

2001 DRAFTING REQUEST

Bill

Received: **10/30/2001**

Received By: **rmarchan**

Wanted: **11/01/2001**

Identical to LRB:

For: **Scott Jensen (608) 266-3387**

By/Representing: **R.J. Pirlot**

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

Drafter: **rmarchan**

May Contact:

Addl. Drafters: **kuesejt**

Subject: **Elections - campaign finance**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Jensen@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Eliminate legislative campaign committees and increase political party PAC contribution limits

Instructions:

Eliminate legislative campaign committees and increase limit in 11.26 (8) (a) to \$450,000.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rmarchan 10/30/2001 kuesejt 10/30/2001	gilfokm 10/31/2001		_____			
/1			jfrantze 11/01/2001	_____	lrb_docadmin 11/01/2001		

Per RJA Assm.

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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	kuesejt 12/18/2001	csicilia 12/28/2001		_____			
/3			kfollet 01/02/2002	_____	lrb_docadmin 01/02/2002	lrb_docadmin 01/08/2002	

FE Sent For:

none needed

<END>

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*for Assembly
Per
RJM*

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12/1	rmarchan 10/30/2001 kuesejt	11-10/31 Kmg	26/11/1	26/11/1 11/11			

FE Sent For:

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Due
11-1-01
Thurs.

RJM+JTK

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RMWR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen. Act.

1 AN ACT ... relating to: ?

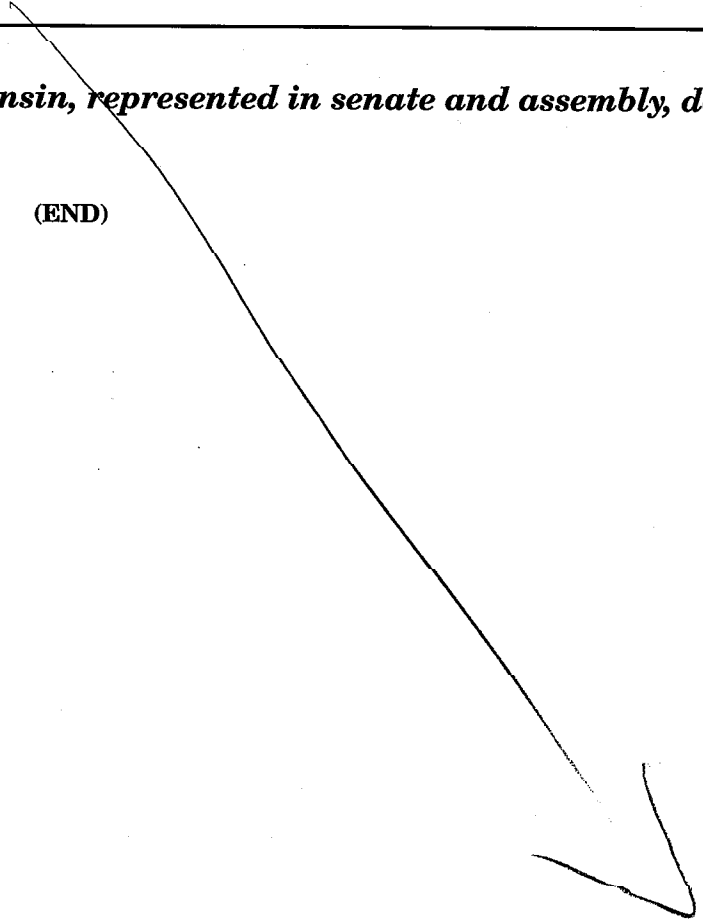
Limits on certain contributions received by political parties and elimination of legislative campaign committees.

Analysis by the Legislative Reference Bureau

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

2

(END)



SENATE BILL 62

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

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

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

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

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

TREATMENT OF LEGISLATIVE CAMPAIGN COMMITTEES

Currently, the adherents of any political party in either house of the legislature may organize a "legislative campaign committee" to support the candidacy of members of their party for legislative office. Committees other than legislative campaign committees and political party committees are generally subject to a limitation upon the contributions that they may make to candidates for legislative office or to political parties. Legislative campaign committees are subject only to

SENATE BILL 62

(P) Currently, a political party may accept up to \$150,000 in contributions from all committees during any biennium. This bill increases that amount to \$450,000.

overall limitations on the aggregate contributions that may be accepted by a candidate from entities other than individuals.

This bill eliminates the special status of legislative campaign committees, thus causing them to be treated in the same manner as other special interest committees for the purpose of contribution limitations.

OTHER CONTRIBUTION RESTRICTIONS

This bill creates the following new prohibitions on contributions:

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

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

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

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

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

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

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

SENATE BILL 62

SEC #. RP. 11.01 (125)

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:

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

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

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

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

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

SENATE BILL 62

SEC #. RP, 11.05 (3)(o) ✓

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

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

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

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

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

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

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

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

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

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

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

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

SENATE BILL 62

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

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

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

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

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

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

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

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

SENATE BILL 62

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

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

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

SENATE BILL 62

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

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

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

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

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

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

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

SENATE BILL 62

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

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

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

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

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

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

SENATE BILL 62

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

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

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

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

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

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

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

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

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

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

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

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

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

SENATE BILL 62

1 on the date of enactment of the biennial budget act and thereafter during any
2 legislative floorperiod, including any special or extraordinary session floorperiod.

3 (b) Notwithstanding par. (a), a person may make a contribution to an
4 incumbent partisan state elective official against whom a recall petition has been
5 filed during the period beginning on the date that the petition offered for filing is filed
6 under s. 9.10 (3) (b) and ending on the date of the recall election unless the official
7 resigns at an earlier date under s. 9.10 (3) (c).

8 **SECTION 72.** 11.26 (1) (a) to (c) of the statutes are amended to read:

9 11.26 (1) (a) Candidates for governor, lieutenant governor, secretary of state,
10 state treasurer, attorney general, state superintendent or justice, ~~\$10,000~~ \$1,000.

11 (b) Candidates for state senator, ~~\$1,000~~ \$500.

12 (c) Candidates for representative to the assembly, ~~\$500~~ \$250.

13 **SECTION 73.** 11.26 (2) (a) of the statutes is amended to read:

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

17 **SECTION 74.** 11.26 (4) of the statutes is amended to read:

18 11.26 (4) No individual may make any contribution or contributions to all
19 candidates for state and local offices and to any individuals who or committees which
20 are subject to a registration requirement under s. 11.05, including legislative
21 campaign committees and committees of a political party, to the extent of more than
22 a total of ~~\$10,000~~ \$5,000 in any calendar year. *plain text*

23 **SECTION 75.** 11.26 (8) of the statutes is amended to read:

24 11.26 (8) (a) No political party as defined in s. 5.02 (13) may receive more than
25 a total of ~~\$150,000~~ \$300,000 in value of its contributions in any biennium from all

\$450,000

SENATE BILL 62

1 other committees, excluding contributions from legislative campaign committees
2 and transfers between party committees of the party. In this paragraph, a biennium
3 commences with January 1 of each odd-numbered year and ends with December 31
4 of each even-numbered year.

5 (b) No such political party may receive more than a total of ~~\$6,000~~ \$12,000 in
6 value of its contributions in any calendar year from any specific committee or its
7 subunits or affiliates, excluding legislative campaign and political party committees.

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

11 \$12,000

plain text

12 ~~SECTION 76. 11.26 (8m) of the statutes is created to read:~~

13 11.26 (8m) (a) Except as provided in par. (b) and sub. (8n), no committee may
14 make a contribution to any other committee except a political party, personal
15 campaign, or support committee.

16 (b) Paragraph (a) does not apply to any contribution made by a committee that
17 is affiliated with a labor organization to any other committee that is affiliated with
18 the same labor organization.

19 SECTION 77. 11.26 (8n) of the statutes is created to read:

20 11.26 (8n) No personal campaign committee or support committee that is
21 authorized under s. 11.05 (3) (p) may make a contribution to any other personal
22 campaign or support committee that is authorized under s. 11.05 (3) (p).

23 SECTION 78. 11.26 (9) (a) and (b) of the statutes are amended to read:

24 11.26 (9) (a) ~~No~~ Except as authorized under this paragraph, no individual who
25 is a candidate for state or local office may receive and accept more than 65% of the

SENATE BILL 62

1 value of the total disbursement level ~~as~~ determined under s. 11.31 (1) and as
 2 ~~adjusted as provided under s. 11.31 (9) but without respect to any adjustment under~~
 3 ~~s. 11.31 (1m)~~ for the office for which he or she is a candidate during any primary and
 4 election campaign combined from the Wisconsin election campaign fund and all
 5 committees subject to a filing requirement, including political party and legislative
 6 campaign committees. ~~A candidate for state office whose grant under s. 11.50~~

7 ~~exceeds the contribution limitation authorized by this paragraph may exceed the~~
 8 ~~contribution limitation otherwise applicable to the extent required to accept the full~~
 9 ~~amount of the grant received by the candidate under s. 11.50, but any contributions~~
 10 ~~accepted by such a candidate from political party committees reduce the amount of~~
 11 ~~the grant which the candidate may accept by an amount equal to such contributions.~~

12 ~~(b) No~~ Except as authorized under this paragraph, no individual who is a
 13 ~~candidate for state or local office may receive and accept more than 45% of the value~~
 14 of the total disbursement level ~~as~~ determined under s. 11.31 (1) and as ~~adjusted as~~
 15 ~~provided under s. 11.31 (9) but without respect to any adjustment under s. 11.31 (1m)~~
 16 for the office for which he or she is a candidate during any primary and election
 17 campaign combined from all committees other than political party and legislative
 18 campaign committees subject to a filing requirement.

19 SECTION 79. 11.26 (9) (c) of the statutes is repealed.

20 SECTION 80. 11.26 (10) of the statutes is amended to read:

21 11.26 (10) No candidate for state office who files a sworn statement and
 22 application to receive a grant from the Wisconsin election campaign fund may make
 23 contributions of more than 200% of the amounts specified in sub. (1) \$1,000 to the
 24 candidate's own campaign from the candidate's personal funds or property or the
 25 personal funds or property which are owned jointly or as marital property with the

SEC #. RP; 11.265

SENATE BILL 62

1 11.50 (6) EXCESS MONEYS. If the amounts which are to be apportioned to each
2 eligible candidate under subs. (3) and (4) are more than the amount which a
3 candidate may accept under sub. (9), or more than the amount which a candidate
4 elects to accept under sub. (10), the excess moneys shall be retained in the fund.

5 SECTION 117. 11.50 (7) of the statutes is renumbered 11.50 (7) (a).

6 SECTION 118. 11.50 (7) (bm) of the statutes is created to read:

7 11.50 (7) (bm) If a grant is used to purchase an advertisement from a broadcast
8 communications medium, the advertisement may not include any voice other than
9 the voice of the eligible candidate to whom the grant is provided.

10 SECTION 119. 11.50 (9) (title) of the statutes is amended to read:

11 11.50 (9) (title) ~~LIMITATION ON AMOUNT OF GRANTS.~~

12 SECTION 120. 11.50 (9) of the statutes is renumbered 11.50 (9) (a) (intro.) and
13 amended to read:

14 (CS) LIMITATION ON GRANTS.

15 11.50 (9) (a) (intro.) ~~The~~ Except as provided in pars. (b) and (c), the total grant
16 available to an eligible candidate may not exceed ~~an amount equal to the lesser of the~~
17 ~~percentage specified in this paragraph or that amount which, when added to all other~~
18 ~~contributions accepted from sources other than individuals, political party~~

19 ~~committees and legislative campaign committees by the candidate,~~ is equal to 45%
20 ~~the disbursement level specified for the applicable office, as determined under s.~~

21 ~~11.31 (1) and adjusted as provided under s. 11.31 (9) but without respect to any~~
22 ~~adjustment under s. 11.31 (1)(a).~~ The board shall scrutinize accounts and reports and

23 records kept under this chapter to assure that applicable limitations under ss. 11.26
24 (9) and 11.31 are not exceeded and any violation is reported. No candidate or

25 campaign treasurer may accept grants exceeding the amount authorized by this
subsection. ~~The percentage is:~~

File Comment

Proof of stats.

plain text
and
plain text

Lead >

INSERT A

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

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

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



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-4152/P 2
RJM&JTK:kg:jf

wanted Mon 11/5 - 8:30 AM

CS

2001 BILL

Now

Rosen

1 AN ACT to repeal 11.01 (12s), 11.05 (3) (o), 11.26 (9) (c) and 11.265; and to amend
 2 5.02 (13), 11.05 (3) (c), 11.05 (9) (b), 11.06 (2), 11.06 (7m) (a), 11.06 (7m) (c), 11.16
 3 (5), 11.26 (2) (intro.), 11.26 (4), 11.26 (8), 11.26 (9) (a) and (b) and 11.50 (9) of the
 4 statutes; relating to: limits on certain contributions received by political
 5 parties and elimination of legislative campaign committees.

Analysis by the Legislative Reference Bureau

Currently, the adherents of any political party in either house of the legislature may organize a "legislative campaign committee" to support the candidacy of members of their party for legislative office. Committees other than legislative campaign committees and political party committees are generally subject to a limitation upon the contributions that they may make to candidates for legislative office or to political parties. Legislative campaign committees are subject only to overall limitations on the aggregate contributions that may be accepted by a candidate from entities other than individuals. — treatment under the statutes

This bill eliminates the special status of legislative campaign committees, thus causing them to be treated in the same manner as other special interest committees for the purpose of contribution limitations. The bill does not preclude a committee from utilizing any name it wishes.

BILL

Currently, a political party may accept up to \$150,000 in contributions from all committees during any biennium. This bill increases that amount to \$450,000.

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

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

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

8 **SECTION 2.** 11.01 (12s) of the statutes is repealed.

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

10 11.05 (3) (c) In the case of a committee, a statement as to whether the
11 committee is a personal campaign committee, a political party committee, ~~a~~
12 ~~legislative campaign committee~~, a support committee, or a special interest
13 committee.

14 **SECTION 4.** 11.05 (3) (o) of the statutes is repealed.

15 **SECTION 5.** 11.05 (9) (b) of the statutes is amended to read:

16 11.05 (9) (b) An individual who or a committee or group which receives a
17 contribution of money and transfers the contribution to another individual,
18 committee, or group while acting as a conduit is not subject to registration under this
19 section unless the individual, committee, or group transfers the contribution to a
20 candidate or a personal campaign, ~~legislative campaign~~, political party, or support
21 committee.

BILL

1 **SECTION 6.** 11.06 (2) of the statutes is amended to read:

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

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

12 **11.06 (7m) (a)** If a committee which was registered under s. 11.05 as a political
13 party committee ~~or legislative campaign committee~~ supporting candidates of a
14 political party files an oath under sub. (7) affirming that it does not act in cooperation
15 or consultation with any candidate who is nominated to appear on the party ballot
16 of the party at a general or special election, that the committee does not act in concert
17 with, or at the request or suggestion of, such a candidate, that the committee does
18 not act in cooperation or consultation with such a candidate or agent or authorized
19 committee of such a candidate who benefits from a disbursement made in opposition
20 to another candidate, and that the committee does not act in concert with, or at the
21 request or suggestion of, such a candidate or agent or authorized committee of such
22 a candidate who benefits from a disbursement made in opposition to another
23 candidate, the committee filing the oath may not make any contributions in support
24 of any candidate of the party at the general or special election or in opposition to any

BILL

1 such candidate's opponents exceeding the amounts specified in s. 11.26 (2), except as
2 authorized in par. (c).

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

4 **11.06 (7m) (c)** A committee filing an oath under sub. (7) which desires to change
5 its status to a political party committee ~~or legislative campaign committee~~ may do
6 so as of December 31 of any even-numbered year. Section 11.26 does not apply to
7 contributions received by such a committee prior to the date of the change. Such a
8 committee may change its status at other times only by filing a termination
9 statement under s. 11.19 (1) and reregistering as a newly organized committee under
10 s. 11.05.

11 **SECTION 9.** 11.16 (5) of the statutes is amended to read:

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

BILL

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

3 **SECTION 10.** 11.26 (2) (intro.) of the statutes is amended to read:

4 11.26 (2) (intro.) No committee other than a political party committee or
5 legislative campaign committee may make any contribution or contributions to a
6 candidate for election or nomination to any of the following offices and to any
7 individual or committee under s. 11.06 (7) acting solely in support of such a candidate
8 or solely in opposition to the candidate's opponent to the extent of more than a total
9 of the amounts specified per candidate:

10 **SECTION 11.** 11.26 (4) of the statutes is amended to read:

11 11.26 (4) No individual may make any contribution or contributions to all
12 candidates for state and local offices and to any individuals who or committees which
13 are subject to a registration requirement under s. 11.05, including legislative
14 campaign committees and committees of a political party, to the extent of more than
15 a total of \$10,000 in any calendar year.

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

17 11.26 (8) (a) No political party as defined in s. 5.02 (13) may receive more than
18 a total of \$150,000 ~~\$450,000~~ in value of its contributions in any biennium from all
19 other committees, excluding ~~contributions from legislative campaign committees~~
20 ~~and transfers between party committees of the party.~~ In this paragraph, a biennium
21 commences with January 1 of each odd-numbered year and ends with December 31
22 of each even-numbered year.

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

BILL

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

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

5 11.26 (9) (a) No individual who is a candidate for state or local office may receive
6 and accept more than 65% of the value of the total disbursement level determined
7 under s. 11.31 for the office for which he or she is a candidate during any primary and
8 election campaign combined from all committees subject to a filing requirement,
9 including political party and ~~legislative campaign~~ committees.

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

X 15 ~~**SECTION 14.** 11.26 (9) (c) of the statutes is repealed.~~

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

17 **SECTION 16.** 11.50 (9) of the statutes is amended to read:

18 11.50 (9) LIMITATION ON GRANTS. The total grant available to an eligible
19 candidate may not exceed that amount which, when added to all other contributions
20 accepted from sources other than individuals, and political party committees ~~and~~
21 ~~legislative campaign committees~~, is equal to 45% of the disbursement level specified
22 for the applicable office under s. 11.31. The board shall scrutinize accounts and
23 reports and records kept under this chapter to assure that applicable limitations
24 under ss. 11.26 (9) and 11.31 are not exceeded and any violation is reported. No

BILL

1 candidate or campaign treasurer may accept grants exceeding the amount
2 authorized by this subsection.

3 (END)

Marchant, Robert

From: Pirlot, R.J.
Sent: Tuesday, December 18, 2001 8:48 AM
To: Marchant, Robert
Subject: RE: Per your request . . .

On page 5, line 18: please change the new limit to \$500,000.

R.J. Pirlot

Policy Director and Legal Counsel
Office of Assembly Speaker Scott R. Jensen
Direct: 608-261-9482
Fax: 608-266-5123

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

From: Marchant, Robert
Sent: Monday, December 17, 2001 5:08 PM
To: Pirlot, R.J.
Subject: Per your request . . .

<< File: 01-4152/2 >>

Robert J. Marchant
Legislative Attorney
State of Wisconsin Legislative Reference Bureau
608-261-4454



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-4152/2 3

RJM&JTK:kg&csj

SOON

stays *RMMK*

2001 BILL

Repeal

1 AN ACT *to repeal* 11.01 (12s), 11.05 (3) (o) and 11.265; and *to amend* 5.02 (13),
2 11.05 (3) (c), 11.05 (9) (b), 11.06 (2), 11.06 (7m) (a), 11.06 (7m) (c), 11.16 (5), 11.26
3 (2) (intro.), 11.26 (4), 11.26 (8), 11.26 (9) (a) and (b) and 11.50 (9) of the statutes;
4 **relating to:** limits on certain contributions received by political parties and
5 elimination of legislative campaign committees.

Analysis by the Legislative Reference Bureau

Currently, the adherents of any political party in either house of the legislature may organize a "legislative campaign committee" to support the candidacy of members of their party for legislative office. Committees other than legislative campaign committees and political party committees are generally subject to a limitation upon the contributions that they may make to candidates for legislative office or to political parties. Legislative campaign committees are subject only to overall limitations on the aggregate contributions that may be accepted by a candidate from entities other than individuals.

This bill eliminates the special treatment of legislative campaign committees under the statutes, thus causing them to be treated in the same manner as other special interest committees for the purpose of contribution limitations. The bill does not preclude a committee from utilizing any name it wishes.

BILL

\$500,000

Currently, a political party may accept up to \$150,000 in contributions from all committees during any biennium. This bill increases that amount to ~~\$450,000~~ \$500,000.

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

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

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

8 **SECTION 2.** 11.01 (12s) of the statutes is repealed.

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

10 11.05 (3) (c) In the case of a committee, a statement as to whether the
11 committee is a personal campaign committee, a political party committee, ~~a~~
12 ~~legislative campaign committee~~, a support committee, or a special interest
13 committee.

14 **SECTION 4.** 11.05 (3) (o) of the statutes is repealed.

15 **SECTION 5.** 11.05 (9) (b) of the statutes is amended to read:

16 11.05 (9) (b) An individual who or a committee or group which receives a
17 contribution of money and transfers the contribution to another individual,
18 committee, or group while acting as a conduit is not subject to registration under this
19 section unless the individual, committee, or group transfers the contribution to a
20 candidate or a personal campaign, ~~legislative campaign~~, political party, or support
21 committee.

BILL

1 **SECTION 6.** 11.06 (2) of the statutes is amended to read:

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

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

12 **11.06 (7m) (a)** If a committee which was registered under s. 11.05 as a political
13 party committee ~~or legislative campaign committee~~ supporting candidates of a
14 political party files an oath under sub. (7) affirming that it does not act in cooperation
15 or consultation with any candidate who is nominated to appear on the party ballot
16 of the party at a general or special election, that the committee does not act in concert
17 with, or at the request or suggestion of, such a candidate, that the committee does
18 not act in cooperation or consultation with such a candidate or agent or authorized
19 committee of such a candidate who benefits from a disbursement made in opposition
20 to another candidate, and that the committee does not act in concert with, or at the
21 request or suggestion of, such a candidate or agent or authorized committee of such
22 a candidate who benefits from a disbursement made in opposition to another
23 candidate, the committee filing the oath may not make any contributions in support
24 of any candidate of the party at the general or special election or in opposition to any

BILL

1 such candidate's opponents exceeding the amounts specified in s. 11.26 (2), except as
2 authorized in par. (c).

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

4 11.06 (7m) (c) A committee filing an oath under sub. (7) which desires to change
5 its status to a political party committee ~~or legislative campaign committee~~ may do
6 so as of December 31 of any even-numbered year. Section 11.26 does not apply to
7 contributions received by such a committee prior to the date of the change. Such a
8 committee may change its status at other times only by filing a termination
9 statement under s. 11.19 (1) and reregistering as a newly organized committee under
10 s. 11.05.

11 **SECTION 9.** 11.16 (5) of the statutes is amended to read:

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

BILL

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

3 **SECTION 10.** 11.26[✓] (2) (intro.) of the statutes is amended to read:

4 11.26 (2) (intro.) No committee other than a political party committee or
5 legislative campaign committee may make any contribution or contributions to a
6 candidate for election or nomination to any of the following offices and to any
7 individual or committee under s. 11.06 (7) acting solely in support of such a candidate
8 or solely in opposition to the candidate's opponent to the extent of more than a total
9 of the amounts specified per candidate:

10 **SECTION 11.** 11.26[✓] (4) of the statutes is amended to read:

11 11.26 (4) No individual may make any contribution or contributions to all
12 candidates for state and local offices and to any individuals who or committees which
13 are subject to a registration requirement under s. 11.05, including legislative
14 campaign committees and committees of a political party, to the extent of more than
15 a total of \$10,000 in any calendar year.

16 **SECTION 12.** 11.26[✓] (8) of the statutes is amended to read:

17 11.26 (8) (a) No political party as defined in s. 5.02 (13) may receive more than
18 a total of \$150,000 ~~\$150,000~~ ^{\$500,000} in value of its contributions in any biennium from all
19 other committees, excluding contributions from legislative campaign committees
20 and transfers between party committees of the party. In this paragraph, a biennium
21 commences with January 1 of each odd-numbered year and ends with December 31
22 of each even-numbered year.

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

BILL

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

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

5 11.26 (9) (a) No individual who is a candidate for state or local office may receive
6 and accept more than 65% of the value of the total disbursement level determined
7 under s. 11.31 for the office for which he or she is a candidate during any primary and
8 election campaign combined from all committees subject to a filing requirement,
9 including political party ~~and legislative campaign~~ committees.

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

15 **SECTION 14.** 11.265 of the statutes is repealed.

16 **SECTION 15.** 11.50 (9) of the statutes is amended to read:

17 11.50 (9) LIMITATION ON GRANTS. The total grant available to an eligible
18 candidate may not exceed that amount which, when added to all other contributions
19 accepted from sources other than individuals, ~~and political party committees and~~
20 ~~legislative campaign committees~~, is equal to 45% of the disbursement level specified
21 for the applicable office under s. 11.31. The board shall scrutinize accounts and
22 reports and records kept under this chapter to assure that applicable limitations
23 under ss. 11.26 (9) and 11.31 are not exceeded and any violation is reported. No

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1 candidate or campaign treasurer may accept grants exceeding the amount
2 authorized by this subsection.

3 (END)