

2001 DRAFTING REQUEST

Bill

Received: 02/21/2001

Received By: **rmarchan**

Wanted: 02/22/2001

Identical to LRB:

For: **Terry Musser (608) 266-7461**

By/Representing:

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

Drafter: **kuesejt**

May Contact: **Gail Shea--Wis. Democracy Campai**

Alt. Drafters: **jkreye
shoveme
rmarchan**

Subject: **Elections - campaign finance
Lobbying
Tax - corp. inc. and fran.
Tax - individual income**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Campaign finance, lobbying and income tax changes

Instructions:

Per 1999 LRB-1184/P1, with changes authorized by Gail Shea. Companion to LRB-0311/3.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kuesejt 02/21/2001	gilfokm 02/21/2001		_____			State Tax
/1			jfrantze 02/22/2001	_____	lrb_docadmin 02/22/2001	lrb_docadmin 02/22/2001	

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1/?	kuesejt	1-2/KMG /21-01	2/2/22	Self 2/22			

FE Sent For:

<END>

Thursday
2-22-01

RMNR

DNOR

2001 BILL

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 (2m), 11.50 (2) (h), 11.50 (2)
3 (i), 11.50 (3) and 13.625 (1) (c) 1. and 2.; *to renumber* 11.05 (2r) (title), 11.05
4 (9) (a), 11.24 (2) and 11.50 (7); *to renumber and amend* 11.05 (1), 11.05 (2),
5 11.05 (2r), 11.12 (6), 11.50 (1) (a) 1., 11.50 (1) (a) 2., 11.50 (9) and 13.625 (1) (c)
6 (intro.); *to amend* 5.02 (13), 7.08 (2) (c) and (cm), 7.70 (3) (e) 1., 8.30 (2), 8.35
7 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 10.02 (3) (b) 2m., 11.05 (3) (c), 11.05 (3)
8 (n), 11.05 (5), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (c), 11.06 (2),
9 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (c), 11.07 (1), 11.07 (5), 11.09
10 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.14 (3), 11.16 (2), 11.16 (5), 11.19
11 (title), 11.19 (1), 11.20 (1), 11.20 (7), 11.20 (9), 11.20 (10) (a), 11.20 (12), 11.21 (2),
12 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.26 (1) (a) to (c), 11.26 (2)
13 (a), 11.26 (4), 11.26 (8), 11.26 (9) (a) and (b), 11.26 (10), 11.31 (1) (intro.), 11.31
14 (1) (a) to (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (3), 11.38 (1) (a) 2., 11.38 (1) (a)

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1 3., 11.38 (6), 11.38 (8) (b), 11.50 (2) (a), 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (g),
2 11.50 (5), 11.50 (6), 11.50 (9) (title), 11.50 (11) (e), 11.60 (4), 11.61 (1) (a), 13.625
3 (1) (b) 3., 13.625 (2), 13.625 (6), 15.61, 20.510 (1) (q), 25.42, 71.10 (3) (a), 71.10
4 (3) (b) and 71.26 (1) (a); **to repeal and recreate** 11.05 (9) (title) and 11.50 (4);
5 and **to create** 7.08 (2) (cs), 11.01 (13) and (20), 11.01 (16) (a) 3., 11.05 (1) (b),
6 11.05 (2) (b), 11.05 (3) (m), 11.05 (3) (r), 11.06 (2m) (b) to (d), 11.12 (2m), 11.12
7 (6) (c) and (d), 11.12 (8) and (9), 11.19 (1m) and (6), 11.24 (1v), 11.24 (1w), 11.24
8 (4), 11.26 (8m), 11.26 (8n), 11.31 (1) (de), 11.31 (1m), 11.31 (3p), 11.31 (9), 11.50
9 (1) (a) 1. (intro.), 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and (cm), 11.50
10 (2) (j), 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (7) (bm), 11.50 (9) (a) 1. and 2.,
11 11.50 (9) (b) and (ba), 11.50 (14), 13.625 (3m), 20.855 (4) (ba), 71.05 (6) (a) 21.,
12 71.07 (5) (a) 9., 71.07 (6n), 71.10 (4) (cn), 71.26 (2) (b) 1g., 71.26 (3) (e) 4., 71.34
13 (1) (ad), 71.45 (2) (a) 16. and 806.04 (11m) of the statutes; **relating to:** campaign
14 financing, lobbying regulation, designations for the Wisconsin election
15 campaign fund by individuals filing state income tax returns, income and
16 franchise tax deductions for certain business expenses related to lobbying,
17 creating a nonrefundable individual income tax credit for certain campaign
18 contributions, composition and staffing of the elections board, providing
19 exemptions from emergency rule procedures, granting rule-making authority,
20 and making appropriations.

Analysis by the Legislative Reference Bureau

This bill makes numerous changes in the campaign financing law. The bill also makes changes to the lobbying regulation and income and franchise tax laws and to the composition and staffing of the elections board. Significant changes include:

BILL**FILING OF CAMPAIGN FINANCE REPORTS*****1. Exemptions from registration and reporting***

Currently, any individual who accepts contributions, makes disbursements, or incurs obligations, and any committee or group that makes or accepts contributions, makes disbursements, or incurs obligations, in connection with one or more elections for state or local office or one or more state or local referenda exceeding \$25 cumulatively within a calendar year is potentially subject to requirements to register with the appropriate filing officer and to file campaign finance reports.

This bill provides that an individual who accepts contributions, makes disbursements, or incurs obligations or a group that makes or accepts contributions, makes disbursements, or incurs obligations in connection with one or more referenda is not subject to registration and reporting requirements until the individual or group engages in activity exceeding \$100 cumulatively within a calendar year.

The bill also permits an individual or committee to claim an exemption from reporting requirements if the individual or committee does not accept contributions, make disbursements, or incur obligations exceeding \$1,000 cumulatively within a calendar year with respect to an election for state office, and does not accept contributions exceeding \$100 from a single source cumulatively within a calendar year. If an individual or committee does not accept contributions, make disbursements, or incur obligations with respect to an election for any state office but accepts contributions, makes disbursements, or incurs obligations with respect to an election for local office, the bill permits the individual or committee to claim an exemption from reporting requirements only if the individual or committee does not accept contributions, make disbursements, or incur obligations exceeding \$100 cumulatively within a calendar year.

2. Electronic filing

Currently, reports under the campaign finance law must be filed by certain dates specified by law and must cover time periods specified by law. Candidates for state office or their personal campaign or authorized support committees and other individuals, committees, and groups supporting or opposing candidates for state office or statewide ballot questions file their reports with the state elections board. Each registrant for whom the elections board serves as a filing agency and who or that accepts contributions in a total amount or value of \$20,000 or more during a campaign period, or a biennial period for a registrant other than a candidate or personal campaign or support committee, must file reports with the board electronically. Any registrant who or that files a report electronically must also file a copy of the report recorded on a medium prescribed by the board.

This bill requires each committee that is currently required to file its campaign finance reports electronically to file those reports within 24 hours after a reportable transaction occurs. Under the bill, once a registrant becomes subject to an electronic reporting requirement, the requirement continues to apply until a termination report is filed, regardless of the level of continuing financial activity of the registrant. In accordance with current law, the bill also requires registrants who file electronically to file copies of reports, at the times currently prescribed by law,

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recorded on a medium prescribed by the board. The change applies effective with reports filed on or after the day on which the bill becomes law.

3. *Special reporting by certain registrants*

Currently, a committee making contributions or a candidate or other individual or committee accepting contributions, making disbursements, 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 a major state office (the office of governor, lieutenant governor, attorney general, secretary of state, state treasurer, superintendent of public instruction, justice of the supreme court, state senator, or representative to the assembly) who does not accept a public grant (see below) and who makes any disbursement after the candidate has accumulated cash in his or her campaign depository or has made disbursements in his or her campaign exceeding a combined total of 75% of the amount of the disbursement limitation for the office that the candidate seeks, to file daily reports, by electronic mail or facsimile transmission, with the elections board and with each candidate whose name appears on the ballot for the office in connection with which the disbursement is made. The daily reports may be filed no later than 24 hours after each disbursement is made, and must include the information that is currently required to be reported pertaining to disbursements made by candidates. The daily reports must be filed during the time period beginning with the later of the date of the disbursement that triggers the requirement or the 7th day after the applicable primary election or the date that a primary would be held, if required, and ending with date of the election at which the candidate seeks office.

The bill similarly requires each committee that makes any 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, within 60 days of that election or the primary for that election, to file daily reports, by electronic mail or facsimile transmission, with the elections board and with each candidate whose name appears on the ballot for the office in connection with which the disbursement is made. These daily reports must be filed no later than 24 hours after each disbursement is made, and must include information specifying the date and purpose of the disbursement, the payee, the name of each candidate who is supported or whose opponent is opposed, and the total amount of disbursements made in support of or in opposition to that candidate.

BILL**4. Mass communications**

Currently, individuals who accept contributions, organizations which make or accept contributions, or individuals who or organizations which 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

With certain exceptions, this bill imposes registration and reporting requirements, in addition, upon any individual who or organization that, within 60 days of an election and by means of a newspaper, periodical, commercial billboard, radio station, television station, mass mailing, or telephone bank operator, makes a communication which includes the name or likeness of a candidate at that election, an office to be filled at that election, or a political party. The bill, however, does not require registration and reporting if the communication is made by a corporation, cooperative, or nonpolitical voluntary association and is limited to the corporation's, cooperative's, or association's members, shareholders, or subscribers.

5. Timeliness in filing reports

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

This bill permits satisfaction of the filing requirement only by delivering a report to the appropriate filing officer or agency on or before the date provided by law for receipt of the report or by depositing the report with the U.S. postal service no later than the third day before that date.

DISBURSEMENT LIMITATIONS AND INDEPENDENT DISBURSEMENTS

Under current law, disbursement (expenditure) levels are specified for candidates for various state and local offices. These levels become a binding limitation upon any candidate for state office who accepts a state grant from the Wisconsin election campaign fund or who agrees to be bound by the limitation, unless the candidate is opposed by a major opponent who could have qualified for a grant but declines to accept one. A candidate for state office who accepts a grant from the Wisconsin election campaign fund and who agrees to be bound by the disbursement limit applicable to the office which the candidate seeks may receive a grant equal to 45% of that disbursement limit, less certain committee contributions accepted by the candidate, if there are sufficient moneys in the fund to finance the full amount of grants for which candidates qualify.

Current law also imposes registration and financial reporting requirements on committees and individuals making disbursements independently of a candidate in support of or in opposition to a candidate for a state or local office. One requirement is the obligation of the committee or individual to file reports with the appropriate filing officer within 24 hours of making such a disbursement, if the disbursement is made less than 15 days before a primary or election and if the cumulative amount of such disbursements exceeds \$20.

This bill:

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1. 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	500,000
Attorney general	539,000	700,000
Secretary of state	215,625	250,000
State treasurer	215,625	250,000
Supreme court justice	215,625	300,000
State superintendent	215,625	250,000
State senator	34,500	100,000
Representative to the assembly	17,250	50,000

2. Provides that the total disbursement limitation for a candidate whose name appears on the ballot at a primary election and who receives less than twice as many votes at that election as another candidate for the same office is 120% of the amount provided for the candidate receiving the greatest number of votes for that office.

3. Creates a biennial cost-of-living adjustment that causes the statutory disbursement levels to be adjusted biennially, beginning in 2004, in accordance with a formula tied to the “consumer price index” determined by the U.S. department of labor.

4. Replaces the provision requiring reports of cumulative independent disbursements exceeding \$20 made later than 15 days prior to a primary or election with a provision that requires cumulative independent disbursements *or obligations* exceeding \$20 during that period to be so reported.

5. Increases the disbursement limitation of any candidate who accepts a public grant by: a) an amount equal to any independent disbursements that are made to oppose that candidate, or to support that candidate’s opponent, exceeding 10% of the disbursement limitation for the office that the candidate seeks; and b) the total amount of disbursements exceeding the amount of the disbursement limitation for that office made by any opposing candidate who does not accept a public grant.

6. Repeals the procedure by which a candidate who would not otherwise be subject to statutory disbursement limitations may voluntarily agree to comply with these limitations.

7. Repeals the exemption from disbursement limitations that currently applies to any candidate who accepts a grant from the Wisconsin election campaign fund and who is opposed by a major opponent who could have qualified for a grant but declines to accept one. Under the bill, the candidate accepting the grant remains bound by the applicable disbursement limitations.

CONTRIBUTION LIMITATIONS

Current law limits the amount of contributions which may be given to and accepted by a candidate for state or local office. Currently, individuals are subject to limitations on the amount of contributions made cumulatively to a particular

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candidate and on the aggregate total of contributions made to all candidates. An individual making a contribution to a candidate for statewide office may contribute up to \$10,000, an individual making a contribution to a candidate for the office of state senator may contribute up to \$1,000, and an individual making a contribution to a candidate for the office of representative to the assembly may contribute up to \$500. However, an individual may not contribute more than \$10,000 annually to all candidates combined.

Under this bill, the limitation on individual contributions to candidates for statewide offices is \$1,000, the limitation on individual contributions to candidates for the office of state senator is \$500, and the limitation on individual contributions to candidates for the office of representative to the assembly is \$250. The annual limitation on individual contributions to all candidates under the bill is \$5,000.

Under current law, committees other than political party committees and legislative campaign committees are subject to limitations on the amount of contributions made cumulatively to a particular candidate. A committee may contribute up to \$43,238 to a candidate for statewide office. Current law also limits the cumulative amount of contributions that a committee may make annually to a particular political party, limits the cumulative amount of contributions that a political party may accept annually from a particular committee, and limits the aggregate total of contributions that a political party may accept during any biennium from all committees. Currently, a committee may annually contribute up to \$6,000 to a particular political party, a political party may annually accept up to \$6,000 from a particular committee, and a political party may accept up to \$150,000 in contributions from all committees during any biennium.

Under this bill, the limitation on committee contributions to candidates for statewide office is increased to \$45,000, the limitation on committee contributions to a particular political party, and on the annual amount that a political party may accept from a particular committee, is increased to \$12,000, and the aggregate limitation on contributions that a political party may accept during a biennium from all committees is increased to \$300,000.

Currently, no candidate who accepts a grant from the Wisconsin election campaign fund or who files an affidavit affirming his or her voluntary compliance with statutory disbursement limitations may make contributions to his or her own campaign exceeding 200% of the limitations applicable to other individuals making contributions to his or her campaign. This bill provides, instead, that no candidate who accepts a grant from the Wisconsin election campaign fund may make contributions to his or her own campaign exceeding \$1,000.

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

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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 causing them to be treated in the same manner as other special interest committees for the purpose of contribution limitations.

OTHER CONTRIBUTION RESTRICTIONS

This bill creates the following new prohibitions on contributions:

1. It prohibits contributions to incumbents who are seeking reelection to a partisan state office from the first Monday in January of each odd-numbered year through the enactment of the biennial budget act and, thereafter, during any floorperiod, including any special or extraordinary session floorperiod. The prohibition does not apply to contributions made to an incumbent who is subject to a recall election from the date on which the petition for a recall election is filed until the date of the recall election.

2. It prohibits any committee from making a contribution to any special interest committee. The prohibition does not apply to a committee that is affiliated with a labor organization that transfers a contribution to another committee that is affiliated with the same labor organization.

3. It prohibits any personal campaign committee or support committee authorized by a prospective candidate from making a contribution to any other such committee.

4. It prohibits any lobbyist from making a contribution to a partisan elective state official or candidate for a partisan elective state office or to such an official's or candidate's personal campaign committee, except that the bill permits a lobbyist to make a campaign contribution to a candidate for elective state office, or to the personal campaign committee of such a candidate, if the candidate seeks office in the jurisdiction or district where the lobbyist resides. Currently, a lobbyist may make a contribution to any partisan elective state official or candidate for a partisan elective state office in the year that an official or candidate seeks election between June 1 and the day of the general election.

5. It prohibits a member of the legislature, or a member's personal campaign committee, from soliciting a lobbyist or principal to arrange for another person to make a campaign contribution to that member or committee. Currently, an elective state official is prohibited from soliciting a lobbyist or principal to make a prohibited campaign contribution.

6. It prohibits any registrant from accepting any contribution made by a committee or group that does not maintain an office or street address within this state at the time that the contribution is made, unless that committee or group is registered with the federal election commission under federal law. Federal law generally requires registration and reporting by organizations only when they receive contributions or make expenditures with respect to elections for federal office.

Currently, if a registrant receives a contribution, the registrant must deposit the contribution in its campaign depository account no later than the end of the fifth business day commencing after receipt, unless the registrant returns the

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contribution before that time. A registrant must report the occupation and principal place of employment of any individual who makes any contribution or contributions to a registrant exceeding \$100 in amount or value cumulatively within a calendar year. This bill provides that whenever a registrant receives a contribution in the form of money the registrant must obtain this information from a contributor, if required, before depositing the contributor's contribution in its campaign depository account. Under the bill, if the registrant does not obtain the required information within the period prescribed for making deposits, the registrant must return the contribution.

CONTRIBUTIONS THROUGH 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 compliance with 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 contribution limitations and qualifying contributions for public grants. Thus, under this bill, a contribution of money that is transferred by a conduit that is a committee is included within the overall limitation on contributions that a candidate may derive from public grants and from contributions received from committees. In addition, these contributions may not be used to qualify for a public grant.

DISPOSITION OF RESIDUAL OR EXCESS FUNDS

Under current law, residual funds remaining when a person who is required to register under the campaign financing law disbands or ceases incurring obligations, making disbursements, or accepting contributions or excess funds received by a registrant that may not be legally expended may generally be used for any lawful political purpose, returned to the original contributors, or donated to a charitable organization or the common school fund.

This bill allows residual or excess funds to be transferred to the Wisconsin election campaign fund. The bill also requires residual contributions received by a personal campaign committee formed to support the campaign of a partisan state officeholder who seeks election to another office and, subsequently, decides not to run for that other office, which exceed 10% of the statutory disbursement level for the office that the candidate holds, to be either returned to the donors or transferred to the Wisconsin election campaign fund. In addition, the bill limits the amount of contributions which remain unencumbered after December 31 of an even-numbered

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year that a candidate for partisan state office or such a candidate's personal campaign committee may carry over from a general election campaign to another campaign to not more than 10% of the candidate's disbursement level. Under the bill, contributions in excess of that amount must be transferred to the Wisconsin election campaign fund.

WISCONSIN ELECTION CAMPAIGN FUND***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 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.

This bill:

1. Increases the amount of the individual income tax checkoff for the Wisconsin election campaign fund from \$1 to \$5, effective for tax returns filed for taxable years beginning on or after January 1 following the day on which the bill becomes law. Under the bill, individuals filing a joint return may separately choose whether to make the \$5 checkoff. The bill also permits individuals to determine whether to designate their checkoffs for a "general account," which is distributed to all candidates who qualify for a grant, or for the account of an eligible political party, which is distributed to all candidates representing that party who qualify for a grant. However, if there are insufficient moneys in these accounts to permit any candidate who qualifies for a grant from receiving the full amount for which the candidate qualifies, the bill provides for the deficiency to be drawn from state general purpose revenue.

2. Authorizes the state elections board to set aside an amount not exceeding 5% of the moneys transferred to the Wisconsin election campaign fund in each year, before distributions are made to candidate office accounts, to provide public information concerning the purpose and effect of the fund and the income tax checkoff for the fund. As part of the public information program, the board must prepare an easily understood description of the purpose and effect of the fund and the tax checkoff. The department of revenue is required to include and highlight the description in its income tax preparation instructions related to the tax checkoff.

3. Provides that, if a grant is used to purchase an advertisement from a broadcast or communications medium, the advertisement may not include any voice other than the voice of the candidate to whom the grant is provided.

Grant eligibility requirements and amounts

Under current law, public financing from the Wisconsin election campaign fund is available to eligible candidates for the offices of state senator, representative to the assembly, governor, lieutenant governor, attorney general, state treasurer, secretary of state, justice of the supreme court, and superintendent of public instruction. To

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receive a grant, a candidate must file an application with the state elections board no later than the deadline for filing nomination papers. Following the primary election or the date on which a primary would be held, if required, the board determines whether a candidate who applies for a grant meets the following eligibility requirements:

1. If the candidate seeks a partisan state office at a general election, the candidate must have received at least 6% of the total votes cast in the primary and have won the primary. If the candidate seeks a partisan state office at a special election, the candidate must either: a) appear on the ballot or in the column of a political party whose candidate for the same office at the preceding general election received at least 6% of the vote; or b) receive at least 6% of the votes cast at the special election.

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

3. The candidate must receive, during a specified time period, a specified amount through contributions from individuals of \$100 or less. For a candidate for the office of governor, lieutenant governor, secretary of state, state treasurer, attorney general, justice of the supreme court, or superintendent of public instruction, the amount is 5% of the authorized disbursement level for the office which the candidate seeks. For a candidate for the office of state senator or representative to the assembly, the amount is 10% of the authorized disbursement level for the office which 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 at least one of the candidate's opponents who received at least 6% of the votes cast for all candidates for that office at a partisan primary, if a primary was held, does not accept a grant and does not voluntarily agree to comply with the contribution and disbursement limitations for that office. The maximum grant that a candidate may receive is that amount which, when added to all other contributions accepted from sources other than individuals, political party committees, and legislative campaign committees, is equal to 45% of the authorized disbursement level for the office which the candidate seeks.

Currently, the elections board must notify the state treasurer that a candidate has qualified to receive a grant as soon as possible after the board is able to determine that the candidate has qualified to receive the grant. The state treasurer then has three business days to transmit the grant to the candidate.

This bill:

1. Decreases the percentage of the total votes cast that a candidate for a partisan state office must receive in order to be eligible to receive a grant from the Wisconsin election campaign fund to 2% of the total votes cast in the primary election.

2. Provides that a candidate for the office of state senator or representative to the assembly must receive contributions equal to only 5% of the authorized disbursement level for the office which the candidate seeks in order to qualify for a grant, but provides that the contributions of \$100 or less from individuals used by a candidate for any state office to determine eligibility for a grant from the Wisconsin

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election campaign fund must be made by individuals who reside in this state and, in the case of a candidate for legislative office, by individuals at least 50% of whom reside in a county having territory within the district in which the candidate seeks office.

3. Provides that a candidate who applies for a grant may not accept any contribution from any committee other than a political party committee. If the candidate has accepted any contribution from a committee other than a political party committee during the campaign for the office that the candidate is currently seeking, the candidate must return the contribution to the contributor or donate the contribution to a charitable organization or to the Wisconsin election campaign fund or the common school fund before filing an application for a grant. The candidate may, however, later accept a contribution from a committee other than a political party committee if the candidate is determined by the elections board to be ineligible to receive a grant, after the date of that determination.

4. Increases the maximum grant that a candidate for the office of justice of the supreme court or superintendent of public instruction may receive to 75% of the authorized disbursement level for the office that the candidate seeks and provides that the maximum grant that a candidate for any other state office may receive is 45% of the authorized disbursement level for the office that the candidate seeks, unless the candidate qualifies to receive a supplemental grant (see below).

5. Provides that a candidate who accepts a grant shall receive a supplemental grant in an amount equal to: a) the amount of any independent disbursements that are made to oppose that candidate, or to support that candidate's opponent, exceeding 10% of the disbursement limitation for the office that the candidate seeks; and b) the total amount of disbursements exceeding the amount of the disbursement limitation for that office made by an opposing candidate who does not accept a grant.

6. Requires the elections board and state treasurer to electronically transmit supplemental grants to qualifying candidates who so request within 24 hours after the candidates qualify to receive the supplemental grants.

INITIAL APPLICABILITY

All campaign finance changes under the bill apply to elections held on or after the day on which the bill becomes law.

TAX CREDITS AND DEDUCTIONS

The bill eliminates a current state income and franchise tax deduction for certain business expenses that lobbyists incur, effective for tax returns filed for taxable years beginning on or after January 1, 2003. Currently, this deduction may be claimed for expenses incurred in direct connection with: 1) appearances before, submission of statements to, or sending communications to a federal, state, or local legislative body, a legislative committee, or an individual legislator with respect to legislation or proposed legislation of direct interest to a taxpayer; or 2) communications between a taxpayer and an organization of which the taxpayer is a member with respect to legislation or proposed legislation of direct interest to the taxpayer and the organization. Under the bill, dues paid to any organization remain deductible to the extent that they are attributable to expenses of these activities.

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This bill also creates an income tax credit for individuals who make one or more contributions to a state or county committee or a political party or a candidate for state office who files an application for a grant from the Wisconsin election campaign fund in which the candidate agrees to be bound by disbursement and self-contribution limitations, if the application is accepted by the elections board. In order to be eligible for a credit, a contribution to a political party committee must be made to a committee of a party that qualifies for a separate ballot or column or row on the ballot, and a contribution to a candidate must be made to a candidate for office in the same jurisdiction or district in which the claimant resides. The maximum credit that may be claimed for any contribution is \$50 within any taxable year; the maximum credit that may be claimed for all contributions is \$100 within any taxable year. The credit is nonrefundable; no refund will be paid if the amount of the credit for which the claimant is otherwise eligible exceeds his or her tax liability.

ELECTIONS BOARD

Under current law, the governor appoints all members of the elections board as follows: one member is selected by the governor and one member each is designated by the chief justice of the supreme court, the speaker of the assembly, the senate majority leader, the minority leader in each house of the legislature, and the chief officer of each political party qualifying for a separate ballot at the September primary whose candidate for governor at the most recent gubernatorial election received at least 10% of the vote (currently, the Republican and the Democratic parties).

This bill increases the potential number of political parties that may designate an individual to the governor for appointment to the board. Under the bill, any political party that qualified for a separate ballot at the preceding September primary may designate an individual to the governor for appointment to the board.

This bill also increases the authorized FTE positions for the board by 1.0 GPR campaign finance investigator position and 1.0 GPR auditor position.

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 disbursements by committees acting independently of candidates and by candidates who decline to accept public grants, and provision of supplemental grants to candidates who are opposed or whose opponents are supported by those disbursements is found by a court to be invalid, then all of those parts of the act are void.

This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to the bill.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 5.02 (13) of the statutes is amended to read:

2 5.02 (13) “Political party” or “party” means a state committee registered under
3 s. 11.05 and organized exclusively for political purposes under whose name
4 candidates appear on a ballot at any election, and all county, congressional,
5 legislative, local and other affiliated committees authorized to operate under the
6 same name. For purposes of ch. 11, the term does not include a legislative campaign
7 committee or a committee filing an oath under s. 11.06 (7).

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

9 7.08 (2) (c) As soon as possible after the canvass of the spring and September
10 primary votes, but no later than the first Tuesday in March and the 4th Tuesday in
11 September, transmit to the state treasurer a certified list of all eligible candidates
12 for state office who have filed applications under s. 11.50 (2) and ~~whom~~ who the board
13 determines ~~to be~~ are eligible to receive payments from the Wisconsin election
14 campaign fund. The board shall also electronically transmit a similar list of
15 candidates who the board determines are eligible to receive a grant under s. 11.50
16 (9) (b) or (ba) within 24 hours after any candidate qualifies to receive such a grant.
17 Each list shall contain each candidate’s name, the mailing address indicated upon
18 the candidate’s registration form, the office for which the individual is a candidate
19 and the party or principle which he or she represents, if any.

20 (cm) As soon as possible after the canvass of a special primary, or the date that
21 the primary would be held, if required, transmit to the state treasurer a certified list

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1 of all eligible candidates for state office who have filed applications under s. 11.50 (2)
2 and ~~whom~~ who the board determines ~~to be~~ are eligible to receive a grant from the
3 Wisconsin election campaign fund prior to the election. The board shall also transmit
4 a similar list of candidates, if any, who have filed applications under s. 11.50 (2) and
5 ~~whom~~ who the board determines ~~to be~~ are eligible to receive a grant under s. 11.50
6 (1) (a) 2. after the special election. The board shall electronically transmit a similar
7 list of candidates who the board determines are eligible to receive a grant under s.
8 11.50 (9) (b) or (ba) within 24 hours after any candidate qualifies to receive such a
9 grant. Each list shall contain each candidate's name, the mailing address indicated
10 upon the candidate's registration form, the office for which the individual is a
11 candidate and the party or principle which he or she represents, if any.

12 **SECTION 3.** 7.08 (2) (cs) of the statutes is created to read:

13 7.08 (2) (cs) In each even-numbered year, certify to the state treasurer for the
14 period beginning with the month following certification and ending with the month
15 in which the next certification is made by the board:

16 1. No later than July 1, the name of each political party that qualifies under
17 s. 11.50 (1) (am) 1. as an eligible political party as of the preceding June 1 and whose
18 state chairperson has filed a request to establish an account for the party under s.
19 11.50 (2s) (a).

20 2. No later than December 15, the name of each political party that qualifies
21 under s. 11.50 (1) (am) 2. as an eligible political party as of the date of the preceding
22 general election and whose state chairperson has filed a written request to establish
23 an account for the party under s. 11.50 (2s) (a).

24 **SECTION 4.** 7.70 (3) (e) 1. of the statutes is amended to read:

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1 7.70 (3) (e) 1. After each September primary, the name of each candidate not
2 defeated in the primary who receives at least ~~6%~~ 2% of the total vote cast for all
3 candidates on all ballots at the primary for each separate state office except district
4 attorney, and the percentage of the total vote received by that candidate. ~~Such~~ The
5 percentage shall be calculated within each district in the case of legislative
6 candidates.

7 **SECTION 5.** 8.30 (2) of the statutes is amended to read:

8 8.30 (2) If no registration statement has been filed by or on behalf of a candidate
9 for state or local office in accordance with s. 11.05 (2g) ~~or (2r)~~ by the applicable
10 deadline for filing nomination papers by ~~such~~ the candidate, or the deadline for filing
11 a declaration of candidacy for an office for which nomination papers are not filed, the
12 name of the candidate may not appear on the ballot. This subsection may not be
13 construed to exempt a candidate from applicable penalties if he or she files a
14 registration statement later than the time prescribed in ss. 11.01 (1) and 11.05 (2g).

15 **SECTION 6.** 8.35 (4) (a) 1. a. and b. of the statutes are amended to read:

16 8.35 (4) (a) 1. a. ~~Donated to the former candidate's local or state political party~~
17 if If the former candidate was a partisan candidate or, donated to the former
18 candidate's local or state political party, donated to the a charitable organization of
19 ~~the former candidate's choice or the charitable organization chosen or transferred to~~
20 the board for deposit in the Wisconsin election campaign fund, as instructed by the
21 former candidate or, if the candidate left no instruction, by the former candidate's
22 next of kin ~~if the former candidate is deceased, or if no choice is made~~ returned to the
23 ~~donors on a proportional basis; or~~

24 b. If the former candidate was a nonpartisan candidate, donated to ~~the a~~
25 charitable organization ~~of the former candidate's choice or the charitable~~

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1 ~~organization chosen or transferred to the board for deposit in the Wisconsin election~~
2 ~~campaign fund, as instructed by the former candidate or, if the candidate left no~~
3 ~~instruction, by the former candidate's next of kin if the former candidate is deceased;~~
4 or

5 **SECTION 7.** 8.35 (4) (c) and (d) of the statutes are amended to read:

6 8.35 (4) (c) The transfer to the replacement candidate under par. (b) shall be
7 made and reported to the appropriate filing officer ~~in a special report submitted by~~
8 the former candidate's campaign treasurer. If the former candidate is deceased and
9 was serving as his or her own campaign treasurer, the former candidate's petitioner
10 or personal representative shall ~~file the report and~~ make the transfer required by
11 ~~par. (b), if any~~ and file the report. The report shall be made in the manner provided
12 under s. 11.21 (16), if applicable, or otherwise at the appropriate interval under s.
13 11.20 (2) or (4) and shall include a complete statement of all contributions,
14 disbursements and incurred obligations pursuant to s. 11.06 (1) covering the period
15 from the day after the last date covered on the former candidate's most recent report
16 to the date of disposition.

17 (d) The newly appointed candidate shall file his or her report in the manner
18 provided under s. 11.21 (16), if applicable, or otherwise at the next appropriate
19 interval under s. 11.20 (2) or (4) after his or her appointment. The appointed
20 candidate shall include any transferred funds moneys in his or her first report.

21 **SECTION 8.** 10.02 (3) (b) 2m. of the statutes is amended to read:

22 10.02 (3) (b) 2m. At the September primary, the elector shall select the party
23 ballot of his or her choice or the ballot containing the names of the independent
24 candidates for state office, and make a cross **X** next to or depress the lever or button
25 next to the candidate's name for each office for whom the elector intends to vote or

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1 insert or write in the name of the elector's choice for a party candidate, if any. In order
2 to qualify for participation in the Wisconsin election campaign fund, a candidate for
3 state office at the September primary, other than a candidate for district attorney,
4 must receive at least ~~6%~~ 2% of all votes cast on all ballots for the office for which he
5 or she is a candidate, in addition to other requirements.

6 **SECTION 9.** 11.01 (5m) of the statutes is repealed.

7 **SECTION 10.** 11.01 (12s) of the statutes is repealed.

8 **SECTION 11.** 11.01 (13) and (20) of the statutes are created to read:

9 11.01 (13) "Mass mailing" means the distribution of 50 or more pieces of
10 substantially identical material.

11 (20) "Telephone bank operator" means any person who places or directs the
12 placement of telephone calls to individuals.

13 **SECTION 12.** 11.01 (16) (a) 3. of the statutes is created to read:

14 11.01 (16) (a) 3. A communication that is made by means of one or more
15 communications media or a mass mailing, or through a telephone bank operator,
16 other than a communication that is exempt from reporting under s. 11.29, that is
17 made during the period beginning on the 60th day preceding an election and ending
18 on the date of that election and that includes a name or likeness of a candidate whose
19 name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot at that
20 election, the name of an office to be filled at that election, or the name of a political
21 party.

22 **SECTION 13.** 11.05 (1) of the statutes is renumbered 11.05 (1) (a) and amended
23 to read:

24 11.05 (1) (a) Except as provided in s. 9.10 (2) (d), every committee, other than
25 a personal campaign committee, ~~and every political group subject to registration~~

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1 ~~under s. 11.23 which~~ that makes or accepts contributions, incurs obligations or
2 makes disbursements in a calendar year in an aggregate amount in excess of \$25
3 shall file a statement with the appropriate filing officer giving the information
4 required by sub. (3). In the case of any committee other than a personal campaign
5 committee, the statement shall be filed by the treasurer. A personal campaign
6 committee shall register under sub. (2g) ~~or (2r)~~.

7 **SECTION 14.** 11.05 (1) (b) of the statutes is created to read:

8 11.05 (1) (b) Every political group subject to registration under s. 11.23 which
9 makes or accepts contributions, incurs obligations, or makes disbursements in a
10 calendar year in an aggregate amount in excess of \$100 shall file a statement with
11 the appropriate filing officer giving the information required by sub. (3).

12 **SECTION 15.** 11.05 (2) of the statutes is renumbered 11.05 (2) (a) and amended
13 to read:

14 11.05 (2) (a) Except as provided in s. 9.10 (2) (d), every individual, other than
15 a candidate or agent of a candidate, who accepts contributions, incurs obligations,
16 or makes disbursements with respect to one or more elections for state or local office
17 in a calendar year in an aggregate amount in excess of \$25 shall file a statement with
18 the appropriate filing officer giving the information required by sub. (3). An
19 individual who guarantees a loan on which an individual, committee or group subject
20 to a registration requirement defaults is not subject to registration under this
21 subsection solely as a result of such default.

22 **SECTION 16.** 11.05 (2) (b) of the statutes is created to read:

23 11.05 (2)(b) Every individual who accepts contributions, incurs obligations, or
24 makes disbursements with respect to one or more referenda in a calendar year in an

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1 aggregate amount in excess of \$100 shall file a statement with the appropriate filing
2 officer giving the information required by sub. (3).

3 **SECTION 17.** 11.05 (2r) (title) of the statutes is renumbered 11.06 (2m) (title).

4 **SECTION 18.** 11.05 (2r) of the statutes is renumbered 11.06 (2m) (a) and
5 amended to read:

6 11.06 **(2m)** (a) Any person, committee or group, other than a ~~committee or an~~
7 individual or committee required to file an oath under s. 11.06 (7), who or which does
8 not anticipate accepting contributions, making disbursements or incurring
9 obligations in an aggregate amount in excess of \$1,000 in a calendar year and does
10 not anticipate accepting any contribution or contributions from a single source, other
11 than contributions made by a candidate to his or her own campaign, exceeding \$100
12 in that year may indicate on its registration statement that the person, committee
13 or group will not accept contributions, incur obligations or make disbursements in
14 the aggregate in excess of \$1,000 in any calendar year and will not accept any
15 contribution or contributions from a single source, other than contributions made by
16 a candidate to his or her own campaign, exceeding \$100 in ~~such~~ any calendar year.
17 Any registrant making such an indication is not subject to any filing requirement if
18 the statement is true. The registrant need not file a termination report. A registrant
19 not making such an indication on a registration statement is subject to a filing
20 requirement. The indication may be revoked and the registrant is then subject to a
21 filing requirement as of the date of revocation, or the date that aggregate
22 contributions, disbursements or obligations for the calendar year exceed \$1,000, or
23 the date on which the registrant accepts any contribution or contributions exceeding
24 \$100 from a single source, other than contributions made by a candidate to his or her

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1 own campaign, during ~~that~~ any calendar year, whichever is earlier. ~~If the revocation~~
2 ~~is not timely, the registrant violates s. 11.27 (1).~~

3 **SECTION 19.** 11.05 (3) (c) of the statutes is amended to read:

4 11.05 (3) (c) In the case of a committee, a statement as to whether the
5 committee is a personal campaign committee, a political party committee, a
6 legislative ~~campaign committee~~, a support committee or a special interest
7 committee.

8 **SECTION 20.** 11.05 (3) (m) of the statutes is created to read:

9 11.05 (3) (m) In the case of a personal campaign committee, the name of the
10 candidate on whose behalf the committee was formed or intends to operate and the
11 office or offices that the candidate seeks.

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

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

17 **SECTION 22.** 11.05 (3) (o) of the statutes is repealed.

18 **SECTION 23.** 11.05 (3) (r) of the statutes is created to read:

19 11.05 (3) (r) In the case of a candidate or personal campaign committee of a
20 candidate, the telephone number or numbers and a facsimile transmission number
21 or electronic mail address, if any, at which the candidate may be contacted.

22 **SECTION 24.** 11.05 (5) of the statutes is amended to read:

23 11.05 (5) CHANGE OF INFORMATION. Any change in information previously
24 submitted in a statement of registration shall be reported by the registrant to the
25 appropriate filing officer within 10 days following the change. This period does not

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1 apply in case of change of an indication made under ~~sub. (2r)~~ s. 11.06 (2m), which
2 shall be reported no later than the date that a registrant is subject to a filing
3 requirement under ~~sub. (2r)~~ s. 11.06 (2m). Any such change may be reported only by
4 the individual or by the officer who has succeeded to the position of an individual who
5 signed the original statement; but in the case of a personal campaign committee, a
6 candidate or campaign treasurer may report a change in the statement except as
7 provided in s. 11.10 (2), and in the case of any other committee or group, the chief
8 executive officer or treasurer indicated on the statement may report a change. If a
9 preexisting support committee is adopted by a candidate as his or her personal
10 campaign committee, the candidate shall file an amendment to the committee's
11 statement under this subsection indicating that all information contained in the
12 statement is true, correct and complete.

13 **SECTION 25.** 11.05 (9) (title) of the statutes is repealed and recreated to read:

14 11.05 (9) (title) DEPOSIT OF CONTRIBUTIONS.

15 **SECTION 26.** 11.05 (9) (a) of the statutes is renumbered 11.05 (9).

16 **SECTION 27.** 11.05 (9) (b) of the statutes is repealed.

17 **SECTION 28.** 11.05 (12) (b) of the statutes is amended to read:

18 11.05 (12) (b) Except as authorized under sub. (13), a committee, group or
19 individual other than a candidate or agent of a candidate shall comply with sub. (1)
20 or (2) no later than the 5th business day commencing after receipt of the first
21 contribution by such committee, group or individual, and before making any
22 disbursement. No committee, group or individual, other than a candidate or agent
23 of a candidate, may accept any contribution or contributions exceeding \$25 ~~in the~~
24 aggregate the amount specified in sub. (1) or (2) during a calendar year at any time

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1 when the committee, group or individual is not registered under this section except
2 within the initial 5-day period authorized by this paragraph.

3 **SECTION 29.** 11.05 (13) of the statutes is amended to read:

4 11.05 (13) BANK ACCOUNT AND POSTAL BOX; EXEMPTION. An individual, committee
5 or group does not violate this section by accepting a contribution and making a
6 disbursement in the amount required to rent a postal box, or in the minimum amount
7 required by a bank or trust company to open a checking account, prior to the time of
8 registration, if the disbursement is properly reported on the first report submitted
9 under s. 11.20 or 11.21 (16) after the date that the individual, committee or group is
10 registered, whenever a reporting requirement applies to the registrant.

11 **SECTION 30.** 11.06 (1) (intro.) of the statutes is amended to read:

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

19 **SECTION 31.** 11.06 (1) (e) of the statutes is amended to read:

20 11.06 (1) (e) An itemized statement of contributions over \$20 from a single
21 source donated to a charitable organization or to the common school fund, with the
22 full name and mailing address of the donee, and a statement of contributions over
23 \$20 transferred to the board for deposit in the Wisconsin election campaign fund.

24 **SECTION 32.** 11.06 (2) of the statutes is amended to read:

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

12 **SECTION 33.** 11.06 (2m) (b) to (d) of the statutes are created to read:

13 11.06 (2m) (b) Any individual or committee who or which is required to file an
14 oath under s. 11.06 (7) and who or which accepts contributions, makes disbursements
15 or incurs obligations for the purpose of supporting or opposing one or more
16 candidates for state office and who or which does not anticipate accepting
17 contributions, making disbursements or incurring obligations in an aggregate
18 amount in excess of \$1,000 in a calendar year and does not anticipate accepting any
19 contribution or contributions from a single source exceeding \$100 in that year may
20 indicate on its registration statement that the individual or committee will not
21 accept contributions, incur obligations or make disbursements in the aggregate in
22 excess of \$1,000 in any calendar year and will not accept any contribution or
23 contributions from a single source exceeding \$100 in any calendar year. Any
24 registrant making such an indication is not subject to any filing requirement if the
25 statement is true. The registrant need not file a termination report. A registrant not

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1 making such an indication on a registration statement is subject to a filing
2 requirement. The indication may be revoked and the registrant is then subject to a
3 filing requirement as of the date of revocation, or the date on which aggregate
4 contributions, disbursements or obligations for the calendar year exceed \$1,000, or
5 the date on which the registrant accepts any contribution or contributions exceeding
6 \$100 from a single source during any calendar year, whichever is earlier.

7 (c) Any individual or committee who or which is required to file an oath under
8 s. 11.06 (7) and who or which accepts contributions, makes disbursements or incurs
9 obligations for the purpose of supporting or opposing one or more candidates for local
10 office but not for the purpose of supporting or opposing any candidate for state office
11 and who or which does not anticipate accepting contributions, making
12 disbursements or incurring obligations in an aggregate amount in excess of \$100 in
13 a calendar year may indicate on its registration statement that the individual or
14 committee will not accept contributions, incur obligations or make disbursements in
15 the aggregate in excess of \$100 in any calendar year and will not accept any
16 contribution or contributions from a single source, other than contributions made by
17 a candidate to his or her own campaign, exceeding \$100 in any calendar year. Any
18 registrant making such an indication is not subject to any filing requirement if the
19 statement is true. The registrant need not file a termination report. A registrant not
20 making such an indication on a registration statement is subject to a filing
21 requirement. The indication may be revoked and the registrant is then subject to a
22 filing requirement as of the date of revocation, or the date that aggregate
23 contributions, disbursements or obligations for the calendar year exceed \$100,
24 whichever is earlier.

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1 (d) If a revocation by a registrant under this subsection is not timely, the
2 registrant violates s. 11.27 (1).

3 **SECTION 34.** 11.06 (4) (b) of the statutes is amended to read:

4 11.06 (4) (b) Unless it is returned or donated within 15 days of receipt, a
5 contribution must be reported as received and accepted on the date received. This
6 subsection ~~paragraph~~ applies notwithstanding the fact that the contribution is not
7 deposited in ~~the~~ a campaign depository account by the closing date for ~~the~~ a reporting
8 period as provided in s. 11.20 (8) or the reporting deadline provided in s. 11.21 (16).

9 **SECTION 35.** 11.06 (5) of the statutes is amended to read:

10 11.06 (5) REPORT MUST BE COMPLETE. A registered individual or treasurer of a
11 group or committee shall make a good faith effort to obtain all required information.
12 The first report shall commence no later than the date that the first contribution is
13 received and accepted or the first disbursement is made. Each report shall be filed
14 with the appropriate filing officer on the dates designated in s. 11.20 and, if the
15 registrant files reports under s. 11.21 (16), at the times specified in s. 11.21 (16). The
16 individual or the treasurer of the group or committee shall certify to the correctness
17 of each report. In the case of a candidate, the candidate or treasurer shall certify to
18 the correctness of each report. If a treasurer is unavailable, any person designated
19 as a custodian under s. 11.05 (3) (e) may certify to the correctness of a report.

20 **SECTION 36.** 11.06 (7m) (a) of the statutes is amended to read:

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

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

11 **SECTION 37.** 11.06 (7m) (c) of the statutes is amended to read:

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

19 **SECTION 38.** 11.06 (11) of the statutes is repealed.

20 **SECTION 39.** 11.07 (1) of the statutes is amended to read:

21 11.07 (1) Every nonresident committee or group making contributions and
22 every nonresident individual, committee or group making disbursements exceeding
23 ~~\$25 cumulatively~~ the amount specified in s. 11.05 (1) or (2) in a calendar year within
24 this state shall file the name, mailing and street address and the name and the
25 mailing and street address of a designated agent within the state with the office of

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1 the secretary of state. An agent may be any adult individual who is a resident of this
2 state. After any change in the name or address of such agent the new address or
3 name of the successor agent shall be filed within 30 days. Service of process in any
4 proceeding under this chapter or ch. 12, or service of any other notice or demand may
5 be made upon such agent.

6 **SECTION 40.** 11.07 (5) of the statutes is amended to read:

7 11.07 (5) Any campaign treasurer or individual who knowingly receives a
8 contribution made by an unregistered nonresident in violation of this section may
9 not use or expend such contribution but shall immediately return it to the source or
10 at the option of the campaign treasurer or individual, donate the contribution to a
11 charitable organization or to the common school fund or transfer the contribution to
12 the board for deposit in the Wisconsin election campaign fund.

13 **SECTION 41.** 11.09 (3) of the statutes is amended to read:

14 11.09 (3) Each registrant whose filing officer is the board, who or which makes
15 disbursements in connection with elections for offices which serve or referenda
16 which affect only one county or portion thereof, except a candidate, personal
17 campaign committee, political party committee or other committee making
18 disbursements in support of or in opposition to a candidate for state senator,
19 representative to the assembly, court of appeals judge or circuit judge, shall file a
20 duplicate original of each financial report filed with the board with the county clerk
21 or board of election commissioners of the county in which the elections in which the
22 registrant participates are held. Such reports shall be filed no later than the dates
23 specified under s. 11.20 (2) and (4) for the filing of each report with the board. This
24 subsection does not apply to a registrant who or which files reports under s. 11.21
25 (16).

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1 **SECTION 42.** 11.10 (1) of the statutes is amended to read:

2 11.10 (1) Each candidate in an election shall appoint one campaign treasurer.
3 Except as provided in s. 11.14 (3), each candidate shall designate one campaign
4 depository account within 5 business days after the candidate receives his or her first
5 contribution and before the candidate makes or authorizes any disbursement in
6 behalf of his or her candidacy. If a candidate adopts a preexisting support committee
7 as his or her personal campaign committee, the candidate shall make such
8 designation within 5 business days of adoption. The person designated as campaign
9 treasurer shall be the treasurer of the candidate's personal campaign committee, if
10 any. The candidate may appoint himself or herself or any other elector as campaign
11 treasurer. A registration statement under s. 11.05 (2g) ~~or (2f)~~ must be filed jointly
12 by every candidate and his or her campaign treasurer. The candidate does not
13 qualify for ballot placement until this requirement is met. Except as authorized
14 under s. 11.06 (5), the campaign treasurer or candidate shall certify as to the
15 correctness of each report required to be filed, and the candidate bears the
16 responsibility for the accuracy of each report for purposes of civil liability under this
17 chapter, whether or not the candidate certifies it personally.

18 **SECTION 43.** 11.12 (2) of the statutes is amended to read:

19 11.12 (2) Any anonymous contribution exceeding \$10 received by a campaign
20 or committee treasurer or by an individual under s. 11.06 (7) may not be used or
21 expended. The contribution shall be donated to the common school fund or to any
22 charitable organization or transferred to the board for deposit in the Wisconsin
23 election campaign fund, at the option of the treasurer.

24 **SECTION 44.** 11.12 (2m) of the statutes is created to read:

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1 11.12 (2m) If the campaign treasurer of a registrant receives a contribution in
2 the form of money that is made by an individual who has made contributions to the
3 registrant cumulatively within a calendar year exceeding \$100 in amount or value,
4 and the contributor has not provided to the treasurer the information required under
5 s. 11.06 (1) (b), the treasurer shall obtain the information from the contributor before
6 depositing the contribution in the campaign depository account. If the treasurer does
7 not receive the information within the period prescribed under s. 11.14 (1), the
8 treasurer shall return the contribution to the contributor.

9 **SECTION 45.** 11.12 (4) of the statutes is amended to read:

10 11.12 (4) Each registrant shall report contributions, disbursements and
11 incurred obligations in accordance with s. 11.20 and, if the registrant files reports
12 under s. 11.21 (16), in accordance with s. 11.21 (16). Except as permitted under s.
13 11.06 (2), (3) and (3m), each report shall contain the information which is required
14 under s. 11.06 (1).

15 **SECTION 46.** 11.12 (5) of the statutes is amended to read:

16 11.12 (5) If any contribution or contributions of \$500 or more cumulatively are
17 received by a candidate for state office or by a committee or individual from a single
18 contributor later than 15 days prior to a primary or election such that it is not
19 included in the preprimary or preelection report submitted under s. 11.20 (3), the
20 treasurer of the committee or the individual receiving the contribution shall within
21 24 hours of receipt inform the appropriate filing officer of the information required
22 under s. 11.06 (1) in such manner as the board may prescribe. The information shall
23 also be included in the treasurer's or individual's next regular report. For purposes
24 of the reporting requirement under this subsection, only contributions received
25 during the period beginning with the day after the last date covered on the

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1 preprimary or preelection report, and ending with the day before the primary or
2 election need be reported. This subsection does not apply to a registrant who or
3 which files reports under s. 11.21 (16).

4 **SECTION 47.** 11.12 (6) of the statutes is renumbered 11.12 (6) (a) and amended
5 to read:

6 11.12 (6) (a) If any an individual or committee incurs an obligation or makes
7 a disbursement of more than \$20 cumulatively is made to advocate the election or
8 defeat of a clearly identified candidate by an individual or committee later than 15
9 days prior to a primary or election in which the candidate's name appears on the
10 ballot without cooperation or consultation with a candidate or agent or authorized
11 committee of a candidate who is supported or whose opponent is opposed, and not in
12 concert with or at the request or suggestion of such a candidate, agent or committee,
13 the individual or treasurer of the committee shall, within 24 hours of after incurring
14 the obligation or making the disbursement, inform the appropriate filing officer of
15 the information required under s. 11.06 (1) in such manner as the board may
16 prescribe. The information shall also be included in the next regular report of the
17 individual or committee under s. 11.20. For purposes of this subsection, paragraph,
18 obligations and disbursements cumulate beginning with the day after the last date
19 covered on the preprimary or preelection report and ending with the day before the
20 primary or election. Upon receipt of a report under this subsection paragraph, the
21 filing officer shall, within 24 hours of receipt, mail a copy of the report to all
22 candidates for any office in support of or opposition to one of whom a an incurred
23 obligation or disbursement identified in the report is incurred or made. A committee
24 that files a report pertaining to a disbursement under par. (c) is not required to file

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1 a report pertaining to the same disbursement under this paragraph. This paragraph
2 does not apply to a committee that files reports under s. 11.21 (16).

3 **SECTION 48.** 11.12 (6) (c) and (d) of the statutes are created to read:

4 11.12 (6) (c) If any committee identified under s. 11.05 (3) (c) makes any
5 disbursement for the purpose of supporting the election or defeat of a candidate for
6 a state office specified in s. 11.31 (1) (a) to (de), (e), or (f), or any such candidate who
7 seeks a nomination for such an office at a primary election, during any period
8 beginning on the 60th day preceding the election or primary and ending on the date
9 of that election or primary, without cooperation or consultation with a candidate or
10 agent, or authorized committee of a candidate who is supported or whose opponent
11 is opposed, and not in concert with or at the request or suggestion of such a candidate,
12 agent, or committee, the committee shall file daily reports with the board and with
13 each candidate whose name is certified to appear on the ballot for the office in
14 connection with which the disbursement is made, by electronic mail or facsimile
15 transmission, on each day beginning with the date on which the committee indicates
16 an intent to support or oppose that candidate in its statement under s. 11.06 (7) and
17 ending on the date of the election at which the candidate seeks office. Each report
18 shall contain the information required under s. 11.06 (1) pertaining to each
19 disbursement made by the committee, together with the name of each candidate who
20 is supported or whose opponent is opposed and the total amount of disbursements
21 made in support of or in opposition to that candidate. The committee shall file each
22 report no later than 24 hours after the disbursement identified in the report is made.

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

25 **SECTION 49.** 11.12 (8) and (9) of the statutes are created to read:

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1 11.12 (8) If a candidate for a state office specified in s. 11.31 (1) (a) to (de), (e),
2 or (f) who does not accept a grant under s. 11.50 makes any disbursement after that
3 candidate has accumulated cash in his or her campaign depository account or has
4 made disbursements during his or her campaign, as defined in s. 11.31 (7), exceeding
5 a combined total of 75% of the amount specified in s. 11.31 (1) (a) to (de), (e), or (f),
6 as adjusted under s. 11.31 (9), for the office that the candidate seeks, that candidate
7 or the candidate's personal campaign committee shall file daily reports with the
8 board and with each candidate whose name is certified to appear on the ballot for the
9 office in connection with which the disbursement is made, by electronic mail or
10 facsimile transmission, on each day beginning with that date or the 7th day after the
11 primary election or the date that a primary would be held, if required, whichever is
12 later, and ending on the date of the election at which the candidate seeks office. Each
13 report shall contain information pertaining to each disbursement made by the
14 candidate or committee and shall be filed no later than 24 hours after that
15 disbursement is made. Each report shall include the same information concerning
16 each disbursement that is required to be reported for other disbursements under s.
17 11.06 (1). The information shall also be included in the next regular report of the
18 candidate or committee under s. 11.20.

19 (9) Whenever a report is required to be filed with a candidate by electronic mail
20 or facsimile transmission under this section, the report shall be filed at the address
21 or number of the candidate or personal campaign committee as shown on the
22 registration statement of the candidate or committee. If no electronic mail address
23 or facsimile transmission number is shown, the report shall be filed at the mailing
24 address shown on the statement.

25 **SECTION 50.** 11.14 (3) of the statutes is amended to read:

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1 11.14 (3) Notwithstanding sub. (1), any candidate who serves as his or her own
2 campaign treasurer and who is authorized to make and makes an indication on his
3 or her registration statement under s. 11.05 (2r) 11.06 (2m) that he or she will not
4 accept contributions, make disbursements or incur obligations in an aggregate
5 amount exceeding \$1,000 in a calendar year, and will not accept any contribution or
6 contributions from a single source, other than contributions made by the candidate
7 to his or her own campaign, exceeding \$100 in a calendar year, may designate a single
8 personal account as his or her campaign depository account, and may intermingle
9 personal and other funds with campaign funds. If a separate depository account is
10 later established by the candidate, the candidate shall transfer all campaign funds
11 in the personal account to the new depository account. Disbursements made from
12 such personal account need not be identified in accordance with s. 11.16 (3).

13 **SECTION 51.** 11.16 (2) of the statutes is amended to read:

14 11.16 (2) LIMITATION ON CASH CONTRIBUTIONS. Every contribution of money
15 exceeding \$50 shall be made by negotiable instrument or evidenced by an itemized
16 credit card receipt bearing on the face the name of the remitter. No treasurer may
17 accept a contribution made in violation of this subsection. The treasurer shall
18 promptly return the contribution, ~~or donate it~~ the contribution to the common school
19 fund or to a charitable organization or transfer the contribution to the board for
20 deposit in the Wisconsin election campaign fund in the event that the donor cannot
21 be identified.

22 **SECTION 52.** 11.16 (5) of the statutes is amended to read:

23 11.16 (5) ESCROW AGREEMENTS. Any personal campaign committee, or political
24 party committee ~~or legislative campaign committee~~ may, pursuant to a written
25 escrow agreement with more than one candidate, solicit contributions for and

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

13 **SECTION 53.** 11.19 (title) of the statutes is amended to read:

14 **11.19 (title) ~~Dissolution~~ Carry-over of surplus funds; dissolution of**
15 **registrants; termination reports.**

16 **SECTION 54.** 11.19 (1) of the statutes is amended to read:

17 11.19 (1) Whenever any registrant disbands or determines that obligations will
18 no longer be incurred, and contributions will no longer be received nor disbursements
19 made during a calendar year, and the registrant has no outstanding incurred
20 obligations, the registrant shall file a termination report with the appropriate filing
21 officer. Such report shall indicate a cash balance on hand of zero at the end of the
22 reporting period and shall indicate the disposition of residual funds. ~~Residual~~
23 Except as provided in sub. (1m), residual funds may be used for any political purpose
24 not prohibited by law, returned to the donors in an amount not exceeding the original
25 contribution, transferred to the board for deposit in the Wisconsin election campaign

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1 fund or donated to a charitable organization or the common school fund. The report
2 shall be filed and certified as were previous reports, and shall contain the
3 information required by s. 11.06 (1). A registrant to which s. 11.055 (1) applies shall
4 pay the fee imposed under that subsection with a termination report filed under this
5 subsection. If a termination report or suspension report under sub. (2) is not filed,
6 the registrant shall continue to file periodic reports with the appropriate filing
7 officer, no later than the dates specified in s. 11.20 and, if the registrant files reports
8 under s. 11.21 (16), no later than the times specified in s. 11.21 (16). This subsection
9 does not apply to any registrant making an indication under s. ~~11.05 (2r)~~ 11.06 (2m).

10 **SECTION 55.** 11.19 (1m) and (6) of the statutes are created to read:

11 11.19 (1m) If the registration statement, under s. 11.05, of a personal campaign
12 committee indicates that the committee was formed or operates for the purpose of
13 influencing the election or nomination for election of a candidate who is a partisan
14 state officeholder to any state or local office other than the office held by the
15 candidate, and, subsequently, the candidate or personal campaign committee files,
16 under s. 11.05 (5), a change in the information in the registration statement
17 indicating that the candidate is no longer seeking that other office, the candidate or
18 personal campaign committee shall either return all contributions attributable to
19 the candidate's campaign for the office no longer sought exceeding 10% of the
20 disbursement level specified under s. 11.31 for the office that the candidate holds,
21 minus disbursements and incurred obligations for that campaign, to the donors in
22 an amount not exceeding their original contributions, or donate an amount equal to
23 any contributions not so returned exceeding 10% of the disbursement level specified
24 under s. 11.31 for the office that the candidate holds, minus disbursements and

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1 incurred obligations for that campaign, to the board for crediting to the Wisconsin
2 election campaign fund.

3 (6) No candidate or personal campaign committee of a candidate at the general
4 election may retain beyond December 31 of an even-numbered year unencumbered
5 contributions equal to more than 10% of the candidate's total disbursement level
6 determined under s. 11.31 (1), adjusted as provided for under s. 11.31 (9). A
7 candidate or treasurer of a personal campaign committee shall transfer excess
8 contributions to the board for crediting to the Wisconsin election campaign fund.

9 **SECTION 56.** 11.20 (1) of the statutes is amended to read:

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

20 **SECTION 57.** 11.20 (7) of the statutes is amended to read:

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

24 **SECTION 58.** 11.20 (9) of the statutes is amended to read:

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1 11.20 (9) Except as provided in ss. ~~11.05 (2r)~~ 11.06 (2m) and 11.19 (2), the duty
2 to file reports under this section continues until a termination report is filed in
3 accordance with s. 11.19.

4 **SECTION 59.** 11.20 (10) (a) of the statutes is amended to read:

5 11.20 (10) (a) Where a requirement is imposed under this section for the filing
6 of a financial report which is to be received by the appropriate filing officer no later
7 than a certain date, the requirement may be satisfied either by actual receipt of the
8 report by the prescribed time for filing at the office of the filing officer, or by filing a
9 report with the U.S. postal service by first class mail with sufficient prepaid postage,
10 addressed to the appropriate filing officer, no later than the 3rd day before the date
11 provided by law for receipt of such report.

12 **SECTION 60.** 11.20 (12) of the statutes is amended to read:

13 11.20 (12) If a candidate is unopposed in a primary or election, the obligation
14 to file the reports required by this chapter does not cease. Except as provided in ss.
15 ~~11.05 (2r)~~ 11.06 (2m) and 11.19 (2), a registrant who makes or receives no
16 contributions, makes no disbursements or incurs no obligations shall so report on the
17 dates designated in subs. (2) and (4).

18 **SECTION 61.** 11.21 (2) of the statutes is amended to read:

19 11.21 (2) Furnish to each registrant prescribed forms for the making of reports
20 and statements. Forms shall be sent by 1st class mail not earlier than 21 days and
21 not later than 14 days prior to the applicable filing deadline under s. 11.20, and
22 addressed to the attention of the treasurer or other person indicated on the
23 registration statement. Forms need not be sent to a registrant who has made an
24 indication that aggregate contributions, disbursements and obligations will not
25 exceed the amount specified under s. ~~11.05 (2r)~~ 11.06 (2m) or to a registrant who has