

2001

Date (time) needed

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LRB - 1100, 1

BILL

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Wanted TUE 1/9

CS

Use the appropriate components and routines developed for bills.

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

statutes; relating to: *public financing of elections for certain state offices, granting rule-making authority, providing a penalty and making appropriations.*

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

*Analysis by the Legislative Reference Bureau (attached)*

If titles are needed in the analysis, in the component bar:

For the main heading, execute: . . . . . **create → anal: → title: → head**

For the subheading, execute: . . . . . **create → anal: → title: → sub**

For the sub-subheading, execute: . . . . . **create → anal: → title: → sub-sub**

For the analysis text, in the component bar:

For the text paragraph, execute: . . . . . **create → anal: → text**

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

SECTION #.



LPS: please thaw all bill section numbers on pp. 1-15

**SENATE AMENDMENT 12,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 1997 SENATE BILL 7**

November 4, 1997 - Offered by Senators CLAUSING, C. POTTER, RISSER, BURKE and WINEKE.

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

2 **1.** Page 2, line 13: delete the material beginning with "designations" and  
3 ending with "returns" on page 14 and substitute "public financing of elections for  
4 certain state offices,".

5 **2.** Page 2, line 18: delete the material beginning with "public" and ending with  
6 "committees," on line 21.

7 **3.** Page 3, line 12: after that line insert:

8 ~~SECTION 5A.~~ 5.02 (18) of the statutes is amended to read:

9 5.02 (18) "September primary" means the primary held the 2nd Tuesday in  
10 September to nominate candidates to be voted for at the general election, and to  
11 ~~determine which candidates for state offices other than district attorney may~~  
12 ~~participate in the Wisconsin election campaign fund.~~

P.W.S.



1           **4.** Page 4, line 9: delete the material beginning with that line and ending with  
2 page 6, line 13, and substitute:

3           ~~SECTION 5.62~~ 5.62 (1) (a) of the statutes is amended to read:

4           5.62 (1) (a) At September primaries, the following ballot shall be provided for  
5 the nomination of candidates of recognized political parties for national, state and  
6 county offices and independent candidates for state office in each ward, in the same  
7 form as prescribed by the board under s. 7.08 (1) (a). <sup>except as authorized in s. 5.655</sup> The ballots shall be made up  
8 of the several party tickets with each party entitled to participate in the primary  
9 under par. (b) or sub. (2) having its own ballot. <sup>except as authorized in s. 5.655</sup> The independent candidates for state  
10 office other than district attorney shall have a separate ballot for all such candidates  
11 as under s. 5.64 (1) (e). <sup>except as authorized in s. 5.655</sup> The ballots shall be secured together at the bottom. The party  
12 ballot of the party receiving the most votes for president or governor at the last  
13 general election shall be on top with the other parties arranged in descending order  
14 based on their vote for president or governor at the last general election. The ballots  
15 of parties qualifying under sub. (2) shall be placed after the parties qualifying under  
16 par. (b), <sup>Any ballot required under par. (b) 2, shall be placed next in order.</sup> in the same order in which the parties filed petitions with the board. <sup>PLAIN</sup> The  
17 ballot listing the independent candidates shall be placed at the bottom. At polling  
18 places where voting machines are used, each party and the independent candidates  
19 shall be represented in one or more separate columns or rows on the ballot. At polling  
20 places where an electronic voting system is used other than an electronic voting  
21 machine, each party and the independent candidates may be represented in separate  
22 columns or rows on the ballot.

23           ~~SECTION 5.62~~ 5.62 (3) of the statutes is amended to read:

P.W.S.

P. w. S.

1           5.62 (3) The board shall designate the official primary ballot arrangement for  
 2 statewide offices and district attorney within each prosecutorial district by using the  
 3 same procedure as provided in s. 5.60 (1) (b). On each ballot and on each separate  
 4 column or row on the ballot, the candidates for office shall be listed together with the  
 5 offices which they seek in the following order whenever these offices appear on the  
 6 September primary ballot: governor, lieutenant governor, attorney general,  
 7 secretary of state, state treasurer, U.S. senator, U.S. representative in congress,  
 8 state senator, representative to the assembly, district attorney and the county offices.  
 9 ~~Below the names of the independent candidates shall appear the party or principle~~  
 10 ~~of the candidates, if any, in 5 words or less, as shown on their nomination papers.~~

11           ~~SECTION 5.62~~ (5) of the statutes is amended to read:

P. w. S.

including a party candidate of a party whose name appears on the ballot, column or row designated

12           5.62 (5) At the September primary, an elector may vote for the candidates of  
 13 only one party, ~~or the elector may vote for any of the independent candidates for state~~  
 14 ~~office listed; but the elector may not vote for more than one candidate for a single~~  
 15 office. A space shall be provided on the ballot for an elector to write in the name of  
 16 his or her choice as a party candidate for any office, <sup>recognized political</sup> but no space shall be provided ~~for~~  
 17 ~~to write in the names of independent candidates.~~ <sup>independent candidates as provided that does not qualify for a separate ballot, or column or row on the ballot,</sup>

18           ~~SECTION 7.08~~ (2) (c) and (cm) of the statutes are repealed.

19           ~~SECTION 7.70~~ (3) (e) 1. of the statutes is repealed.

20           ~~SECTION 8.10~~ (3) (intro.) of the statutes is amended to read:

P. w. S.

21           8.10 (3) (intro.) The ~~certification~~ <sup>certification</sup> of a qualified elector under s. 8.15 (4) (a) shall be <sup>under</sup>  
 22 appended to each nomination paper. ~~The~~ Except as otherwise required under s. 11.51 <sup>sub. (1)</sup>  
 23 for a candidate who accepts a grant from the clean elections fund, the number of <sup>(b) 2.</sup>  
 24 required signatures on nomination papers filed under this section is: <sup>or (2) (b) 1/21</sup>

25           ~~SECTION 8.15~~ (6) (intro.) of the statutes is amended to read:

P.W.S.

1 8.15 (6) (intro.) The Except as otherwise required under s. 11.51 for a  
2 candidate who accepts a grant from the clean elections fund, the number of required  
3 signatures on nomination papers shall be as follows:

4 SECTION ~~8.16~~ 8.16 (1) of the statutes is amended to read:

P.W.S.

5 8.16 (1) Except as provided in sub. (2), the person who receives the greatest  
6 number of votes for an office on a party ballot at any partisan primary, regardless of  
7 whether the person's name appears on the ballot, shall be the party's candidate for  
8 the office, and the person's name shall so appear on the official ballot at the next  
9 election. ~~All independent candidates shall appear on the general election ballot~~  
10 ~~regardless of the number of votes received by such candidates at the September~~  
11 ~~primary.~~

12 SECTION ~~8.16~~ 8.16 (5) of the statutes is repealed.

13 SECTION ~~8.20~~ 8.20 (4) of the statutes is amended to read:

P.W.S.

14 8.20 (4) The Except as otherwise required under s. 11.51 for a candidate who  
15 accepts a grant from the clean elections fund, the number of required signatures on  
16 nomination papers for independent candidates shall be the same as the number  
17 specified in s. 8.15 (6). For independent presidential electors intending to vote for  
18 the same candidates for president and vice president, the number of required  
19 signatures shall be not less than 2,000 nor more than 4,000 electors.

20 ~~5. Page 6, line 17: delete "party," and substitute "party or".~~

21 ~~6. Page 6, line 18: delete the underscored material beginning with "or" and~~  
22 ~~ending with "fund" on line 19.~~

23 ~~7. Page 6, line 25: delete the underscored material beginning with "or" and~~  
24 ~~ending with "fund" on page 7, line 1.~~

1 **8.** Page 7, line 3; delete lines 3 to 13 and substitute:

2 ~~SECTION 8.35~~ 8.35 (4) (b) of the statutes is amended to read:

3 8.35 (4) (b) Notwithstanding par. (a), any unspent and unencumbered moneys  
4 received by a candidate from the ~~Wisconsin election campaign~~ clean elections fund  
5 shall be immediately transferred to any candidate who is appointed to replace such  
6 candidate, ~~upon filing of a proper application therefor under s. 11.50 (2).~~ If there is  
7 no candidate appointed ~~or if no proper application is filed within 7 days of the date~~  
8 ~~on which the vacancy occurs,~~ such moneys shall revert to the state as provided in s.  
9 11.50 (8).

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10 ~~SECTION 10.02~~ 10.02 (3) (b) 2m. of the statutes is amended to read:

11 10.02 (3) (b) 2m. At the September primary, the elector shall select the party  
12 ballot of his or her choice ~~or the ballot containing the names of the independent~~  
13 candidates for state office, <sup>strike comma</sup> and make a cross (x) ~~in the square at the right of or depress~~ <sup>next to</sup>  
14 the lever or button next to the candidate's name for each office for whom the elector  
15 intends to vote or insert or write in the name of the elector's choice for a party  
16 candidate, if any. ~~In order to qualify for participation in the Wisconsin election~~  
17 ~~campaign fund, a candidate for state office at the September primary, other than a~~  
18 ~~candidate for district attorney, must receive at least 6% of all votes cast on all ballots~~  
19 ~~for the office for which he or she is a candidate, in addition to other requirements.~~

← plain

P.W.S.

20 ~~SECTION 10.06~~ 10.06 (1) (e) of the statutes is amended to read:

21 10.06 (1) (e) As soon as possible following the state canvass of the spring  
22 primary vote, but no later than the first Tuesday in March, the board shall send a  
23 type B notice certifying to each county clerk the list of candidates for the spring  
24 election. When no primary is held, this notice shall be sent under par. (c). ~~The board~~

P.W.S.

P.W.S.

1 shall also in any case send a certified list of candidates under s. 11.50 to the state  
2 treasurer pursuant to s. 7.08 (2) (e). When there is a referendum, the board shall send  
3 type A and C notices certifying each question to the county clerks as soon as possible,  
4 but no later than the first Tuesday in March.

5 SECTION ~~10~~. 10.06 (1) (i) of the statutes is amended to read:

6 10.06 (1) (i) As soon as possible after the state canvass, but no later than the  
7 4th Tuesday in September, the board shall send a type B notice certifying the list of  
8 candidates and type A and C notices certifying each question for any referendum to  
9 each county clerk for the general election and a certified list of candidates under s.  
10 11.50 to the state treasurer pursuant to s. 7.08 (2) (e). *pe*

P.W.S.

11 **9.** Page 9, line 4: delete "An" and substitute "An Except as required under s.  
12 11.51 (2), an".

13 **10.** Page 9, line 10: delete lines 10 to 14 and substitute:

14 SECTION ~~11~~. 11.06 (1) (g) of the statutes is amended to read:

15 11.06 (1) (g) An Except as required under s. 11.51 <sup>(9)</sup> ~~(2)~~, an itemized statement  
16 of every disbursement exceeding \$20 in amount or value, together with the name and  
17 address of the person to whom the disbursement was made, and the date and specific  
18 purpose for which the disbursement was made. *2*

P.W.S.

19 **11.** Page 11, line 4: delete lines 4 to 10.

20 **12.** Page 14, line 13: delete lines 13 to 18.

21 **13.** Page 16, line 3: delete lines 3 to 11.

22 **14.** Page 17, line 13: delete the underscored material beginning with  
23 "transferred" and ending with "fund," on line 14.

JWS  
6-11

JWS  
6-18

1 **15.** Page 20, line 24: delete the material beginning with that line and ending  
2 with page 21, line 7, and substitute:

3 ~~SECTION 536g.~~ 11.21 (15) of the statutes is repealed.

4 **16.** Page 21, line 22: delete the material beginning with that line and ending  
5 with page 22, line 2.

6 **17.** Page 24, line 4: delete the underscored material beginning with "A" and  
7 ending with "contributions." on line 10.

8 **18.** Page 24, line 18: delete the material beginning with "SECTION" on that line  
9 and ending with "2." on line 23 and substitute:

10 ~~SECTION 536g.~~ 11.26 (9) (c) of the statutes is repealed and recreated to read:

11 ~~11.26 (9) (c)~~

12 **19.** Page 24, line 24: after that line insert:

13 ~~SECTION 536g.~~ 11.26 (10) and (13) of the statutes are repealed.

14 **20.** Page 25, line 3: after that line insert:

15 ~~SECTION 536g.~~ 11.26 (17) (a) of the statutes is amended to read:

16 11.26 (17) (a) For purposes of application of the limitations imposed in subs.  
17 (1), (2), <sup>↓ plain comma</sup> and (9) and (10), the "campaign" of a candidate begins and ends at the times  
18 specified in this subsection. *De*

19 **21.** Page 25, line 20: after that line insert:

20 ~~SECTION 536g.~~ 11.31 (title) of the statutes is amended to read:

21 11.31 (title) **Disbursement levels and limitations; calculation.**

22 ~~SECTION 536g.~~ 11.31 (1) (intro.) of the statutes is amended to read:

*FWS  
7-4*

*P.W.S.*

*P.W.S.*



P.W.S.

1 11.31 (1) SCHEDULE. (intro.) The following levels of disbursements are  
2 established with reference to the candidates listed below. Except as provided in sub.  
3 ~~(2), such~~ <sup>The levels are subject to adjustment under sub. (9). The</sup> ~~such~~ levels do not operate to restrict the total amount of disbursements  
4 which are made or authorized to be made by any candidate in any primary or other  
5 election.

6 **22.** Page 26, line 13: delete the material beginning with that line and ending  
7 with page 27, line 11, and substitute:

8 ~~SECTION 11.31 (2) and (2m) of the statutes are repealed.~~

9 **23.** Page 27, line 20: delete the material beginning with that line and ending  
10 with page 28, line 2, and substitute:

11 ~~SECTION 11.31 (3) of the statutes is repealed.~~

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8-12

12 **24.** Page 28, line 5: delete "(1), (1m) and (2)" and substitute "(1) and (1m)".

13 **25.** Page 28, line 12: after "then" insert "the disbursement level of".

14 **26.** Page 28, line 14: delete the material beginning with "may" and ending  
15 with "plus" on line 16 and substitute "is increased by".

16 **27.** Page 28, line 22: delete "limitations" and substitute "limitations levels".

17 **28.** Page 29, line 12: delete lines 12 to 16 and substitute:

18 ~~SECTION 11.31 (7) (b) of the statutes is amended to read:~~

P.W.S.

19 11.31 (7) (b) Disbursements which are made before a campaign period for goods  
20 to be delivered or services to be rendered in connection with the campaign are  
21 charged against the disbursement limitation level for that campaign.

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PWS 8-21

22 **29.** Page 29, line 20: delete "limitation" and substitute "limitation level".

23 **30.** Page 29, line 21: before that line insert:

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~~SECTION 69b.~~ 11.31 (8) of the statutes is amended to read:

11.31 (8) CERTAIN CONTRIBUTIONS EXCLUDED. The ~~limitations imposed levels~~ specified under this section do not apply to a gift of anything of value constituting a contribution made directly to a registrant by another, but the ~~limitations levels~~ shall apply to such gift when it is received and accepted by the recipient or, if received in the form of money, when disbursed.

FMS  
7-8

31. Page 30, line 1: on lines 1 and 7, delete "limitations" and substitute "levels".

32. Page 30, line 13: delete the material beginning with that line and ending with page 43, line 2, and substitute:

P.W.S.

~~SECTION 70b.~~ 11.31 (10) of the statutes is amended to read:

11.31 (10) SURPLUS MATERIALS EXCLUDED. Disbursements constituting surplus materials acquired in connection with a previous campaign of a candidate are not subject to ~~limitation by~~ included in the levels specified in this section, if the materials were previously reported as a disbursement by that candidate.

~~SECTION 71b.~~ 11.50 of the statutes is repealed.

~~SECTION 97b.~~ 11.51 of the statutes is created to read:

11.51 Clean elections fund grants. (1) Any candidate for a state office other than district attorney may qualify to receive a grant from the clean elections fund by fulfilling the requirements of this section.

(2) In order to qualify to receive a grant from the clean elections fund, a candidate for one of the following offices shall obtain and deposit with the state treasurer the ~~following~~ specified number of contributions, in the amount of \$5 each, specified in this subsection

1 ~~to the clean elections fund~~, each of which shall be received from an individual who

2 is identified in a report filed with the board as provided in s. 11.06 (1) (a). *The number*  
3 *of required contributions for a candidate for each state office is:*

4 (i) ~~(i)~~ Representative to the assembly, 300.

5 (h) ~~(h)~~ <sup>State</sup> Senator, 600.

6 (a) ~~(a)~~ Governor, 13,500.

7 (b) ~~(b)~~ Lieutenant governor, 4,500.

8 (c) ~~(c)~~ Secretary of state, 4,500.

9 (d) ~~(d)~~ State treasurer, 4,500.

10 (e) ~~(e)~~ Attorney general, 11,250.

11 (f) ~~(f)~~ <sup>State</sup> Superintendent of public instruction, 6,750.

12 (k) ~~(k)~~ Circuit court judge, 250.

13 (j) Court of appeals judge, 500.

14 (g) ~~(g)~~ Justice, 4,500.

15 (3) Except as provided in sub. (5), in order to qualify to receive a grant from the

16 clean elections fund, a candidate for one of the following offices shall file with the

17 board, no later than the time specified in s. 8.10 (2) (a), 8.15 (1), ~~or~~ 8.20 (8) (a), <sup>or 8.50 (3)(a)</sup> at least

18 the following number of valid signatures <sup>for</sup> ~~upon~~ a nomination papers for the office <sup>sought by</sup> ~~which~~

19 the candidate ~~shall~~:

20 (i) ~~(i)~~ Representative to the assembly, 600.

21 (h) ~~(h)~~ <sup>State</sup> Senator, 1,200.

22 (a) ~~(a)~~ Governor, 27,000.

23 (b) ~~(b)~~ Lieutenant Governor, 9,000.

24 (c) ~~(c)~~ Secretary of state, 9,000.

25 (d) ~~(d)~~ State treasurer, 9,000.

(e) ~~(e)~~ Attorney general, 22,500.

LPS: please rearrange paragraphs 8 & 9 as shown

LPS: 21 please rearrange paragraphs 22 as shown

LPS:  
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- (f) ~~(f)~~ <sup>state</sup> Superintendent of public instruction, 13,500.
- (k) ~~(k)~~ Circuit court judge, 500.
- (j) Court of appeals judge, 1,000.
- (g) ~~(g)~~ Justice, 9,000.

(4) Except as provided in sub. (5), in addition to the requirement of sub. (3), a candidate for the office of governor, lieutenant governor, secretary of state, state treasurer, attorney general, <sup>state</sup> superintendent of public instruction, or justice shall file the signatures under sub. (3) of electors of each congressional district in this state equal to at least 5% of the total signatures required under sub. (3).

(5) The requirements of subs. (3) and (4) do not apply to independent candidates for the office of lieutenant governor.

(6) A candidate who qualifies <sup>to receive</sup> for a grant from the clean elections fund may accept a contribution from an individual in the amount of \$25 or less, but the total of such contributions accepted by a candidate for one of the following offices during the candidate's campaign, as defined in s. 11.26 (17), may not exceed, in the aggregate, the following amount: *for the office sought by candidate*

- (c) ~~(c)~~ Representative to the assembly, \$2,500.
- (b) ~~(b)~~ <sup>state</sup> Senator, \$5,000.
- (a) ~~(a)~~ Governor, lieutenant governor, secretary of state, state treasurer, attorney general, <sup>state</sup> superintendent of public instruction, or justice, \$25,000.
- (e) ~~(e)~~ Circuit court judge, \$2,500.
- (d) ~~(d)~~ Court of appeals judge, \$5,000.

LPS -  
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(7) ~~(7)~~ In order to qualify to receive a grant from the clean elections fund, a candidate shall file an application with the board, no later than a time specified by the board by rule, in which the candidate shall affirm that he or she has not accepted

1 and <sup>shall</sup> ~~shall agree~~ <sup>agrees</sup> not to accept a contribution from any source other than a contribution  
 2 required under sub. (2), a contribution authorized under sub. <sup>(6)</sup> ~~(8)~~ and the candidate's  
 3 grant from the clean elections fund during the campaign of the candidate, as defined  
 4 in s. 11.31 (7).

5 <sup>(8)</sup> ~~(8)~~ (a) The board shall distribute primary election grants from the clean  
 6 elections fund to each candidate who qualifies to receive a grant under this section  
 7 as soon as possible preceding the date that the primary election is held for the office  
 8 which the candidate seeks, or the date on which the primary election would be held  
 9 if a primary election were required to be held.

10 (b) The board shall distribute grants for the general or spring election from the  
 11 clean elections fund to each candidate who qualifies to receive a grant under this  
 12 section as soon as possible after the date of the primary election for the office <sup>sought by</sup> ~~which~~  
 13 the candidate ~~seeks~~, or the date on which the primary election would be held if a  
 14 primary election were required to be held, except that, in the case of a candidate for  
 15 a nonpartisan office or a candidate of a recognized political party for a partisan office,  
 16 the board shall distribute a grant to a candidate for an office for which a primary  
 17 election was held only if the candidate was nominated at that election.

18 <sup>(9)</sup> ~~(9)~~ (c) A candidate who receives a grant from the clean elections fund shall file  
 19 with the board reports of all disbursements made in the manner provided under s.  
 20 11.06 (1) (g), without regard to the amounts thereof.

21 <sup>(10)</sup> ~~(10)~~ (d) Except as provided in sub. <sup>(12)</sup> ~~(11)~~, a candidate who qualifies to receive a grant  
 22 from the clean elections fund under this sections shall receive a grant in the following  
 23 amount for the election specified, less the aggregate amount of contributions  
 24 accepted by the candidate under sub. (6):

	Office	Primary Election	General or Spring Election
3	(i) <del>(a)</del> Representative to the assembly	\$ 18,000	\$ 36,000
4	(h) <del>(b)</del> <sup>State</sup> Senator	36,000	72,000
5	(a) <del>(c)</del> Governor	500,000	1,000,000
6	(b) <del>(d)</del> Lieutenant governor	200,000	75,000
7	(c) <del>(e)</del> Secretary of state	75,000	200,000
8	(d) <del>(f)</del> State treasurer	75,000	200,000
9	(e) <del>(g)</del> Attorney general	400,000	600,000
10	(f) <del>(h)</del> <sup>State</sup> Superintendent of public instruction	150,000	300,000
11	(k) <del>(i)</del> Circuit court judge	25,000	See sub. <del>(10)</del> (11)
12	(j) Court of appeals judge	50,000	75,000
13	(g) <del>(j)</del> Justice	100,000	300,000

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(B)(11) ~~(10)~~ The board shall, by rule, prescribe the amount of the grant from the clean elections fund for ~~the~~ qualifying candidate for the office of circuit court judge at the spring election. The amount shall be not less than \$25,000 nor greater than \$50,000 and shall <sup>of each grant</sup> ~~relate~~ <sup>correspond</sup> to the population of the circuit in which the candidate seeks office, as determined by the board in accordance with the most recent federal decennial census of population.

(B)(12) ~~(11)~~ If a candidate who receives a grant from the clean elections fund is opposed on a primary or election ballot by another candidate who does not receive a grant or by another candidate who the board determines has violated his or her agreement under sub. ~~(11)~~ <sup>(7)</sup>, the candidate who receives a grant shall receive an additional grant in the amount by which the disbursements made by the other candidate exceed the amount of the grant payable under sub. ~~(11)~~ <sup>(10)</sup>, but not to exceed 2.5 times that amount.

*for the office sought by the candidate in that election*

*Knob*  
If a candidate who receives a grant from the clean elections fund is opposed on a primary or election ballot by more than one candidate who does not receive a grant, or who the board determines has violated his or her agreement under sub. (7), the amount of the grant payable under this subsection is the largest amount that would be payable by reason of any candidate's opposition.

1 ~~(B) (13) (12)~~ If a candidate who makes an agreement under sub. <sup>(17)</sup>~~(6)~~ does not adhere  
 2 to the agreement, the candidate shall forfeit an amount equivalent to any grant from  
 3 the clean elections fund that is provided to the candidate and the candidate may be  
 4 fined not more than 3 times the amount of any contributions received by the  
 5 candidate in his or her campaign, as defined in s. 11.26 (17), exclusive of the amount  
 6 of any grant or any contributions deposited under sub. (2) or received under sub. (6).

7 ~~(B) (14) (13)~~ No later than December 1 of each even-numbered year, a candidate who  
 8 received a grant from the clean elections fund in that year or the preceding year shall  
 9 return to the state treasurer the amount of any grant remaining in the candidate's  
 10 campaign depository account, except that a candidate for an office specified in par.  
 11 ~~(a), (b) or (c)~~ may retain <sup>an amount equal to</sup> not more than the following specified percentage of the grant  
 12 ~~that he or she received:~~ <sup>for the office sought by the candidate</sup>

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- ~~(b) (a)~~ Representative to the assembly, 5%.
- ~~(a) (b)~~ <sup>state</sup> Senator, 3%.
- (c) Any other office, 1%.

16 ~~(B) (15) (14)~~ The board may promulgate rules required to implement this section.

**33.** Page 47, line 14: after that line insert:

~~"SECTION 14.58 (20) of the statutes is repealed."~~

**34.** Page 48, line 15: delete lines 15 to 21 and substitute:

~~"SECTION 20.510 (1) (d) of the statutes is created to read:~~

20.510 (1) (d) <sup>20.855 (4) (6a)</sup> Clean elections fund <sup>transfer</sup>. A sum sufficient, <sup>equal to the amount</sup> to make the <sup>required</sup> payments to candidates required under s. 11.51, to be transferred to the clean elections fund.

**35.** Page 49, line 1: delete lines 1 to 6 and substitute:

MOVE  
to  
p. 15

1 ~~SECTION 115b.~~ 20.510 (1) (q) of the statutes is repealed and recreated to read:  
 2 20.510 (1) (q) *Clean elections fund payments.* From the clean elections fund,  
 3 a sum sufficient to make the payments to candidates required under s. 11.51.

4 SECTION ~~115c.~~ 20.855 (4) (b) of the statutes is repealed. ~~X~~

~~36.~~ Page 49, line 11: delete lines 11 to 18 and substitute:

5 ~~SECTION 119b.~~ 25.17 (1) (aw) of the statutes is created to read:

6 25.17 (1) (aw) Clean elections fund (s. 25.42);

7 SECTION ~~119c.~~ 25.17 (1) (ys) of the statutes is repealed. ✓

8 SECTION ~~120b.~~ 25.42 of the statutes is repealed and recreated to read:

9 **25.42 Clean elections fund.** All moneys deposited with the state treasurer  
 10 under s. 11.51 (2) or returned to the state treasurer under s. 11.51 (1)(b) and all moneys  
 11 transferred to the clean elections fund under s. ~~20.510 (1) (d)~~ <sup>20.855(4)(ba)</sup> constitute the clean  
 12 elections fund. ~~X~~ (14)

13 ~~37.~~ Page 50, line 14: delete lines 14 to 19 and substitute:

14 ~~SECTION 124b.~~ 71.10 (3) of the statutes is repealed. ~~X~~ ✓

15 ~~38.~~ Page 55, line 10: delete "11.50 (2m),".

16 ~~39.~~ Page 55, line 10: delete "71.10".

17 ~~40.~~ Page 55, line 11: delete "(3) (a),".

18 ~~41.~~ Page 55, line 15: delete "limitations" and substitute "levels".

19 ~~42.~~ Page 55, line 22: delete lines 22 and 23.

20 ~~(END)~~

Handwritten note: PWS from 11.14



**BILL**

no B

3

Section ~~11.31~~ Initial Applicability.

13 ~~(11)~~ (3) The treatment of section 11.31 (9) of the statutes first applies to adjustments  
14 for the biennium beginning on January 1, 2004.

15 (END)

non stat  
initial app

Prs 6-11:1

Section #. 11.06 (1) (a) of the statutes is amended to read:

Except as required under s. 11.51(2), an

11.06 (1) (a) ~~An~~ itemized statement giving the date, full name and street address of each contributor who has made a contribution in excess of \$20, or whose contribution if \$20 or less aggregates more than \$20 for the calendar year, together with the amount of the contribution and the cumulative total contributions made by that contributor for the calendar year.

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

Am 56-18:2

Section #. 11.06 (1) (jm) of the statutes is amended to read:

11.06 (1) (jm) A copy of any separate schedule prepared or received pursuant to an escrow agreement under s. 11.16 (5). ~~A candidate or personal campaign committee receiving contributions under such an agreement and attaching a separate schedule under this paragraph may indicate the percentage of the total contributions received, disbursements made and exclusions claimed under s. 11.31 (6) without itemization, except that amounts received from any contributor pursuant to the agreement who makes any separate contribution to the candidate or personal campaign committee during the calendar year of receipt as indicated in the schedule shall be aggregated and itemized if required under par. (a) or (b).~~

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



7-56-18:2

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

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

History: 1973 c. 334; 1975 c. 93, 199; 1979 c. 328; 1985 a. 303.

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1100/lins  
JTK & RJM.....

INSERT 7-4:

**SECTION 1.** 11.26 (2) (a) of the statutes is amended to read:

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

History: 1973 c. 334; 1975 c. 93 ss. 89 to 95, 119 (1); 1975 c. 200; 1977 c. 107, 187; 1977 c. 427 s. 132; 1979 c. 263, 328; 1979 c. 355 s. 32; 1983 a. 183, 186; 1985 a. 303 ss. 44 to 55m, 86; 1987 a. 27, 370; 1989 a. 31, 192; 1995 a. 27 s. 9145 (1); 1995 a. 219, 225; 1999 a. 32.

**SECTION 2.** 11.26 (9) (a) of the statutes is amended to read:

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

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

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

History: 1973 c. 334; 1975 c. 93 ss. 89 to 95, 119 (1); 1975 c. 200; 1977 c. 107, 187; 1977 c. 427 s. 132; 1979 c. 263, 328; 1979 c. 355 s. 32; 1983 a. 183, 186; 1985 a. 303 ss. 44 to 55m, 86; 1987 a. 27, 370; 1989 a. 31, 192; 1995 a. 27 s. 9145 (1); 1995 a. 219, 225; 1999 a. 32.

1 adjusted as provided under sub. (9), and reallocate the total level between them. The  
2 candidates shall each inform the board of any such agreement.

3 SECTION 65. 11.31 (3m) of the statutes is repealed and recreated to read: *sub.*

4 11.31 (3m) INDEPENDENT DISBURSEMENTS; EXCEPTION. Notwithstanding ~~sub.~~  
5 (1) ~~and~~ (2) if any incurred obligation or disbursement of more than \$250  
6 cumulatively is incurred or made by an individual or committee to advocate the  
7 election or defeat of a clearly identified candidate whose name appears on the ballot  
8 at an election and the incurred obligation, <sup>incurred</sup> or disbursement is ~~incurred~~ or made  
9 without cooperation or consultation with any candidate who is supported or ~~who~~  
10 ~~whose opponent is opposed~~ <sup>benefits from the obligation or disbursement</sup> or such a candidate's agent or  
11 authorized committee, and not in concert with, or at the request or suggestion of, any  
12 such candidate, agent, or authorized committee, then <sup>the disbursement level of</sup> each candidate whose name  
13 appears on the same ballot and who is opposed or whose opponent is supported by  
14 that advocacy ~~may make or authorize total disbursements from the campaign~~  
15 ~~treasury in excess of the amount prescribed in sub. (1) or (1m) but not to exceed the~~  
16 ~~amount prescribed in sub. (1) or (1m) plus~~ <sup>is increased by</sup> the total amount of incurred obligations  
17 and disbursements not previously reported as incurred obligations that are reported  
18 to the appropriate filing officer under s. 11.12 (6). For the purposes of this subsection, <sup>less any amounts for the same purpose that were previously</sup> reported  
19 obligations and disbursements cumulate as provided in s. 11.12 (6) ~~the~~

20 SECTION 66. 11.31 (4) of the statutes is repealed.

21 SECTION 67. 11.31 (6) of the statutes is amended to read:

22 11.31 (6) EXCLUSIONS. In computing the limitations under this section an  
23 individual or campaign treasurer may exclude any contributions returned to the  
24 contributor; any loan repayments made; any inaugural expenses paid from the  
25 campaign depository account under s. 11.25 (2) (b); any expenses incurred as a result

SECTION #. RP; 11.31(6)

HW 5 8-21

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

11.31 (7) (c) Disbursements which are made after a campaign to retire a debt incurred in relation to a campaign are charged against the disbursement <sup>score</sup> ~~limitation~~ <sup>level</sup> for that campaign.

History: ~~1973 c. 334; 1975 c. 93 ss. 97 to 102, 119 (1), (2); 1975 c. 199, 422; 1977 c. 107, 187, 272, 449; 1979 c. 263, 328; 1981 c. 314; 1983 a. 51; 1985 a. 182 s. 57; 1985 a. 303; 1985 a. 332 s. 251 (1); 1987 a. 370; 1989 a. 192; 1993 a. 184; 1995 a. 225; 1997 a. 230; 1999 a. 83.~~

*JWS 9-8*

21 SECTION 92. 11.31 (9) of the statutes is created to read: ✓

22 11.31 (9) ADJUSTMENT OF DISBURSEMENT LEVELS. (a) In this subsection,  
23 "consumer price index" means the average of the consumer price index over each  
24 12-month period, all items, U.S. city average, as determined by the bureau of labor  
25 statistics of the U.S. department of labor.

2001 - 2002 Legislature  
**BILL**

- 49 -

LRB-0311/3  
JTK/RJM/MES/JK:kg:km  
**SECTION 92**

1 (b) The dollar amounts of all disbursement <sup>levels</sup> ~~limitations~~ specified in sub. (1) shall ✓  
2 be subject to a cost-of-living adjustment to be determined by rule of the board in  
3 accordance with this <sup>paragraph</sup> ~~subsection~~. To determine the adjustment, the board shall ✓  
4 calculate the percentage difference between the consumer price index for the  
5 12-month period ending on December 31 of each odd-numbered year and the  
6 consumer price index for calendar year 2003. For each biennium, the board shall  
7 adjust the disbursement <sup>levels</sup> ~~limitations~~ specified under sub. (1) by that percentage to the ✓  
8 extent required to reflect any difference, rounded to the nearest multiple of \$25 in  
9 the case of amounts of \$1 or more, which amount shall be in effect until a subsequent  
10 rule is promulgated under this subsection. Notwithstanding s. 227.24 (1) (a), (2) (b),  
11 and (3), determinations under this <sup>paragraph</sup> ~~subsection~~ may be promulgated as an emergency ✓  
12 rule under s. 227.24 without providing evidence that the emergency rule is necessary  
13 for the public peace, health, safety, or welfare, and without a finding of emergency. ✓



Grants may only be used to purchase services from a communication medium, printing, graphic arts, or advertising services, office supplies, or postage.

1999  
LRB-3024/1  
JTK:wj:km

### ANALYSIS, PL

STET

state

START USE

other than court of appeals judges or circuit judges

Currently, a candidate for the office of justice of the supreme court may qualify to receive a grant from the Wisconsin election campaign fund for use in an election campaign only. No funding is provided for primary campaigns. In order to qualify for a grant, a candidate must qualify to have his or her name appear on the spring election ballot and must have an opponent who qualifies to have his or her name appear on that ballot. The maximum amount of a grant that a candidate may receive is \$97,000. This amount is not subject to any cost of living adjustment. In addition, this amount is reduced by the total amount of contributions received by a candidate from special interest committees, and this amount may not be fully funded in a particular year if there are not sufficient moneys in the Wisconsin election campaign fund to provide full financing for all qualifying candidates. A candidate must agree to abide by spending and self-contribution limits in order to receive a grant, but this agreement does not apply if the candidate has an opponent who could have qualified for a grant but declines to do so and declines to file an affidavit of voluntary compliance with spending and self-contribution limits.

or district attorney

general or

other than political party or legislative campaign committees

disbursement

disbursement

In addition, a candidate for a partisan office at the general election must receive at least six percent of the total vote cast on all ballots at the September primary election, and a candidate for a partisan office at a special election must either represent a political party whose candidate for the office that the candidate seeks received at least six percent of the total vote cast for that office at the general election at which the office was contested or must receive at least six percent of the total vote cast for that office at the special election. (P)

45% of the disbursement (spending) level or limit for the office that the candidate seeks

Grant moneys that are not spent by a candidate after the date of an election must be returned by the candidate to the state.



2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1100/lins2  
JTK & RJM.....

ANALYSIS, P2

7 This bill replaces the Wisconsin election campaign fund with a new fund called the clean elections fund. Under the bill, a candidate for a state office other than district attorney may qualify to receive a grant from the clean elections fund. Separate grants are provided for primary and election campaigns. In order to qualify for a grant, a candidate must qualify to have his or her name appear on the ballot at a spring, September, or special primary or a spring, general, or special election for which the grant money will be used, but need not have an opponent in that primary or election. In addition, in order to qualify for a grant, a candidate must raise and deposit with the state treasurer a specified number of qualifying contributions in the amount of \$5 each. The number of qualifying contributions ranges from 13,500 to 500, depending upon the office sought by the candidate. Secondly, in order to qualify for a grant, a candidate must file with the state elections board a specified number of nomination paper signatures ranging from 27,000 to 500, depending upon the office sought by the candidate. (Currently, the number of required signatures ranges from 2,000 to 200, depending upon the office sought by a candidate.)

Also

nomination paper signatures are only required for a candidate to qualify to have his or her name appear on the ballot and

Under the bill, the maximum amount of a grant that a candidate may receive ranges from \$500,000 in the primary and \$1,000,000 in the election to \$25,000 in the primary and \$25,000 to \$50,000 in the election, depending upon the office sought by the candidate. These amounts are subject to a biennial cost-of-living adjustment. In order to receive a grant, a candidate must affirm that he or she has not accepted and agrees not to accept a contribution from any source other than qualifying contributions or contributions in the amount of \$25 or less ranging in total amount from \$25,000 to \$2,500, depending upon the office sought by the candidate. If a candidate who accepts a grant is opposed by a candidate who does not accept a grant or who violates his or her agreement, the complying candidate who accepts a grant qualifies to receive an additional grant equal to the amount by which disbursements by the other candidate exceed the original amount of the grant received by that candidate, but not more than 2.5 times the original amount. The bill permits grants to be spent for any lawful purpose.

The bill also deletes the disbursement and self-contribution limitations currently applicable to candidates who accept grants from the Wisconsin election campaign fund, as well as the affidavit of voluntary compliance with those limitations. Under the bill, grant moneys that are not spent by a candidate on the day after an election must be returned by the candidate to the state, except that a candidate for the office of representative to the assembly may retain an amount equal to 5% of the grant received by the candidate, a candidate for the office of state senator may retain an amount equal to 3% of the grant received by the candidate, and a candidate for any other state office may retain an amount equal to 1% of the grant received by that candidate.

Five percent

Three percent

one percent

The bill provides that if a candidate does not adhere to the agreement required to obtain a grant, the candidate is subject to a forfeiture (civil penalty) equivalent to the amount of the grant that the candidate received, and in addition may be fined not more than 3 times the amount of any contributions received by the candidate

Three

ANALYSIS, P 3

excluding the amount of any grant, any qualifying contributions, and any other contributions in amounts of \$25 or less that are permitted to be received under the bill.

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

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1100/1dn  
JTK & RJM

CS

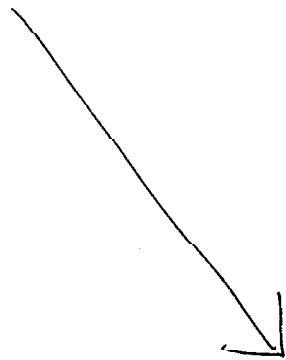
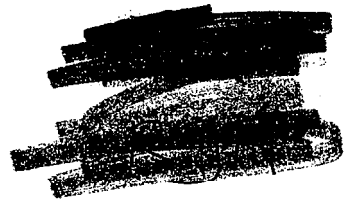
This statute

Representative Pocan:

1. This draft is based upon the report of the Heffernan Commission. It includes only the portions of the report that pertain to restructuring of this state's public financing system, including the return of unexpended campaign moneys by candidates who receive grants. It does not include the proposed changes to contribution limitations, new contribution limitations, limitations on independent and issue advocacy expenditures, and electronic filing requirements. Subsequent to the drafting of the Heffernan Commission report, the legislature imposed an electronic filing requirement upon certain registrants. See s. 11.21 (16), stats. ~~It is not identical to the requirement that was proposed in the report, but takes a significant step in that direction.~~ In the report, the Heffernan Commission envisioned GPR funding equivalent to \$5 per taxpayer per year. Because your intent was to provide total public financing of state elections (except for qualifying contributions), in this draft we provided for sum sufficient funding, which may result in expenditures of more or less than \$5 per taxpayer per year. Please let us know if you would like to treat any of these issues differently.

and other minor

required to launch a candidacy



2001 LRB-0311/3dn  
JTK/RJM/MES/JK:kg:km

# (2)

11.51(12)

made

Proposed s. ~~11.50(9)(b)~~ and ~~(ba)~~ which provides public grants to qualifying candidates to match certain ~~independent disbursements and disbursements exceeding the disbursement limitations~~ by candidates who do not accept public grants. Although relevant case law has developed regarding this issue in the federal courts of appeal, there is no consensus among these courts on this issue. Due to the unsettled nature of the law in this area, it is not possible to predict how a court would rule if proposed s. ~~11.50(9)(b)~~ or ~~(ba)~~ were challenged.

11.51(12)

opposing

no # It could be asserted that this provision burdens the freedom of speech of opposing candidates in violation of the First Amnendment.

JTK  
RJM

[end d-note]

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1100/1dn  
JTK&RJM:cs:pg

January 8, 2001

Representative Pocan:

1. This draft is based upon the report of the Heffernan Commission. It includes only the portions of the report that pertain to restructuring of this state's public financing system, including the return of unexpended campaign moneys by candidates who receive grants. It does not include the proposed changes to contribution limitations, new contribution limitations, limitations on independent and issue advocacy expenditures, and electronic filing requirements. Subsequent to the drafting of the Heffernan Commission report, the legislature imposed an electronic filing requirement upon certain registrants. See s. 11.21 (16), stats. This statute is not identical to the requirement that was proposed in the report, but takes a significant step in that direction. In the report, the Heffernan Commission envisioned GPR funding equivalent to \$5 per taxpayer per year. Because your intent was to provide total public financing of state elections (except for qualifying and other minor contributions required to launch a candidacy), in this draft we provided for sum sufficient funding, which may result in expenditures of more or less than \$5 per taxpayer per year. Please let us know if you would like to treat any of these issues differently.

2. Proposed s. 11.51 (12) provides public grants to qualifying candidates to match certain disbursements made by opposing candidates who do not accept public grants. It could be asserted that this provision burdens the freedom of speech of opposing candidates in violation of the First Amendment. Although relevant case law has developed regarding this issue in the federal courts of appeal, there is no consensus among these courts on this issue. Due to the unsettled nature of the law in this area, it is not possible to predict how a court would rule if proposed s. 11.51 (12) were challenged.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

Robert J. Marchant  
Legislative Attorney  
Phone: (608) 261-4454  
E-mail: robert.marchant@legis.state.wi.us

**Kuesel, Jeffery**

---

**From:** Pocan, Mark  
**Sent:** Thursday, February 01, 2001 5:24 PM  
**To:** Kuesel, Jeffery; Marchant, Robert  
**Subject:** Changes to LRB-1100

**MEMORANDUM**

**TO:** Jeffrey T. Kuesel and Robert J. Marchant

**FROM:** Representatives Mark Pocan

**DATE:** February 1, 2001

**RE:** Changes to LRB-1100

We need the following changes to LRB-1100:

✓ 1) I am concerned with the offices of governor, senator and assembly only. Eliminate mentions of all other offices such as secretary of state, state treasurer, etc.

✓ 2) I would like the number of qualifying \$5.00 contributions reduced to the following:

Governor -	2,500
Senator -	150
Assembly -	50

✓ -All must be from registered voters in the district from which they are running.

✓ -Also there is no need for additional signatures. The \$5 dollar contribution is sufficient to qualify for a clean candidacy

✓ 3) Other than the \$5 dollar contributions for qualification, candidates may receive no private money. Please remove exception that allows for contributions as long as they are under \$25 dollars

✓ Instead, modify it to read like Maine's bill and seed money:

-seed money is a contribution of no more than \$100 per individual made to a candidate that may be collected and spent only prior to becoming qualified as a clean candidate. Seed money is capped at:

- \$50,000 for governor

- \$1500 for Senate

- \$500 for Assembly

✓ (see number 9 of definitions in Maine's bill and section 21A 1125 terms of participation number 2 for details).

- ✓ 4) The amount of grants is fine as is, but eliminate mention of other offices besides governor, senator, and assembly (as it is in Maine). Also grant money is only given in contested races.
- ✓ 5) In regards to the issue of matching funds for independent expenditures:
  - ✓ language needs to read so that spending on expenditures are reported in a timely matter. For example, an independent expenditure like a mailing needs to be reported when it is *ordered* rather than when it hits to be useful to the candidate who receives the matching funds and give them a chance to respond. Also please eliminate that \$250 qualification on independent expenditures to trigger matching funds.

Any questions, please feel free to our office at 266-08570. Thanks.



## Kuesel, Jeffery

---

**From:** Kuesel, Jeffery  
**Sent:** Wednesday, February 07, 2001 6:18 PM  
**To:** Wavrunek, Glenn  
**Cc:** Marchant, Robert  
**Subject:** RE: LRB-1100 (Public financing for certain state offices)

Glenn,  
Thanks for the clarifications. I will try to get to work this in as soon as I can, but still have other time-consuming demands I must attend to first. Next week, work on the budget will continue and we expect AB-2 to catch some amendments. We haven't seen the senate calendar.

Jeff Kuesel

-----Original Message-----

**From:** Wavrunek, Glenn  
**Sent:** Wednesday, February 07, 2001 4:35 PM  
**To:** Kuesel, Jeffery  
**Subject:** RE: LRB-1100 (Public financing for certain state offices)

Jeffrey,

Thanks for taking the time to look at this. I talked to Mark about your 4 points and we decided on the following:

- 1.) this bill will eliminate the current system of public grants to lt. gov, sec. of state, etc ...
- 2.) we agree with you.
- 3.) to better clarify, from how I understand Maine's law, is that there are in a sense two pots of money; when somebody decides to run for office, they can raise up to \$50,000 for gov, \$1,500 for senate, and \$500 for assembly, with no single contribution over \$100. This "seed money" is then used to help raise the \$5.00 contributions, which does not account against the previous limits (so, if Mark is running for office, I can write him a \$100 check [with his limit being \$500] and then later a \$5 check for him to get on the ballot that does not count against the \$500 level [\$5 x 50 = \$250 additional dollars]).
- 4.) we want it so that matching funds are equal to the order that was put together and a check cut to the campaign, no matter if the order is cancelled or not.

Any other questions, please give us a call at 266-8570.

Also, I greatly understand how busy you are right now with the budget, but we're also getting close to a deadline of our own and we really need this drafted by the end of next week. This has been the only bill draft we've requested this session (minus a redraft of a bill from last session) because we didn't want to overburden LRB with numerous requests during budget time. Thanks for understanding,

Glenn Wavrunek  
Office of Rep. Mark Pocan

-----Original Message-----

**From:** Kuesel, Jeffery  
**Sent:** Tuesday, February 06, 2001 9:07 PM  
**To:** Pocan, Mark  
**Cc:** Marchant, Robert  
**Subject:** LRB-1100 (Public financing for certain state offices)

Rep. Pocan:

I am sorry not to have responded to your e mail and phone call earlier, but our work on the budget bill, which the legislature has required us to complete by the 20th, plus our work on legislation that is being scheduled for the floor makes it difficult to reach other drafts. I cannot honestly say when I will be able to get to this redraft but I will try to do so as soon as I can. I have been working 7 days a week with many days over 12 hours, so there is no additional time available.

In just looking at the redraft instructions (I have not had a chance to check the Maine language in the file), I am wondering about the following:

1. Would you like to keep the current public grant system for the constitutional offices (lt. gov, sec. of state, atty. gen. and st. treas.) or cut out these offices completely? If we keep the current system and create a separate parallel system, the draft could get quite complicated.
2. This is a minor point, but since we do not have universal voter registration in this state, I would provide that qualifying contributions must be from electors of the state, in the case of candidates for governor, or electors of the legislative district, in the case of candidates for the senate or assembly.
3. You say that other than the \$5 contributions, candidates may receive no private money. As I understand it, however, the seed money contributions would also be private, subject to the limitations provided.
4. While this is not necessarily a drafting problem, if we match incurred obligations and the contracts or orders are not actually carried out for whatever reason, we would end up matching more than the amount that was actually spent. I don't know of a way to avoid this problem; some other bills have included this feature while others have not.

*Jeffery Kuesel  
Managing Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison WI 53701-2037  
(608)266-6778  
jeffery.kuesel@legis.state.wi.us*



(D NO 12)  
**State of Wisconsin**  
**2001 - 2002 LEGISLATURE**

LRB-1100/2

JTK&RJM:cs:pg

Wanted Fri 2/16  
**TODAY**  
**2001 BILL**

↑  
Steps

*Reger*

1 **AN ACT** *to repeal* 7.08 (2) (c) and (cm), 7.70 (3) (e) 1., 8.16 (5), 11.21 (15), 11.26  
2 (9) (c), 11.26 (10) and (13), 11.31 (2) and (2m), 11.31 (3), 11.31 (6), 11.50, 14.58  
3 (20), 20.855 (4) (b), 25.17 (1) (ys) and 71.10 (3); *to amend* 5.02 (18), 5.62 (1) (a),  
4 5.62 (3), 5.62 (5), 8.10 (3) (intro.), 8.15 (6) (intro.), 8.16 (1), 8.20 (4), 8.35 (4) (b),  
5 10.02 (3) (b) 2m., 10.06 (1) (e), 10.06 (1) (i), 11.06 (1) (a), 11.06 (1) (g), 11.06 (1)  
6 (jm), 11.16 (5), 11.26 (2) (a), 11.26 (9) (a), 11.26 (9) (b), 11.26 (17) (a), 11.31 (title),  
7 11.31 (1) (intro.), 11.31 (7) (b), 11.31 (7) (c), 11.31 (8) and 11.31 (10); *to repeal*  
8 *and recreate* 11.31 (3m), 20.510 (1) (q) and 25.42; and *to create* 11.31 (9)  
9 11.51, 20.855 (4) (ba) and 25.17 (1) (aw) of the statutes; relating to: public  
10 financing of elections for certain state offices, granting rule-making authority,  
11 providing an exemption from emergency rule procedures,  
providing a penalty and making appropriations.

**Analysis by the Legislative Reference Bureau**

Currently, a candidate for state office other than court of appeals judge, circuit judge, or district attorney may qualify to receive a grant from the Wisconsin election campaign fund for use in an election campaign only. No funding is provided for primary campaigns. In order to qualify for a grant, a candidate must qualify to have

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his or her name appear on the general or spring election ballot and must have an opponent who qualifies to have his or her name appear on that ballot. In addition, a candidate for a partisan office at the general election must receive at least six percent of the total vote cast on all ballots at the September primary election, and a candidate for a partisan office at a special election must either represent a political party whose candidate for the office that the candidate seeks received at least six percent of the total vote cast for that office at the most recent general election at which the office was contested or must receive at least six percent of the total vote cast for that office at the special election.

*P* Currently,

The maximum amount of a grant that a candidate may receive is 45% of the disbursement (spending) level or limit for the office that the candidate seeks. This amount is not subject to any cost of living adjustment. In addition, this amount is reduced by the total amount of contributions received by a candidate from committees other than political party or legislative campaign committees and this amount may not be fully funded in a particular year if there are not sufficient moneys in the Wisconsin election campaign fund to provide full financing for all qualifying candidates.

*NOTE*

Grants may only be used to purchase services from a communications medium, printing, graphic arts, or advertising services, office supplies, or postage. A candidate must agree to abide by disbursement and self-contribution limits in order to receive a grant, but this agreement does not apply if the candidate has an opponent who could have qualified for a grant but declines to do so and declines to file an affidavit of voluntary compliance with disbursement and self-contribution limits. Grant moneys that are not spent by a candidate after the date of an election must be returned by the candidate to the state.

This bill replaces the Wisconsin election campaign fund with a new fund called the clean elections fund. Under the bill, a candidate for a state office other than district attorney may qualify to receive a grant from the clean elections fund.

*the office of governor, state senator or representative to the assembly and must*

Separate grants are provided for primary and election campaigns. In order to qualify for a grant, a candidate must qualify to have his or her name appear on the ballot at a spring, September, or special primary or a spring, general, or special election for which the grant money will be used, but need not have an opponent in that primary or election. In addition, in order to qualify for a grant, a candidate must raise and deposit with the state treasurer a specified number of qualifying contributions in the amount of \$5 each. The number of qualifying contributions ranges from 13,500 to 500, depending upon the office sought by the candidate. Also, in order to qualify for a grant, a candidate must file with the state elections board a specified number of nomination paper signatures ranging from 27,000 to 500, depending upon the office sought by the candidate. (Currently, nomination paper signatures are only required for a candidate to qualify to have his or her name appear on the ballot and the number of required signatures ranges from 2,000 to 200, depending upon the office sought by a candidate.)

*Candidates for other state offices are not eligible to receive grants.*

*50*

Under the bill, the maximum amount of a grant that a candidate may receive ranges from \$500,000 in the primary and \$1,000,000 in the election to \$25,000 in the primary and \$25,000 to \$50,000 in the election, depending upon the office sought by

*718,000*

*2,500*

*\$360,000*

*Each qualifying contribution must be received from an elector of this state and, in the case of a candidate for legislative office, an elector of the district in which the candidate seeks office, and the name and address of the contributor must be reported to the state elections board.*

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*which may be accepted by a candidate before the candidate qualifies to receive a grant*

*seed money*

*\$100*

*JWS 3A*

the candidate. These amounts are subject to a biennial cost-of-living adjustment. In order to receive a grant, a candidate must affirm that he or she has not accepted and agrees not to accept a contribution from any source other than qualifying contributions or contributions in the amount of ~~\$25~~ or less, ranging in total amount from ~~\$25,000~~ to \$2,500, depending upon the office sought by the candidate. If a candidate who accepts a grant is opposed by a candidate who does not accept a grant or who violates his or her agreement, ~~the~~ *complying* candidate who accepts a grant qualifies to receive an additional grant equal to the amount by which disbursements by the other candidate exceed the original amount of the grant received by that candidate, ~~but not more than~~ 2.5 times the original amount. The bill permits grants to be spent for any lawful purpose.

*\$50,000 to \$500*

*for the same office*

*any*

*of a candidate's grant*

*The sum of all additional grants made to a single candidate may not exceed*

*JWS 3B*

The bill also deletes the disbursement and self-contribution limitations currently applicable to candidates who accept grants from the Wisconsin election campaign fund, as well as the affidavit of voluntary compliance with those limitations. Under the bill, grant moneys that are not spent by a candidate on the day after an election must be returned by the candidate to the state, except that a candidate for the office of representative to the assembly may retain an amount equal to five percent of the grant received by the candidate, a candidate for the office of state senator may retain an amount equal to three percent of the grant received by the candidate, and a candidate for ~~any other state office~~ *the office of governor* may retain an amount equal to one percent of the grant received by that candidate.

The bill provides that if a candidate does not adhere to the agreement required to obtain a grant, the candidate is subject to a forfeiture (civil penalty) equivalent to the amount of the grant that the candidate received, and in addition may be fined not more than three times the amount of ~~any contributions received by the candidate excluding the amount of any grant, any qualifying contributions, and any other contributions in amounts of \$25 or less that are permitted to be received under the bill.~~ *and*

*or seed money*

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

6 SECTION 2. 5.62 (1) (a) of the statutes is amended to read:

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1           5.62 (1) (a) At September primaries, the following ballot shall be provided for  
2 the nomination of candidates of recognized political parties for national, state and  
3 county offices ~~and independent candidates for state office~~ in each ward, in the same  
4 form as prescribed by the board under s. 7.08 (1) (a), except as authorized in s. 5.655.  
5 The ballots shall be made up of the several party tickets with each party entitled to  
6 participate in the primary under par. (b) or sub. (2) having its own ballot, except as  
7 authorized in s. 5.655. ~~The independent candidates for state office other than district~~  
8 ~~attorney shall have a separate ballot for all such candidates as under s. 5.64 (1) (e),~~  
9 ~~except as authorized in s. 5.655.~~ The ballots shall be secured together at the bottom.  
10 The party ballot of the party receiving the most votes for president or governor at the  
11 last general election shall be on top with the other parties arranged in descending  
12 order based on their vote for president or governor at the last general election. The  
13 ballots of parties qualifying under sub. (2) shall be placed after the parties qualifying  
14 under par. (b), in the same order in which the parties filed petitions with the board.  
15 Any ballot required under par. (b) 2. shall be placed next in order. ~~The ballot listing~~  
16 ~~the independent candidates shall be placed at the bottom.~~ At polling places where  
17 voting machines are used, each party ~~and the independent candidates~~ shall be  
18 represented in one or more separate columns or rows on the ballot. At polling places  
19 where an electronic voting system is used other than an electronic voting machine,  
20 each party ~~and the independent candidates~~ may be represented in separate columns  
21 or rows on the ballot.

22           **SECTION 3.** 5.62 (3) of the statutes is amended to read:

23           **5.62 (3)** The board shall designate the official primary ballot arrangement for  
24 statewide offices and district attorney within each prosecutorial district by using the  
25 same procedure as provided in s. 5.60 (1) (b). On each ballot and on each separate

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1 column or row on the ballot, the candidates for office shall be listed together with the  
2 offices which they seek in the following order whenever these offices appear on the  
3 September primary ballot: governor, lieutenant governor, attorney general,  
4 secretary of state, state treasurer, U.S. senator, U.S. representative in congress,  
5 state senator, representative to the assembly, district attorney and the county offices.  
6 ~~Below the names of the independent candidates shall appear the party or principle~~  
7 ~~of the candidates, if any, in 5 words or less, as shown on their nomination papers.~~

8 **SECTION 4.** 5.62 (5) of the statutes is amended to read:

9 5.62 (5) At the September primary, an elector may vote for the candidates of  
10 only one party, ~~or the elector may vote for any of the independent candidates for state~~  
11 ~~office listed; but the elector may not vote for more than one candidate for a single~~  
12 office. A space shall be provided on the ballot for an elector to write in the name of  
13 his or her choice as a party candidate for any office, including a party candidate of  
14 a recognized political party whose name appears on the ballot, column or row  
15 designated for independent candidates, as provided in that does not qualify for a  
16 separate ballot, or column or row on the ballot, under sub. (1) (b) 2. or (2) (b), but no  
17 space shall be provided to write in the names of independent candidates.

18 **SECTION 5.** 7.08 (2) (c) and (cm) of the statutes are repealed.

19 **SECTION 6.** 7.70 (3) (e) 1. of the statutes is repealed.

20 ~~**SECTION 7.** 8.10 (3) (intro.) of the statutes is amended to read:~~

21 8.10 (3) (intro.) The certification of a qualified elector under s. 8.15 (4) (a) shall  
22 be appended to each nomination paper. ~~The~~ Except as otherwise required under s.  
23 11.51 for a candidate who accepts a grant from the clean elections fund, the number  
24 of required signatures on nomination papers filed under this section is:

25 **SECTION 8.** 8.15 (6) (intro.) of the statutes is amended to read:

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1 ~~8.15 (6) (intro.) The Except as otherwise required under s. 11.51 for a~~  
2 ~~candidate who accepts a grant from the clean elections fund, the number of required~~  
3 ~~signatures on nomination papers shall be as follows:~~

4 SECTION 9. 8.16 (1) of the statutes is amended to read:

5 8.16 (1) Except as provided in sub. (2), the person who receives the greatest  
6 number of votes for an office on a party ballot at any partisan primary, regardless of  
7 whether the person's name appears on the ballot, shall be the party's candidate for  
8 the office, and the person's name shall so appear on the official ballot at the next  
9 election. ~~All independent candidates shall appear on the general election ballot~~  
10 ~~regardless of the number of votes received by such candidates at the September~~  
11 ~~primary.~~

12 SECTION 10. 8.16 (5) of the statutes is repealed.

13 SECTION 11. 8.20 (4) of the statutes is amended to read:

14 ~~8.20 (4) The Except as otherwise required under s. 11.51 for a candidate who~~  
15 ~~accepts a grant from the clean elections fund, the number of required signatures on~~  
16 ~~nomination papers for independent candidates shall be the same as the number~~  
17 ~~specified in s. 8.15 (6). For independent presidential electors intending to vote for~~  
18 ~~the same candidates for president and vice president, the number of required~~  
19 ~~signatures shall be not less than 2,000 nor more than 4,000 electors.~~

20 SECTION 12. 8.35 (4) (b) of the statutes is amended to read:

21 8.35 (4) (b) Notwithstanding par. (a), any unspent and unencumbered moneys  
22 received by a candidate from the ~~Wisconsin election campaign~~ clean elections fund  
23 shall be immediately transferred to any candidate who is appointed to replace such  
24 candidate, upon filing of a proper application therefor under s. 11.50 (2). If there is  
25 no candidate appointed ~~or if no proper application is filed within 7 days of the date~~



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1 ~~on which the vacancy occurs, such moneys shall revert to the state as provided in s.~~  
2 ~~11.50 (8).~~

3 **SECTION 13.** 10.02 (3) (b) 2m. of the statutes is amended to read:

4 10.02 (3) (b) 2m. At the September primary, the elector shall select the party  
5 ballot of his or her choice ~~or the ballot containing the names of the independent~~  
6 ~~candidates for state office, and make a cross (x) next to or depress the lever or button~~  
7 ~~next to the candidate's name for each office for whom the elector intends to vote or~~  
8 ~~insert or write in the name of the elector's choice for a party candidate, if any. In order~~  
9 ~~to qualify for participation in the Wisconsin election campaign fund, a candidate for~~  
10 ~~state office at the September primary, other than a candidate for district attorney,~~  
11 ~~must receive at least 6% of all votes cast on all ballots for the office for which he or~~  
12 ~~she is a candidate, in addition to other requirements.~~

13 **SECTION 14.** 10.06 (1) (e) of the statutes is amended to read:

14 10.06 (1) (e) As soon as possible following the state canvass of the spring  
15 primary vote, but no later than the first Tuesday in March, the board shall send a  
16 type B notice certifying to each county clerk the list of candidates for the spring  
17 election. When no primary is held, this notice shall be sent under par. (c). ~~The board~~  
18 ~~shall also in any case send a certified list of candidates under s. 11.50 to the state~~  
19 ~~treasurer pursuant to s. 7.08 (2) (e).~~ When there is a referendum, the board shall send  
20 type A and C notices certifying each question to the county clerks as soon as possible,  
21 but no later than the first Tuesday in March.

22 **SECTION 15.** 10.06 (1) (i) of the statutes is amended to read:

23 10.06 (1) (i) As soon as possible after the state canvass, but no later than the  
24 4th Tuesday in September, the board shall send a type B notice certifying the list of  
25 candidates and type A and C notices certifying each question for any referendum to

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1 each county clerk for the general election and a certified list of candidates under s.  
2 ~~11.50 to the state treasurer pursuant to s. 7.08 (2) (e).~~

3 **SECTION 16.** 11.06 (1) (a) of the statutes is amended to read:

4 11.06 (1) (a) ~~An~~ Except as required under s. 11.51 (2), an itemized statement  
5 giving the date, full name and street address of each contributor who has made a  
6 contribution in excess of \$20, or whose contribution if \$20 or less aggregates more  
7 than \$20 for the calendar year, together with the amount of the contribution and the  
8 cumulative total contributions made by that contributor for the calendar year.

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

10 11.06 (1) (g) ~~An~~ Except as required under s. 11.51 (9), an itemized statement  
11 of every disbursement exceeding \$20 in amount or value, together with the name and  
12 address of the person to whom the disbursement was made, and the date and specific  
13 purpose for which the disbursement was made.

14 **SECTION 18.** 11.06 (1) (jm) of the statutes is amended to read:

15 11.06 (1) (jm) A copy of any separate schedule prepared or received pursuant  
16 to an escrow agreement under s. 11.16 (5). ~~A candidate or personal campaign~~  
17 ~~committee receiving contributions under such an agreement and attaching a~~  
18 ~~separate schedule under this paragraph may indicate the percentage of the total~~  
19 ~~contributions received, disbursements made and exclusions claimed under s. 11.31~~  
20 ~~(6) without itemization, except that amounts received from any contributor pursuant~~  
21 ~~to the agreement who makes any separate contribution to the candidate or personal~~  
22 ~~campaign committee during the calendar year of receipt as indicated in the schedule~~  
shall be aggregated and itemized if required under par. (a) or (b).

23  
24 **SECTION 19.** 11.16 (5) of the statutes is amended to read:

23  
24  
8-23

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

16           **SECTION 20.** 11.21 (15) of the statutes is repealed.

17           **SECTION 21.** 11.26 (2) (a) of the statutes is amended to read:

18           11.26 (2) (a) Candidates for governor, lieutenant governor, secretary of state,  
19 state treasurer, attorney general, state superintendent or justice, 4% of the value of  
20 the disbursement level specified in the schedule under s. 11.31 (1), as adjusted under  
21 s. 11.31 (9).

22           **SECTION 22.** 11.26 (9) (a) of the statutes is amended to read:

23           11.26 (9) (a) No individual who is a candidate for state or local office may receive  
24 and accept more than 65% of the value of the total disbursement level determined  
25 under s. 11.31 (1), as adjusted under s. 11.31 (9), for the office for which he or she is

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1 a candidate during any primary and election campaign combined from all  
2 committees subject to a filing requirement, including political party and legislative  
3 campaign committees.

4 **SECTION 23.** 11.26 (9) (b) of the statutes is amended to read:

5 11.26 (9) (b) No individual who is a candidate for state or local office may receive  
6 and accept more than 45% of the value of the total disbursement level determined  
7 under s. 11.31 (1), as adjusted under s. 11.31 (9), for the office for which he or she is  
8 a candidate during any primary and election campaign combined from all  
9 committees other than political party and legislative campaign committees subject  
10 to a filing requirement.

11 **SECTION 24.** 11.26 (9) (c) of the statutes is repealed.

12 **SECTION 25.** 11.26 (10) and (13) of the statutes are repealed.

13 **SECTION 26.** 11.26 (17) (a) of the statutes is amended to read:

14 ~~11.26 (17) (a)~~ For purposes of application of the limitations imposed in subs.  
15 (1), (2), and (9) and (10), the “campaign” of a candidate begins and ends at the times  
16 specified in this subsection.

17 **SECTION 27.** 11.31 (title) of the statutes is amended to read:

18 **11.31 (title) Disbursement levels and limitations; calculation.**

19 **SECTION 28.** 11.31 (1) (intro.) of the statutes is amended to read:

20 11.31 (1) SCHEDULE. (intro.) The following levels of disbursements are  
21 established with reference to the candidates listed below. ~~Except as provided in sub.~~  
22 ~~(2), such~~ The levels are subject to adjustment under sub. (9). The levels do not  
23 operate to restrict the total amount of disbursements which are made or authorized  
24 to be made by any candidate in any primary or other election.

25 **SECTION 29.** 11.31 (2) and (2m) of the statutes are repealed.

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1           **SECTION 30.** 11.31 (3) of the statutes is repealed.

2           **SECTION 31.** 11.31 (3m) of the statutes is repealed, and ~~repealed to read:~~

3           ~~11.31 (3m) INDEPENDENT DISBURSEMENTS; EXCEPTION. Notwithstanding sub. (1),~~  
4           ~~if any incurred obligation <sup>is incurred or any</sup> or disbursement of more than \$250 cumulatively is~~  
5           ~~incurred or made by an individual or committee to advocate the election or defeat of~~  
6           ~~a clearly identified candidate whose name appears on the ballot at an election and~~  
7           ~~the ~~incurrd~~ obligation is incurred or the disbursement is made without cooperation~~  
8           ~~or consultation with any candidate who is supported or whose opponent is opposed~~  
9           ~~or such a candidate's agent or authorized committee, and not in concert with, or at~~  
10           ~~the request or suggestion of, any such candidate, agent, or authorized committee,~~  
11           ~~then the disbursement level of each candidate whose name appears on the same~~  
12           ~~ballot and who is opposed or whose opponent is supported by that advocacy is~~  
13           ~~increased by the total amount of incurred obligations and disbursements not~~  
14           ~~previously reported as incurred obligations that are reported to the appropriate~~  
15           ~~filing officer under s. 11.12 (6) less any amounts for the same purposes that were~~  
16           ~~previously reported. For the purposes of this subsection, obligations and~~  
17           ~~disbursements cumulate as provided in s. 11.12 (6).~~

18           **SECTION 32.** 11.31 (6) of the statutes is repealed.

19           **SECTION 33.** 11.31 (7) (b) of the statutes is amended to read:

20           11.31 (7) (b) Disbursements which are made before a campaign period for goods  
21           to be delivered or services to be rendered in connection with the campaign are  
22           charged against the disbursement limitation level for that campaign.

23           **SECTION 34.** 11.31 (7) (c) of the statutes is amended to read:

*for  
(11-12)*

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

4           **SECTION 35.** 11.31 (8) of the statutes is amended to read:

5           11.31 (8) CERTAIN CONTRIBUTIONS EXCLUDED. The ~~limitations imposed levels~~  
6 specified under this section do not apply to a gift of anything of value constituting  
7 a contribution made directly to a registrant by another, but the ~~limitations levels~~  
8 shall apply to such gift when it is received and accepted by the recipient or, if received  
9 in the form of money, when disbursed.

10          **SECTION 36.** 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 U.S. department of labor.

15          (b) The dollar amounts of all disbursement levels specified in sub. (1) shall be  
16 subject to a cost-of-living adjustment to be determined by rule of the board in  
17 accordance with this paragraph. To determine the adjustment, the board shall  
18 calculate the percentage difference between the consumer price index for the  
19 12-month period ending on December 31 of each odd-numbered year and the  
20 consumer price index for calendar year 2003. For each biennium, the board shall  
21 adjust the disbursement levels specified under sub. (1) by that percentage to the  
22 extent required to reflect any difference, rounded to the nearest multiple of \$25 in  
23 the case of amounts of \$1 or more, which amounts shall be in effect until a subsequent  
24 rule is promulgated under this subsection. Notwithstanding s. 227.24 (1) (a), (2) (b),  
25 and (3), determinations under this paragraph may be promulgated as an emergency

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1 rule under s. 227.24 without providing evidence that the emergency rule is necessary  
2 for the public peace, health, safety, or welfare, and without a finding of emergency.

3 **SECTION 37.** 11.31 (10) of the statutes is amended to read:

4 **11.31 (10) SURPLUS MATERIALS EXCLUDED.** Disbursements constituting surplus  
5 materials acquired in connection with a previous campaign of a candidate are not  
6 subject to limitation by included in the levels specified in this section, if the materials  
7 were previously reported as a disbursement by that candidate.

8 **SECTION 38.** 11.50 of the statutes is repealed.

9 **SECTION 39.** 11.51 of the statutes is created to read:

10 **11.51 Clean elections fund grants.** (1) Any candidate for <sup>the office of</sup> a state office other  
11 ~~than a district attorney~~ <sup>governor, state senator, or representative to the assembly</sup> may qualify to receive a grant from the clean elections fund by  
12 fulfilling the requirements of this section.

13 (2) In order to qualify to receive a grant from the clean elections fund, a  
14 candidate shall obtain and deposit with the state treasurer the number of  
15 <sup>qualifying</sup> contributions specified in this subsection, in the amount of \$5 each, each of which  
16 shall be received from an ~~individual who is~~ <sup>elector of his state and, in the case of a candidate for</sup> identified in a report filed with the board  
17 as provided in s. 11.06 (1) (a). The number of required <sup>qualifying</sup> contributions for a candidate  
18 for each ~~state~~ <sup>legislative</sup> office is:

- 19 (a) Governor, ~~10,500~~ <sup>2,500</sup>
- 20 ~~(b) Lieutenant governor, 4,500.~~
- 21 ~~(c) Secretary of state, 4,500.~~
- 22 ~~(d) State treasurer, 4,500.~~
- 23 ~~(e) Attorney general, 11,250.~~
- 24 ~~(f) State superintendent, 6,750.~~
- 25 ~~(g) Justice, 4,500.~~

<sup>not</sup> must have an opponent who has qualified to have his or her name certified for placement on the ballot at the election for which the grant is to be applied. In addition, the candidate

*the office of  
a state office other  
than a district attorney  
governor, state senator, or representative to the assembly  
the office of  
legislative  
office,  
an  
elector of  
the district  
in which the  
candidate  
seeks office.  
The name  
and address of  
each elector  
making a  
qualifying  
contribution  
shall be*

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1 (b) State senator, <sup>150</sup>~~600~~.

2 (c) Representative to the assembly, <sup>50</sup>~~300~~.

3 (j) Court of appeals judge, 500.

4 (k) Circuit court judge, 250.

5 (3) Except as provided in sub. (5), in order to qualify to receive a grant from the  
6 clean elections fund, a candidate shall file with the board, no later than the time  
7 specified in s. 8.10 (2) (a), 8.15 (1), 8.20 (8) (a), or 8.50 (3) (a) at least the following  
8 number of valid signatures on nomination papers for the office sought by the  
9 candidate:

10 (a) Governor, 27,000.

11 (b) Lieutenant governor, 9,000.

12 (c) Secretary of state, 9,000.

13 (d) State treasurer, 9,000.

14 (e) Attorney general, 22,500.

15 (f) State superintendent, 13,500.

16 (g) Justice, 9,000.

17 (b)(h) State senator, 1,200.

18 (c)(i) Representative to the assembly, 600.

19 (j) Court of appeals judge, 1,000.

20 (k) Circuit court judge, 500.

21 (4) Except as provided in sub. (5), in addition to the requirement of sub. (3), a  
22 candidate for the office of governor, lieutenant governor, secretary of state, state  
23 treasurer, attorney general, state superintendent, or justice shall file the signatures  
24 under sub. (3) of electors of each congressional district in this state equal to at least  
25 5% of the total signatures required under sub. (3).



BILL

1 ~~(5) The requirements of subs (3) and (4) do not apply to independent~~  
2 ~~candidates for the office of lieutenant governor.~~

3 ~~¶ (5) Prior to notification that a candidate has qualified~~  
4 ~~candidate who qualifies to receive a grant from the clean elections fund~~  
5 ~~may accept a contribution from an individual in the amount of \$25 or less, but the~~  
6 ~~total of such contributions accepted by a candidate during the candidate's campaign,~~  
7 ~~as defined in s. 11.26 (17), may not exceed, in the aggregate, the following amount~~  
8 ~~for the office sought by candidate:~~

9 (a) Governor, <sup>(2)</sup> ~~lieutenant governor, secretary of state, state treasurer, attorney~~  
10 ~~general, state superintendent, or justice, \$25,000.~~ ~~\$50,000~~

11 (b) State senator, ~~\$5,000.~~ ~~\$1,500~~

12 (c) Representative to the assembly, ~~\$2,500.~~ ~~\$500~~

13 ~~(d) Court of appeals judge, \$5,000.~~

14 ~~(e) Circuit court judge, \$2,500.~~

15 ¶ ~~(6) No candidate who accepts a grant from the clean elections fund may~~  
16 ~~accept a contribution from any source other than a contribution~~  
17 ~~required under sub. (2), a contribution authorized under sub. (6), and the candidate's~~  
18 ~~grant from the clean elections fund during the campaign of the candidate, as defined~~  
19 ~~in s. 11.31 (7). <sup>no</sup> The board shall notify each candidate who qualifies~~

20 ~~to receive a grant from the clean elections fund as promptly as possible following~~  
21 ~~(8) (a) The board shall distribute primary election grants from the clean~~

22 ~~elections fund to each candidate who qualifies to receive a grant under this section~~  
23 ~~as soon as possible preceding the date that the primary election is held for the office~~  
24 ~~which the candidate seeks, or the date on which the primary election would be held~~  
25 ~~if a primary election were required to be held.~~

of  
qualification  
for a grant  
under sub. (7).

**BILL**

*or for a special*  
*Spring*

1 (b) The board shall distribute grants for the general ~~or Spring~~ election from the  
 2 clean elections fund to each candidate who qualifies to receive a grant under this  
 3 section as soon as possible after the date of the primary election for the office sought  
 4 by the candidate, or the date on which the primary election would be held if a primary  
 5 election were required to be held, except that, in the case of a ~~candidate for a~~  
 6 ~~nonpartisan office or a candidate of~~ *STET* a recognized political party for a partisan office,  
 7 the board shall distribute a grant to a candidate for an office for which a primary  
 8 election was held only if the candidate was nominated at that election.

9 (9) A candidate who receives a grant from the clean elections fund shall file  
 10 with the board reports of all disbursements made in the manner provided under s.  
 11 11.06 (1) (g), without regard to the amounts thereof.

12 (10) Except as provided in sub. (12), a candidate who qualifies to receive a grant  
 13 from the clean elections fund under this section shall receive a grant in the following  
 14 amount for the election specified, less the aggregate amount of contributions  
 15 accepted by the candidate under sub. (9): *(5)*

17	Office	Primary Election	General <i>or Special</i> Spring Election <i>(B)</i>
18	(a) Governor	\$500,000	\$1,000,000
19	(b) Lieutenant governor	200,000	75,000
20	(c) Secretary of state	75,000	200,000
21	(d) State treasurer	75,000	200,000
22	(e) Attorney general	400,000	600,000
23	(f) State superintendent	150,000	300,000
24	(g) Justice	100,000	300,000
25	<i>(6)</i> State senator	36,000	72,000

BILL

1 (l) Representative to the assembly 18,000 36,000

2 (j) Court of appeals judge 50,000 75,000

3 (k) Circuit court judge 25,000 See sub. (11)

4 (11) The board shall, by rule, prescribe the amounts of grants from the clean  
5 elections fund for qualifying candidates for the office of circuit court judge at the  
6 spring election. The amount of each grant shall be not less than \$25,000 nor greater  
7 than \$50,000 and shall correspond to the population of the circuit in which the  
8 candidate seeks office, as determined by the board in accordance with the most  
9 recent federal decennial census of population.

10 (12) If a candidate who receives a grant from the clean elections fund is opposed  
11 on a primary or election ballot by another candidate who does not receive a grant or  
12 by another candidate who the board determines has violated his or her agreement  
13 under sub. (7), the candidate who receives a grant shall receive an additional grant  
14 in the amount by which the disbursements made by the other candidate exceed the  
15 amount of the grant payable for the office sought by the candidate in that election  
16 under sub. (10), but not to exceed 2.5 times <sup>in combination with any additional grant payable</sup> that amount. <sup>to</sup> If a candidate who receives <sup>that</sup> a grant from the clean elections fund is opposed on a primary or election ballot by <sup>to the candidate</sup> more than one candidate who does not receive a grant or who the board determines <sup>under sub. (11)</sup> has violated his or her agreement under sub. (7), the amount of the grant payable under this subsection is the largest amount that would be payable by reason of any candidate's opposition.

22 (13) If a candidate who makes an agreement under sub. (7) does not adhere to  
23 the agreement, the candidate shall forfeit an amount equivalent to any grant from  
24 the clean elections fund that is provided to the candidate and the candidate may be  
25 fined not more than 3 times the amount of any contributions received by the

*RWS*  
*17-11*

*in combination with any additional grant payable to that candidate under sub. (11)*

## BILL

1 candidate in his or her campaign, as defined in s. 11.26 (17), exclusive of the amount  
2 of any grant or any contributions deposited under sub. (2) or received under sub. (5).

3 (14) No later than December 1 of each even-numbered year, a candidate who  
4 received a grant from the clean elections fund in that year or the preceding year shall  
5 return to the state treasurer the amount of any grant remaining in the candidate's  
6 campaign depository account, except that a candidate may retain an amount equal  
7 to not more than the following specified percentage of the grant for the office sought

8 by the candidate:

9 (a) Governor, 1%.

10 (b) State senator, 3%.

11 (c) Representative to the assembly, 5%.

~~(d) Any other office, 1%.~~

12 (15) The board may promulgate rules required to implement this section.

13 SECTION 40. 14.58 (20) of the statutes is repealed.

14 SECTION 41. 20.510 (1) (q) of the statutes is repealed and recreated to read:

15 20.510 (1) (q) *Clean elections fund payments.* From the clean elections fund,  
16 a sum sufficient to make the payments to candidates required under s. 11.51.

17 SECTION 42. 20.855 (4) (b) of the statutes is repealed.

18 SECTION 43. 20.855 (4) (ba) of the statutes is created to read:

19 20.855 (4) (ba) *Clean elections fund supplement.* A sum sufficient equal to the  
20 amounts required to make the payments to candidates required under s. 11.51, to be  
21 transferred to the clean elections fund.

22 SECTION 44. 25.17 (1) (aw) of the statutes is created to read:

23 25.17 (1) (aw) Clean elections fund (s. 25.42);

24 SECTION 45. 25.17 (1) (ys) of the statutes is repealed.

25 SECTION 46. 25.42 of the statutes is repealed and recreated to read:



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1100/2dn +AJM  
JTK  
cjs

Representative Pocan:

Proposed s. 11.31 (3m) of the /1 draft provided for an increased disbursement limitation for candidates who are opposed or whose opponents are supported by independent disbursements. Since, under this draft, candidates who accept grants are effectively bound to disbursement limits by the limitations on the amounts of grants plus the limitations on seed money contributions, and because your redraft instructions referenced matching grants for independent disbursements, this draft deletes proposed s. 11.31 (3m) and substitutes a new provision, proposed s. 11.51 (11), which provides for these matching grants. You also requested that the match be provided when something is ordered. If there is a firm understanding or agreement that goods or services are to be provided, this should trigger the current requirement to report an "incurred obligation" which under the draft should then trigger a match. As we discussed earlier, it is possible under the draft that a purchasing order or contract may be cancelled after a matching grant is distributed based upon that order or contract. Under the draft, the total additional grants available to a candidate may not exceed 2.5 times the original amount of the candidate's grant. Please let us know if this treatment is not in accord with your intent.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

Robert J. Marchant  
Legislative Attorney  
Phone: (608) 261-4454  
E-mail: robert.marchant@legis.statc.wi.us

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1100/2ins  
JTK.....

INSERT 3A:

~~NO A~~ If any obligation is incurred or any disbursement is made by an individual or committee to advocate the defeat of a candidate who accepts a grant or the election of his or her opponent independently of any candidate who is supported or opposed, the candidate who accepts a grant qualifies to receive an additional grant equal to the amount of the obligations independently incurred and disbursements independently made. ✓

INSERT 3B:

~~NO B~~ To facilitate matching of independent disbursements made and obligations incurred in opposition to a candidate or in support of a candidate's opponent, the bill revises current requirements for individuals and committees making such disbursements to report disbursements exceeding \$20 cumulatively if they are made within 15 days of an election to require, instead, reporting of all independent disbursements and obligations to make such disbursements in support of or in opposition to a candidate for the office of governor, state senator, or representative to the assembly if the disbursements are made or obligations incurred within 30 days of an election. ✓

INSERT 8-23:

~~X~~  
SECTION 1. 11.12 (6) of the statutes is renumbered 11.12 (6) (a) and amended to read:

11.12 (6) (a) ~~If Except as provided in par. (b)~~ <sup>if</sup> any disbursement of more than \$20 cumulatively is made to advocate the election or defeat of a clearly identified candidate by an individual or committee later than 15 days prior to a primary or election in which the candidate's name appears on the ballot without cooperation or consultation with a candidate or agent or authorized committee of a candidate who is supported or opposed, and not in concert with or at the request or suggestion of such a candidate, agent or committee, the individual or treasurer of the committee

Paragraph

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

**SECTION 2.** 11.12 (6) (b) of the statutes is created to read:

11.12 (6) (b) If any disbursement is made or obligation incurred to advocate the election or defeat of a clearly identified candidate for the office of governor, state senator or representative to the assembly by an individual or committee later than 30 days prior to a primary or election in which the candidate's name appears on the ballot without cooperation or consultation with a candidate or agent or authorized committee of a candidate who is supported or opposed, and not in concert with or at the request or suggestion of such a candidate, agent or committee, the individual or treasurer of the committee shall, within 24 hours of making the disbursement or incurring the obligation, inform the appropriate filing officer of the information required under s. 11.06 (1) in such manner as the board may prescribe. The information shall also be included in the next regular report of the individual or committee under s. 11.20. For purposes of this subsection, disbursements cumulate beginning with the day after the last date covered on the preprimary or preelection report and ending with the day before the primary or election. Upon receipt of a report under this subsection, the filing officer shall, within 24 hours of receipt, mail

paragraph



a copy of the report to all candidates for any office in support of or opposition to one of whom a disbursement or obligation identified in the report is made.

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

INSERT 17-19:

3  
9

(11) If any obligation is incurred or any disbursement is made by an individual or committee to advocate the defeat of a candidate who receives a grant from the clean elections fund or to advocate the election of an opponent of such a candidate whose name is certified to appear on the same ballot, and the obligation is incurred or the disbursement is made without cooperation or consultation with any candidate who is supported or opposed or such a candidate's agent or authorized committee, and not in concert with, or at the request or suggestion of, any such candidate, agent, or authorized committee, then the candidate who receives a grant shall receive an additional grant in the total amount of the obligations incurred and the disbursements made that were not previously reported as obligations, as reported to the appropriate filing officer under s. 11.12 (6), less any amounts for the same purposes that were previously reported, but not to exceed, in combination with any additional grant payable to that candidate under sub. (12), 2.5 times <sup>the</sup> ~~that~~ amount.

payable to  
the  
candidate  
under  
sub. (10)

PWS 11-17

Section #. 11.31 (4) of the statutes is amended to read:

11.31 (4) ALLOCATION: ~~Except as provided in sub. (3m), whenever~~ <sup>Whenever</sup> a separate disbursement level is specified for a primary and election under sub. (1), a candidate who disburses less than the authorized level in the primary may not reallocate the balance to increase the level in the election. Whenever a separate disbursement level is not specified for a primary and election under sub. (1), a candidate may allocate disbursements between the primary and election campaign within the total level of disbursements specified in sub. (1) in any proportion desired, and may carry over unexpended contributions from a primary campaign to an election campaign.

~~History: 1973 c. 334; 1975 c. 93 ss. 97 to 102, 119 (1), (2); 1975 c. 199, 422; 1977 c. 107, 187, 272, 449; 1979 c. 263, 328; 1981 c. 314; 1983 a. 51; 1985 a. 182 s. 57; 1985 a. 303; 1985 a. 332 s. 251 (1); 1987 a. 370; 1989 a. 192; 1993 a. 184; 1995 a. 225; 1997 a. 230; 1999 a. 83.~~

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1100/2dn  
JTK&RJM:cjs:rs

February 16, 2001

Representative Pocan:

Proposed s. 11.31 (3m) of the /1 draft provided for an increased disbursement limitation for candidates who are opposed or whose opponents are supported by independent disbursements. Since, under this draft, candidates who accept grants are effectively bound to disbursement limits by the limitations on the amounts of grants plus the limitations on seed money contributions, and because your redraft instructions referenced matching grants for independent disbursements, this draft deletes proposed s. 11.31 (3m) and substitutes a new provision, proposed s. 11.51 (11), which provides for these matching grants. You also requested that the match be provided when something is ordered. If there is a firm understanding or agreement that goods or services are to be provided, this should trigger the current requirement to report an "incurred obligation," which under the draft should then trigger a match. As we discussed earlier, it is possible under the draft that a purchasing order or contract may be cancelled after a matching grant is distributed based upon that order or contract. Under the draft, the total additional grants available to a candidate may not exceed 2.5 times the original amount of the candidate's grant. Please let us know if this treatment is not in accord with your intent.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

Robert J. Marchant  
Legislative Attorney  
Phone: (608) 261-4454  
E-mail: robert.marchant@legis.state.wi.us

**Kuesel, Jeffery**

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**From:** Pocan, Mark  
**Sent:** Wednesday, February 28, 2001 4:38 PM  
**To:** Kuesel, Jeffery; Marchant, Robert  
**Subject:** Clarifying questions and some changes to LRB-1100

**MEMORANDUM**

**TO:** Jeffrey T. Kuesel and Robert J. Marchant  
**FROM:** Representatives Mark Pocan  
**DATE:** February 28, 2001  
**RE:** Clarifying questions and some changes to LRB-1100

- ✓ In Maine, the seed money contributions are limited to \$100 including self-contributions. I was unclear whether that was true in our bill as well; I got the impression it didn't limit self-contributions. I want this bill to limit self-contributions to \$100 of seed money. Also seed money left unspent once someone is certified as a clean candidate must be transferred to the fund.
- ✓ I wanted to be sure that it was clear that the \$100 limit for seed money and the \$5 qualifying contributions were separate. If I give my state representative \$100 in seed money contribution to help the campaign get rolling, can I also give him \$5 as a qualifying contribution according to how the bill is now written?
- ✓ I wanted to change the time on independent expenditure from 30 days to 60 days before the election.
- ✓ I was unclear as to whether the inflation adjustment applies to the grants as the bill is now written. I want to make the inflation adjustment apply to grants and limits. It appeared to be applying to the old spending caps placed on candidates receiving public funding.
- ✓ I would like the grants to apply to uncontested races also. The amount of funding would be similar to Maine where it is based on the average amount of campaign expenditures made by each candidate during all uncontested primary and/or general election races for the immediately preceding 2 uncontested elections for the office.
- ✓ Also I want to be make sure the public funding is available to independent candidates and other parties (not just Democrats or Republicans). But third party candidates need to win 5% of the votes cast in the primary to receive general election funding.
- ✓ In Maine, clean candidates must return all unspent funds, whereas as it is written in this bill that candidates get to keep a percentage 1, 3 or 5 depending on the race. I'd like it to be based off Maine and make it so candidates must return all unspent funds.

✓ Also I would like the definition of independent expenditures changed to the one used in LRB 1551/3.

✓ And finally, I wanted to make sure the matching funds were transferred/deposited electronically. This ensures candidates receive their matching funds in an hour rather than 3 days later when the check arrives in the mail.

Thanks for the hard work on this and if you have any questions, please call me at 266-8570.