party committee or
14 ~~legislative campaign committee~~ may make any contribution or contributions to a
15 candidate for election or nomination to any of the following offices and to any
16 individual or committee under s. 11.06 (7) acting solely in support of such a candidate
17 or solely in opposition to the candidate's opponent to the extent of more than a total
18 of the amounts specified per candidate:

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

20 11.26 (2) (a) Candidates for governor, lieutenant governor, secretary of state,
21 state treasurer, attorney general, state superintendent or justice, 4% of the value of
22 the disbursement level specified in the schedule under s. 11.31 (1), as adjusted under
23 s. 11.31 (9).

24 **SECTION 45.** 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 46.** 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 47.** 11.26 (9) (a) of the statutes is amended to read:

20 11.26 ~~(9)~~ (a) (intro.) No individual who is a candidate for state ~~or~~ office and who
21 does not receive a grant from the clean government fund and no individual who is
22 a candidate for local office may receive and accept more than 65% of the value of the
23 total disbursement level determined under s. 11.31 (1), as adjusted under s. 11.31 (9).
24 for the office for which he or she is a candidate during any ~~primary and election~~

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1 campaign ~~combined~~ from all committees subject to a filing requirement, including
2 political party ~~and legislative campaign~~ committees.

3 **SECTION 48.** 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 49.** 11.26 (9) (b) of the statutes is amended to read:

11 11.26 (9) (b) No individual who is a candidate for state ~~or~~ office and who does
12 not receive a grant from the clean government fund and no individual who is a
13 candidate for local office may receive and accept more than 45% of the value of the
14 total disbursement level determined under s. 11.31 (1), as adjusted under s. 11.31 (9),
15 for the office for which he or she is a candidate during any primary and election
16 campaign combined from all committees other than political party ~~and legislative~~
17 ~~campaign~~ committees subject to a filing requirement.

18 **SECTION 50.** 11.26 (9) (c) of the statutes is repealed.

19 **SECTION 51.** 11.26 (10) of the statutes is amended to read:

20 11.26 (10) No candidate for state office who files a sworn statement and
21 application to receive a grant from the ~~Wisconsin election campaign~~ clean
22 government fund may make contributions of more than 200% of the ~~amounts~~ amount
23 or value of the limitation specified in sub. (1) to the candidate's own campaign from
24 the candidate's personal funds or property or the personal funds or property which
25 are owned jointly or as marital property with the candidate's spouse, unless the

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1 board determines that the candidate is not eligible to receive a grant, or the
2 candidate withdraws his or her application under s. 11.50 (2) (h), ~~or s. 11.50 (2) (i)~~
3 ~~applies~~. For purposes of this subsection, any contribution received by a candidate
4 or his or her personal campaign committee from a committee which is registered with
5 the federal elections commission as the authorized committee of the candidate under
6 2 USC 432 (e) shall be treated as a contribution made by the candidate to his or her
7 own campaign. The contribution limit of sub. (4) applies to amounts contributed by
8 such a candidate personally to the candidate's own campaign and to other
9 campaigns, except that a candidate may exceed the limitation if authorized under
10 this subsection to contribute more than the amount specified to the candidate's own
11 campaign, up to the amount of the limitation.

12 **SECTION 52.** 11.26 (10a) of the statutes is created to read:

13 11.26 (10a) (a) In this subsection, "consumer price index" means the average
14 of the consumer price index over each 12-month period, all items, U.S. city average,
15 as determined by the bureau of labor statistics of the federal department of labor.

16 (b) The dollar amounts of the limitations under subs. (1m) and (10) shall be
17 subject to a biennial adjustment to be determined by rule of the board in accordance
18 with this subsection. To determine the adjustment, the board shall calculate the
19 percentage difference between the consumer price index for the 12-month period
20 ending on December 31 of each odd-numbered year and the consumer price index for
21 the base period, calendar year 2001. For each biennium, the board shall multiply the
22 amount of each limitation under subs. (1m) and (10) by the percentage difference in
23 the consumer price indices. The board shall adjust the amount of each limitation to
24 substitute that result for the existing amount to the extent required to reflect any
25 difference, rounded to the nearest multiple of \$25. The amount so determined shall

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

6 **SECTION 53.** 11.26 (12m) of the statutes is repealed.

7 **SECTION 54.** 11.26 (13) of the statutes is amended to read:

8 11.26 (13) ~~Except as provided in sub. (9), contributions~~ Contributions received
9 from the ~~Wisconsin election campaign~~ clean government fund are not subject to
10 limitation by this section.

11 **SECTION 55.** 11.26 (17) (a) of the statutes is amended to read:

12 11.26 (17) (a) For purposes of application of the limitations imposed in subs.
13 (1), (1m), (2), (9) and (10), the “campaign” of a candidate begins and ends at the times
14 specified in this subsection.

15 **SECTION 56.** 11.265 of the statutes is repealed.

16 **SECTION 57.** 11.31 (1) (a) of the statutes is amended to read:

17 11.31 (1) (a) Candidates for governor, ~~\$1,078,200~~ and lieutenant governor
18 jointly, \$2,000,000.

19 **SECTION 58.** 11.31 (1) (b) of the statutes is repealed.

20 **SECTION 59.** 11.31 (1) (c) of the statutes is amended to read:

21 11.31 (1) (c) Candidates for attorney general, ~~\$539,000~~ \$600,000.

22 **SECTION 60.** 11.31 (1) (cm) of the statutes is created to read:

23 11.31 (1) (cm) Candidates for justice, \$300,000.

24 **SECTION 61.** 11.31 (1) (d) of the statutes is amended to read:

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1 11.31 (1) (d) Candidates for secretary of state, state treasurer, justice or state
2 superintendent, ~~\$215,625~~ \$200,000.

3 **SECTION 62.** 11.31 (1) (e) and (f) of the statutes are amended to read:

4 11.31 (1) (e) Candidates for state senator, ~~\$34,500 total in the primary and~~
5 ~~election, with disbursements not exceeding \$21,575 for either the primary or the~~
6 ~~election~~ \$100,000.

7 (f) Candidates for representative to the assembly, ~~\$17,250 total in the primary~~
8 ~~and election, with disbursements not exceeding \$10,775 for either the primary or the~~
9 ~~election~~ \$50,000.

10 **SECTION 63.** 11.31 (2) of the statutes is amended to read:

11 11.31 (2) LIMITATION IMPOSED. No candidate for state office at a spring or general
12 election who files a sworn statement and application to receive a grant from the
13 ~~Wisconsin election campaign~~ clean government fund may make or authorize total
14 disbursements from the his or her campaign treasury in any campaign to the extent
15 of more than the amount prescribed in sub. (1), adjusted as provided under sub. (9),
16 unless the board determines that the candidate is not eligible to receive a grant, the
17 candidate withdraws his or her application under s. 11.50 (2) (h), or s. ~~11.50 (2) (i)~~ sub.
18 (3p) applies. No candidate for state office at a special election who files a sworn
19 statement and application to receive a grant from the ~~Wisconsin election campaign~~
20 clean government fund may make or authorize total disbursements from the his or
21 her campaign treasury in any campaign to the extent of more than the amount
22 prescribed under sub. (1), adjusted as provided under sub. (9), for the preceding
23 spring or general election for the same office, unless the board determines that the
24 candidate is not eligible to receive a grant, the candidate withdraws his or her
25 application under s. 11.50 (2) (h), or s. ~~11.50 (2) (i)~~ sub. (3p) applies.

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1 **SECTION 64.** 11.31 (2m) of the statutes is repealed.

2 **SECTION 65.** 11.31 (3) of the statutes is repealed.

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

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

5 11.31 **(3p)** CANDIDATES RECEIVING ADDITIONAL GRANTS; EXCEPTION. If a candidate
6 receives a grant under s. 11.50 (9) (b) or (ba), the disbursement limitation of that
7 candidate for the campaign in which the grant is received is increased by the amount
8 of that grant.

9 **SECTION 68.** 11.31 (4) of the statutes is repealed.

10 **SECTION 69.** 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 70.** 11.38 (1) (a) 3. of the statutes is amended to read:

6 11.38 (1) (a) 3. No corporation or association specified in subd. 1. may expend
7 more than a combined total of \$500 annually for solicitation of contributions to a fund
8 established under subd. 2. ~~or to a conduit.~~

9 **SECTION 71.** 11.50 (title) of the statutes is amended to read:

10 **11.50** (title) ~~Wisconsin election campaign~~ Clean government fund.

11 **SECTION 72.** 11.50 (1) (b) of the statutes is amended to read:

12 11.50 (1) (b) “Fund” means the ~~Wisconsin election campaign~~ clean government
13 fund.

14 **SECTION 73.** 11.50 (2) (a) of the statutes is amended to read:

15 11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may
16 file an application with the board requesting approval to participate in the fund. The
17 application shall be filed no later than the applicable deadline for filing nomination
18 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.
19 on the 7th day after the primary or date on which the primary would be held if
20 required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day
21 after appointment in the case of candidates appointed to fill vacancies. The
22 application shall contain a sworn statement that the candidate and his or her
23 authorized agents have complied with the contribution limitations prescribed in s.
24 11.26 and the disbursement limitations prescribed under s. 11.31 (1), as adjusted
25 under s. 11.31 (9). at all times to which such limitations have applied to his or her

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1 candidacy and will continue to comply with the limitations at all times to which the
2 limitations apply to his or her candidacy for the office in contest, unless the board
3 determines that the candidate is not eligible to receive a grant, the candidate
4 withdraws his or her application under par. (h), or ~~par. (i)~~ s. 11.31 (3p) applies.

5 **SECTION 74.** 11.50 (2) (b) (intro.) of the statutes is amended to read:

6 11.50 (2) (b) (intro.) ~~The Except as provided in par. (bm), the~~ board shall
7 approve the application of an eligible candidate for participation if the candidate
8 meets the following requirements:

9 **SECTION 75.** 11.50 (2) (b) 1. to 3. of the statutes are amended to read:

10 11.50 (2) (b) 1. The application is timely;.

11 2. The candidate is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear upon
12 the spring or general election or a special election ballot;.

13 3. The candidate has an opponent who is certified for placement on the election
14 ballot as a candidate for the same office;.

15 **SECTION 76.** 11.50 (2) (b) 3m. of the statutes is created to read:

16 11.50 (2) (b) 3m. The candidate has filed with the board, no later than 4:30 p.m.
17 on the 5th day before the deadline for filing an application to receive a grant under
18 par. (a), an application to receive a grant or a statement that the candidate intends
19 to qualify to receive a grant.

20 **SECTION 77.** 11.50 (2) (b) 3s. of the statutes is created to read:

21 11.50 (2) (b) 3s. The candidate has filed with the board, on a form prescribed
22 by the board, no later than the deadline for filing an application to receive a grant
23 under par. (a), the signatures of qualified electors of the jurisdiction or district in
24 which the candidate seeks office which have not been filed with the application of any
25 other candidate at the same election for the same office within the same jurisdiction

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1 or district equal to the following, less the number of valid signatures of qualified
2 electors who signed nomination papers filed by the candidate or candidates under s.
3 8.15 (6), 8.20 (4) or 8.50 (3) (a):

4 a. For candidates for the offices of governor and lieutenant governor jointly or
5 a candidate for the office of attorney general, secretary of state, state treasurer, state
6 superintendent or justice, not less than 5,000 nor more than 7,000 electors.

7 b. For candidates for the office of state senator, not less than 1,000 nor more
8 than 2,000 electors.

9 c. For candidates for the office of representative to the assembly, not less than
10 500 nor more than 1,000 electors.

11 **SECTION 78.** 11.50 (2) (b) 4. of the statutes is amended to read:

12 11.50 (2) (b) 4. The financial reports filed by or on behalf of the candidate as
13 of the date of the spring or September primary, or the date that the special primary
14 is or would be held, if required, indicate that his or her statement filed with the
15 application under par. (a) is true; and,

16 **SECTION 79.** 11.50 (2) (b) 5. of the statutes is renumbered 11.50 (2) (b) 5. (intro.)
17 and amended to read:

18 11.50 (2) (b) 5. (intro.) The financial reports filed by or on behalf of the
19 candidate as of the date of the spring or September primary, or the date that the
20 special primary is or would be held, if required, indicate that the candidate has
21 received at least the amount provided in this subdivision, from contributions of
22 money, other than loans, made by individuals who are residents of this state, which
23 have been received during the period ending on the date of the spring primary and
24 July 1 preceding such date in the case of candidates at the spring election, or the date
25 of the September primary and January 1 preceding such date in the case of

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

16 **SECTION 80.** 11.50 (2) (b) 5. a. to f. of the statutes are created to read:

17 11.50 (2) (b) 5. a. For candidates for the offices of governor and lieutenant
18 governor jointly, \$80,000.

19 b. For a candidate for the office of attorney general, \$24,000.

20 c. For a candidate for the office of justice, \$12,000.

21 d. For a candidate for the office of secretary of state, state treasurer or state
22 superintendent, \$8,000.

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

24 f. For a candidate for the office of representative to the assembly, \$2,000.

25 **SECTION 81.** 11.50 (2) (bm) of the statutes is created to read:

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1 11.50 (2) (bm) The board shall not approve the application of an eligible
2 candidate for the office of governor or lieutenant governor of the same political party
3 unless both candidates qualify to receive a grant under this subsection.

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

5 11.50 (2) (g) A candidate who voluntarily files an application to receive a grant
6 in accordance with this subsection accepts and agrees to comply with the
7 contribution limitations prescribed in s. 11.26 and the disbursement limitations
8 imposed under s. 11.31 (2), as adjusted under s. 11.31 (9) as binding upon himself or
9 herself and his or her agents during the campaign as defined in s. 11.31 (7), as a
10 precondition to receipt of a grant under this section, unless the board determines
11 that the candidate is not eligible to receive a grant, the candidate withdraws the
12 application under par. (h), or ~~par. (i)~~ s. 11.31 (3p) applies.

13 **SECTION 83.** 11.50 (2) (i) of the statutes is repealed.

14 **SECTION 84.** 11.50 (3) of the statutes is repealed.

15 **SECTION 85.** 11.50 (4) of the statutes is repealed and recreated to read:

16 11.50 (4) AMOUNT OF GRANTS. Except as provided in sub. (9) (b) and (ba), each
17 eligible candidate for the same office who qualifies for grant under this section shall
18 receive an equal amount.

19 **SECTION 86.** 11.50 (5) of the statutes is amended to read:

20 11.50 (5) TIME OF DISBURSEMENT. The state treasurer shall make the
21 disbursements to the campaign depository account of each eligible candidate ~~under~~
22 ~~subs. (3) and (4)~~ by the end of the 3rd business day following notice from the board
23 under s. 7.08 (2) (c) or (cm). ~~Eligible candidates for governor and lieutenant governor~~
24 ~~of the same political party may combine accounts if desired, except that the state~~
25 treasurer shall make disbursements for eligible candidates for the office of governor

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1 and lieutenant governor jointly to the campaign depository account of the candidate
2 for governor.

3 **SECTION 87.** 11.50 (6) of the statutes is repealed.

4 **SECTION 88.** 11.50 (9) (title) of the statutes is amended to read:

5 11.50 (9) (title) ~~LIMITATION ON~~ AMOUNT OF GRANTS.

6 **SECTION 89.** 11.50 (9) of the statutes is renumbered 11.50 (9) (a) (intro.) and
7 amended to read:

8 11.50 (9) (a) (intro.) ~~The~~ Except as provided in pars. (b) and (ba) and sub. (9a),
9 the total grant available to an eligible candidate may not exceed that amount which,
10 when added to all other contributions accepted from sources other than individuals,
11 political party committees and legislative campaign committees, is equal to 45% of
12 the disbursement level specified for the applicable office under s. 11.31. The board
13 shall scrutinize accounts and reports and records kept under this chapter to assure
14 that applicable limitations under ss. 11.26 (9) and 11.31 are not exceeded and any
15 violation is reported. is:

16 (am) No candidate or campaign treasurer may accept grants exceeding the
17 amount authorized by this subsection.

18 **SECTION 90.** 11.50 (9) (a) 1. to 6. of the statutes are created to read:

19 11.50 (9) (a) 1. For candidates for the office of governor and lieutenant governor
20 jointly, \$1,500,000.

21 2. For a candidate for the office of attorney general, \$150,000.

22 3. For a candidate for the office of justice, \$225,000.

23 4. For a candidate for the office of secretary of state, state treasurer or state
24 superintendent, \$150,000.

25 5. For a candidate for the office of state senator, \$75,000.

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1 6. For a candidate for the office of representative to the assembly, \$37,500.

2 **SECTION 91.** 11.50 (9) (b) of the statutes is created to read:

3 11.50 **(9)** (b) If an eligible candidate who accepts a grant is opposed by one or
4 more candidates in a general or special election whose names are certified under s.
5 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot, and if a committee intends to receive
6 or receives any contribution or contributions that are intended to be used or that are
7 used to oppose the election of the eligible candidate who accepts a grant or to support
8 a certified opponent of that candidate without cooperation or consultation with any
9 certified opposing candidate or such a candidate's agent or authorized committee,
10 and not in concert with, or at the request or suggestion of any certified opposing
11 candidate's agent or authorized committee, then the board shall make an additional
12 grant to the eligible candidate who accepts a grant in an amount equal to the total
13 amount of contributions received for the purpose of advocating the election of the
14 certified opposing candidate or for the purpose of opposing the election of the eligible
15 candidate who accepts the grant, as reported by committees under s. 11.12 (6) (c).

16 **SECTION 92.** 11.50 (9) (ba) of the statutes is created to read:

17 11.50 **(9)** (ba) If an eligible candidate who accepts a grant is opposed by one or
18 more candidates in a general or special election who are required, or whose personal
19 campaign committees are required, to file a report under s. 11.12 (7) or (8), then the
20 board shall make an additional grant to the eligible candidate who accepts a grant
21 in an amount equal to the total amount or value of contributions accepted by the
22 opposing candidate or candidates exceeding the amount specified for the office
23 sought by the candidate or candidates under s. 11.12 (7) (a) for contributions from
24 committees or from all contributors, or if both amounts specified in s. 11.12 (7) (a) are
25 exceeded, an amount equal to the excess over both amounts specified, plus an

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1 additional grant in an amount equal to the total amount of obligations incurred or
2 proposed to be incurred and disbursements proposed to be made that have not
3 previously been reported as obligations exceeding the amount specified under s.
4 11.31 (1) (a) to (f) for the office which the candidate seeks, as reported by the opposing
5 candidate under s. 11.12 (7) or (8), or both.

6 **SECTION 93.** 11.50 (9a) of the statutes is created to read:

7 11.50 **(9a)** ADJUSTMENT OF QUALIFYING AND GRANT AMOUNTS. (a) In this
8 subsection, “consumer price index” means the average of the consumer price index
9 over each 12–month period, all items, U.S. city average, as determined by the bureau
10 of labor statistics of the federal department of labor.

11 (b) The dollar amounts of all qualifying amounts specified in sub. (2) (b) 5. and
12 all grant amounts specified in sub. (9) shall be subject to a biennial adjustment to be
13 determined by rule of the board in accordance with this subsection. To determine the
14 adjustment, the board shall calculate the percentage difference between the
15 consumer price index for the 12–month period ending on December 31 of each
16 odd–numbered year and the consumer price index for the base period, calendar year
17 2001. For each biennium, the board shall multiply each qualifying amount and grant
18 amount by the percentage difference in the consumer price indices. The board shall
19 adjust each qualifying amount and grant amount to substitute that result for the
20 existing amount to the extent required to reflect any difference, rounded to the
21 nearest multiple of \$25. The amounts so determined shall then be in effect until a
22 subsequent rule is promulgated under this subsection. Notwithstanding s. 227.24
23 (1) (a), (2) (b) and (3), determinations under this subsection may be promulgated as
24 an emergency rule under s. 227.24 without providing evidence that the emergency

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

3 **SECTION 94.** 11.50 (11) (e) of the statutes is amended to read:

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

8 **SECTION 95.** 11.60 (3s) and (3t) of the statutes are created to read:

9 11.60 **(3s)** Notwithstanding sub. (1), if any candidate or other individual or
10 committee accepts or transfers a contribution, makes a disbursement or incurs an
11 obligation to make a disbursement for the purpose of supporting or opposing a
12 candidate for an office specified in s. 11.31 (1) (a) to (f) or makes a communication
13 specified in s. 11.05 (14) without first registering under s. 11.05 (1), (2) or (2g) to the
14 extent required under s. 11.05 (1), (2) and (2g), or without reporting the information
15 required under s. 11.12 (6) (c), (7) or (8) or 11.20 (3) or (4) with respect to that
16 contribution, disbursement or obligation, to the extent required under ss. 11.12 (6)
17 (c), (7) and (8) and 11.20 (3) and (4), the candidate or other individual or committee
18 may be required to forfeit not more than \$500 per day for each day of continued
19 violation.

20 **(3t)** Notwithstanding sub. (1), if any candidate or other individual or
21 committee accepts or transfers one or more contributions, makes one or more
22 disbursements or incurs one or more obligations to make disbursements for the
23 purpose of supporting or opposing a candidate for an office specified in s. 11.31 (1)
24 (a) to (f) or to make a communication specified in s. 11.05 (14) in an amount or value

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1 that differs from the amount reported by that individual or committee under s. 11.12
2 (6) (c), (7) or (8) or 11.20 (3) or (4):

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

5 (b) By more than 10% cumulatively, the individual or committee shall forfeit
6 6 times the amount or value of the difference.

7 **SECTION 96.** 11.61 (1) (a) of the statutes is amended to read:

8 11.61 (1) (a) ~~Whoever~~ Except as provided in par. (d), whoever intentionally
9 violates s. 11.05 (1), (2), (2g) or (2r), 11.07 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or
10 11.24 (1) may be fined not more than \$10,000 or imprisoned not more than 3 years
11 or both.

12 **SECTION 97.** 11.61 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 283,
13 is amended to read:

14 11.61 (1) (a) ~~Whoever~~ Except as provided in par. (d), whoever intentionally
15 violates s. 11.05 (1), (2), (2g) or (2r), 11.07 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or
16 11.24 (1) may be fined not more than \$10,000 or imprisoned for not more than 4 years
17 and 6 months or both.

18 **SECTION 98.** 11.61 (1) (b) of the statutes 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 not more than 3 years or both.

24 **SECTION 99.** 11.61 (1) (b) of the statutes, as affected by 1997 Wisconsin Act 283,
25 is amended to read:

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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 for not more than 4 years and 6 months or both.

6 **SECTION 100.** 11.61 (1) (c) of the statutes is amended to read:

7 11.61 (1) (c) ~~Whoever~~ Except as provided in par. (d), whoever intentionally
8 violates any provision of this chapter other than those provided in par. (a) and
9 whoever intentionally violates any provision under par. (b) where the intentional
10 violation concerns a specific figure which does not exceed \$100 in amount or value
11 may be fined not more than \$1,000 or imprisoned not more than 6 months or both.

12 **SECTION 101.** 11.61 (1) (d) of the statutes is created to read:

13 11.61 (1) (d) Whoever, with intent to conceal or deceive, accepts or transfers a
14 contribution, makes a disbursement or incurs an obligation to make a disbursement
15 for the purpose of supporting or opposing a candidate for an office specified in s. 11.31
16 (1) (a) to (f) or to make a communication specified in s. 11.05 (14) without first
17 registering under s. 11.05 (1), (2) or (2g), to the extent required under s. 11.05 (1), (2)
18 and (2g), or without reporting the information required under s. 11.12 (6) (c), (7) or
19 (8) or 11.20 (3) or (4) with respect to that contribution, disbursement or obligation,
20 to the extent required under ss. 11.12 (6) (c), (7) and (8) and 11.20 (3) and (4), may
21 be fined not more than \$10,000 or imprisoned for not more than 5 years, or both.

22 **SECTION 102.** 14.58 (20) of the statutes is amended to read:

23 14.58 (20) ~~ELECTION CAMPAIGN~~ CLEAN GOVERNMENT FUND. Make disbursements
24 to each candidate certified under s. 7.08 (2) (c) or (cm) by the elections board as

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1 eligible to receive moneys from the ~~Wisconsin election campaign~~ clean government
2 fund.

3 **SECTION 103.** 20.510 (1) (q) of the statutes is amended to read:

4 20.510 (1) (q) ~~Wisconsin election campaign~~ Clean government fund. As a
5 continuing appropriation, from the ~~Wisconsin election campaign~~ clean government
6 fund, the moneys amounts determined under s. 11.50 to provide for payments to
7 eligible candidates certified under s. 7.08 (2) (c) and (cm).

8 **SECTION 104.** 20.855 (4) (b) of the statutes is repealed.

9 **SECTION 105.** 20.855 (4) (ba) of the statutes is created to read:

10 20.855 (4) (ba) *Lobbying expenditure tax revenue transfer*. A sum sufficient
11 equal to the amounts determined by the secretary of revenue under s. 77.9973, to be
12 transferred from the general fund to the clean government fund annually on
13 September 16.

14 **SECTION 106.** 20.855 (4) (bb) of the statutes is created to read:

15 20.855 (4) (bb) *Clean government fund supplement*. A sum sufficient equal to
16 the amounts required to make full payment of grants which candidates qualify to
17 receive from the clean government fund, to be transferred from the general fund to
18 the clean government fund no later than the time required to make payments of
19 grants under s. 11.50 (5).

20 **SECTION 107.** 25.17 (1) (ys) of the statutes is amended to read:

21 25.17 (1) (ys) ~~Wisconsin election campaign~~ Clean government fund (s. 25.42);

22 **SECTION 108.** 25.42 of the statutes is amended to read:

23 **25.42 Wisconsin election campaign Clean government fund.** All moneys
24 appropriated under s. 20.855 (4) (b) ~~(ba) and (bb)~~ together with all moneys reverting
25 to the state under s. 11.50 (8) and all gifts, bequests and devises received under s.

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1 11.50 (13) constitute the ~~Wisconsin election campaign~~ clean government fund, to be
2 expended for the purposes of s. 11.50. All moneys in the fund not disbursed by the
3 state treasurer shall continue to accumulate indefinitely.

4 **SECTION 109.** 71.10 (3) of the statutes is repealed.

5 **SECTION 110.** Chapter 77 (title) of the statutes is amended to read:

6 **CHAPTER 77**

7 **TAXATION OF FOREST CROPLANDS;**

8 **REAL ESTATE TRANSFER FEES;**

9 **SALES AND USE TAXES; COUNTY**

10 **AND SPECIAL DISTRICT SALES**

11 **AND USE TAXES; MANAGED FOREST**

12 **LAND; TEMPORARY RECYCLING**

13 **SURCHARGE; LOCAL FOOD AND**

14 **BEVERAGE TAX; LOCAL RENTAL**

15 **CAR TAX; PREMIER RESORT AREA**

16 **TAXES; STATE RENTAL VEHICLE**

17 **FEE; DRY CLEANING FEES;**

18 **LOBBYING EXPENDITURE TAX**

19 **SECTION 111.** Subchapter XIII of chapter 77 [precedes 77.997] of the statutes
20 is created to read:

21 **CHAPTER 77**

22 **SUBCHAPTER XIII**

23 **LOBBYING EXPENDITURE TAX**

24 **77.997 Definition.** In this subchapter, “lobbying expenditure” has the
25 meaning given under s. 13.62 (10r).

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

6 **77.9972 Administration. (1)** The department of revenue shall levy, enforce
7 and collect the tax under this subchapter.

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

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

13 **77.9973 Certification.** Annually no later than September 15, the secretary
14 of revenue shall certify to the secretary of administration the amount of taxes
15 collected under this subchapter for the preceding 12-month period ending on June
16 30.

SECTION 112. Nonstatutory provisions.

17 (1) Notwithstanding section 990.01 (11) of the statutes, if a court finds that all
18 or any portion of section 11.01 (16) (a) 3., 11.12 (6) (c) or 11.50 (9) (b) of the statutes,
19 as created by this act, or section 11.06 (2) of the statutes, as affected by this act, is
20 unconstitutional, then sections 11.01 (16) (a) 3., 11.12 (6) (c) and 11.50 (9) (b) of the
21 statutes, as created by this act, and the treatment of section 11.06 (2) of the statutes
22 by this act are void in their entirety.
23

SECTION 113. Initial applicability.
24

