

2001 DRAFTING REQUEST

Bill

Received: **01/24/2002**

Received By: **kuesejt**

Wanted: **Today**

Identical to LRB:

For: **David Travis (608) 266-5340**

By/Representing: **Rebecca Hoelter**

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

Drafter: **kuesejt**

May Contact:

Addl. Drafters: **rmarchan
shoveme**

Subject: **Elections - campaign finance
Elections - miscellaneous
Lobbying
Tax - individual income**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Campaign financing; lobbying regulation; WECF designations; Elections Board staffing

Instructions:

Per SSA1 to SB-104, plus SA 2 to SSA1.

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
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| /? | kuesejt 01/24/2002 | gilfokm 01/24/2002 | | | | | State |
| | rmarchan 01/28/2002 | gilfokm 01/28/2002 | | | | | Tax |
| /1 | rmarchan 02/04/2002 | gilfokm 02/04/2002 | pgreensl 01/28/2002 | | lrb_docadmin 01/28/2002 | | State |

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| 02/05/2002 |

FE Sent For:

At intro.

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NOTES

2001 - 2002 LEGISLATURE

TODAY

2001 BILL

-4780/1

LRB-4780/1

JTK/RJM/MES:kg:jf



Gen. Cat.

1 AN ACT *to repeal* 11.01 (12s), 11.05 (3) (o), 11.26 (9) (c), 11.265, 11.31 (2m), 11.50
2 (2) (h), 11.50 (2) (i) and 11.50 (3); *to renumber* 11.05 (2r) (title), 11.24 (2), 11.50
3 (1) (a) 1. and 11.50 (1) (a) 2.; *to renumber and amend* 11.05 (1), 11.05 (2), 11.05
4 (2r), 11.12 (6) and 11.50 (9); *to amend* 5.02 (13), 5.05 (1) (e), 7.08 (2) (c) and (cm),
5 8.10 (3) (intro.), 8.15 (6) (intro.), 8.20 (4), 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35
6 (4) (c) and (d), 11.05 (3) (c), 11.05 (5), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.),
7 11.06 (1) (e), 11.06 (2), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (c), 11.06
8 (11) (c), 11.07 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5),
9 11.14 (3), 11.16 (2), 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20 (7), 11.20 (9),
10 11.20 (10) (a), 11.20 (12), 11.21 (2), 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1),
11 11.23 (2), 11.26 (1) (intro.), 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (4), 11.26 (8),
12 11.26 (9) (a) and (b), 11.26 (10), 11.26 (12m), 11.27 (1), 11.31 (1) (intro.), 11.31
13 (1) (a) to (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (3), 11.38 (1) (a) 2., 11.38 (6),
14 11.38 (8) (b), 11.50 (2) (a), 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (g), 11.50 (5),

BILL

1 11.50 (6), 11.50 (9) (title), 11.50 (11) (a), 11.50 (11) (e), 11.60 (4), 11.61 (1) (a),
2 12.05, 20.510 (1) (q), 25.42, 71.10 (3) (a) and 71.10 (3) (b); *to repeal and*
3 *recreate* 11.05 (9) (title) and 11.50 (4); and *to create* 7.08 (2) (cs), 11.001 (2m),
4 11.01 (4m) and (11m), 11.05 (1) (b), 11.05 (2) (b), 11.05 (3) (m), 11.05 (3) (r), 11.06
5 (2m) (b) to (d), 11.065, 11.12 (2m), 11.12 (6) (c) and (d), 11.12 (8) and (9), 11.24
6 (1w), 11.24 (4), 11.26 (2) (ad) to (au), 11.26 (8m), 11.31 (1) (de), 11.31 (1m), 11.31
7 (3p), 11.31 (9), 11.50 (1) (a) 1. (intro.), 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1)
8 (bm) and (cm), 11.50 (2) (j), 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (4m), 11.50
9 (9) (b), (ba) and (bb), 11.50 (14), 13.625 (3m), 20.855 (4) (ba) and 806.04 (11m)
10 of the statutes; **relating to:** campaign financing, lobbying regulation,
11 designations for the Wisconsin election campaign fund by individuals filing
12 state income tax returns, staffing of the elections board, providing exemptions
13 from emergency rule procedures, granting rule-making authority, and making
14 appropriations.

Analysis by the Legislative Reference Bureau

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

FILING OF CAMPAIGN FINANCE REPORTS***Exemptions from registration and reporting***

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

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

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

Electronic filing

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

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

Special reporting by certain registrants

Currently, a committee making contributions or a candidate or other individual or committee accepting contributions, making disbursements, or incurring obligations in support of or opposition to a candidate is generally required to file a report no later than the eighth day before a primary or election at which the candidate seeks nomination or election to office. The report must disclose contributions made or accepted, disbursements made, and obligations incurred through the 14th day prior to the primary or election. Currently, if a candidate for state office receives one or more contributions from a single contributor aggregating \$500 or more during the 14-day period preceding an election, the candidate must report to the elections board the information currently required to be disclosed

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pertaining to contributions received by the candidate no later than 24 hours following receipt of any such contribution or contributions.

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

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

Mass communications

Currently, individuals who accept contributions, organizations which make or accept contributions, or individuals who or organizations which incur obligations or make disbursements for the purpose of influencing an election for state or local office are generally required to register with the appropriate filing officer and to file financial reports with that officer, regardless of whether they act in conjunction with or independently of any candidate who is supported or opposed.

With certain exceptions, this bill imposes registration and reporting requirements, in addition, upon any individual who or organization that, within 30 days of a spring primary, if any, for an office or within 60 days of any other election for an office and by means of a printed advertisement, commercial billboard, radio or television advertisement, mass mailing, telephone call, or similar means, makes a communication which includes the name or likeness of a candidate for office at that

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election. The requirement does not apply to a communication made solely for the purpose of gathering information.

Timeliness in filing reports

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

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

DISBURSEMENT LIMITATIONS AND INDEPENDENT DISBURSEMENTS

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

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

This bill:

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

| <i>Office</i> | <i>Current Level</i> | <i>Proposed Level</i> |
|-----------------------|----------------------|-----------------------|
| Governor | \$1,078,200 | \$2,000,000 |
| Lieutenant governor | 323,475 | 500,000 |
| Attorney general | 539,000 | 700,000 |
| Secretary of state | 215,625 | 250,000 |
| State treasurer | 215,625 | 250,000 |
| Supreme court justice | 215,625 | 300,000 |
| State superintendent | 215,625 | 250,000 |

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| State senator | 34,500 | 120,000 |
| Representative to the assembly | 17,250 | 60,000 |

within the same party, and who has an opponent at the general or special election who received at least 6% of the votes cast for all candidates for that office at the primary election. Under the bill, the increased disbursement limitation

for partisan office at a special election

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

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

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

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

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

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

CONTRIBUTION LIMITATIONS

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.

This bill establishes specified limitations on committee contributions to candidates for statewide office as follows: a) candidates for governor, \$45,000; b) candidates for lieutenant governor, \$15,000; c) candidates for attorney general,

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\$25,000; and d) candidates for secretary of state, state treasurer, superintendent of public instruction, or justice of the supreme court, \$10,000. Under the bill, 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 \$18,000, and the aggregate limitation on contributions that a political party may accept during a biennium from all committees is increased to \$450,000.

Under current law, the aggregate contributions accepted by a candidate for state or local office from all committees, when combined with any grant received from the Wisconsin election campaign fund, may not exceed 65% of the disbursement level or limitation for the office that the candidate seeks. In addition, the contributions received by a candidate for state or local office from all committees other than political party or legislative campaign committees, when combined with any grant received from the Wisconsin election campaign fund, may not exceed 45% of the disbursement level or limitation for the office that the candidate seeks. This bill provides instead that the aggregate contributions accepted by a candidate for state or local office from all political party committees may not exceed 20% of the disbursement level or limitation for the office that the candidate seeks. In addition, the bill provides that the aggregate contributions received by a candidate for state or local office from all committees other than political party committees may not exceed 25% of the disbursement level or limitation for the office that the candidate seeks.

TREATMENT OF LEGISLATIVE CAMPAIGN COMMITTEES

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

This bill eliminates the special status of legislative campaign committees, thus 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. 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.

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3. It prohibits an elective state official or personal campaign committee of an elective state official from soliciting a lobbyist or principal (person who employs a lobbyist) to arrange for another person to make a contribution to that official or personal campaign committee or to another elective state official or the personal campaign committee of that official.

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

CONTRIBUTIONS THROUGH CONDUITS

Currently, if an individual or organization receives a political contribution consisting of money and transfers the contribution to another individual or organization without exercising discretion as to the amount to be transferred and the individual to whom or the organization to which the transfer is made, the contribution is considered to be made by the original contributor for purposes of reporting by the ultimate recipient. The contribution is also treated as an individual contribution for purposes of determining compliance with contribution limitations and qualifying contributions for public grants. The individual or organization making the transfer is called a "conduit" under the law. In most cases, a conduit is required to register and file campaign finance reports unless the conduit does not transfer any contributions to candidates or to personal campaign, legislative campaign, or political party committees.

This bill treats a contribution of money transferred by a conduit ~~that is a committee~~ as a contribution from the ~~committee~~ rather than from the individuals contributing to the ~~committee~~ for purposes of applying limitations on the amounts of contributions that ~~committees may~~ make to candidates. The change does not affect aggregate limitations on the amounts of contributions that candidates may accept from committees.

DISPOSITION OF RESIDUAL OR EXCESS FUNDS

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

This bill allows residual or excess funds to be transferred to the Wisconsin election campaign fund.

Conduit
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and applies the same

as apply to committee contributions to candidates

BILL**WISCONSIN ELECTION CAMPAIGN FUND*****Sources and uses of funds***

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

This bill:

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

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

Grant eligibility requirements and amounts

Under current law, grants from the Wisconsin election campaign fund are available to finance specified campaign expenses of eligible candidates for the offices of state senator, representative to the assembly, governor, lieutenant governor, attorney general, state treasurer, secretary of state, justice of the supreme court, and superintendent of public instruction. To receive a grant, a candidate must file an application with the state elections board no later than the deadline for filing nomination papers. Following the primary election or the date on which a primary would be held, if required, the board determines whether a candidate who applies for a grant meets the following eligibility requirements:

1. If the candidate seeks a partisan state office at a general election, the candidate must have received at least 6% of the total votes cast in the primary and have won the primary. If the candidate seeks a partisan state office at a special

BILL

election, the candidate must either: a) appear on the ballot or in the column of a political party whose candidate for the same office at the preceding general election received at least 6% of the vote; or b) receive at least 6% of the votes cast at the special election.

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

3. The candidate must receive, during a specified time period, a specified amount through contributions from individuals of \$100 or less. For a candidate for the office of governor, lieutenant governor, secretary of state, state treasurer, attorney general, justice of the supreme court, or superintendent of public instruction, the amount is 5% of the authorized disbursement level for the office which the candidate seeks. For a candidate for the office of state senator or representative to the assembly, the amount is 10% of the authorized disbursement level for the office which the candidate seeks.

Under current law, a candidate for any office who accepts a grant must comply with statutorily prescribed contribution and disbursement limitations, unless at least one of the candidate's opponents who received at least 6% of the votes cast for all candidates for that office at a partisan primary, if a primary was held, does not accept a grant and does not voluntarily agree to comply with the contribution and disbursement limitations for that office. The maximum grant that a candidate may receive is that amount which, when added to all other contributions accepted from sources other than individuals, political party committees, and legislative campaign committees, is equal to 45% of the authorized disbursement level for the office which the candidate seeks. No grants are available to finance campaign expenses in primary elections.

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

This bill:

1. Provides that a candidate for the office of state senator or representative to the assembly must receive contributions equal to only 5% of the authorized disbursement level for the office which the candidate seeks in order to qualify for a grant, but provides that the contributions of \$100 or less from individuals used by a candidate for any state office to determine eligibility for a grant from the Wisconsin election campaign fund must be made by individuals who reside in this state and, in the case of a candidate for legislative office, by individuals at least 50% of whom reside in a county having territory within the district in which the candidate seeks office.

2. Provides that a candidate who applies for a grant may not accept any contribution from any committee other than a political party committee. If the candidate has accepted any contribution from a committee other than a political party committee during the campaign for the office that the candidate is currently seeking, the candidate must return the contribution to the contributor or donate the contribution to a charitable organization or to the Wisconsin election campaign fund or the common school fund before filing an application for a grant. The candidate

BILL

may, however, later accept a contribution from a committee other than a political party committee if the candidate is determined by the elections board to be ineligible to receive a grant, after the date of that determination.

3. Provides that the maximum grant that a candidate for state office may receive is the lesser of 45% of the authorized disbursement limitation for the office that the candidate seeks, or that amount which, when added to all other contributions accepted by the candidate, is equal to the disbursement limitation for the office that the candidate seeks, unless the candidate qualifies to receive a grant for primary election campaign expenses or a supplemental grant (see below).

4. Permits a candidate who qualifies to receive a grant for a general, spring, or special election campaign, who was opposed at the primary election preceding that election by a candidate whose name appeared on the ballot, and who files double the minimum number of nomination paper signatures currently required for the office that the candidate seeks, to receive a grant to finance specified primary election campaign expenses. This grant, in combination with the grant received by the candidate for the election campaign, is equal the lesser of 55% of the authorized disbursement limitation for the office that the candidate seeks or that amount which, when added to all other contributions accepted by the candidate, is equal to the disbursement limitation for the office that the candidate seeks, unless the candidate qualifies to receive a supplemental grant (see below).

5. Provides that a candidate who accepts a grant shall receive a supplemental grant in an amount equal to: a) the amount of any independent disbursements that are made to oppose that candidate, or to support that candidate's opponent, exceeding 10% of the disbursement limitation for the office that the candidate seeks; b) the total amount of disbursements exceeding the amount of the disbursement limitation for that office made by an opposing candidate who does not accept a grant; and c) the total amount of independent expenditures other than disbursements made in close proximity to an election for the purpose of making certain mass communications to oppose that candidate or to support that candidate's opponent exceeding 20% of the disbursement limitation for the office that the candidate seeks.

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

INITIAL APPLICABILITY

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

ELECTIONS BOARD

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

NONSEVERABILITY

Currently, if any part of an act is found by a court to be invalid, those parts that are valid are severed from the invalid part and the severed parts continue in force. This bill provides that if any part of the act resulting from enactment of the bill relating to reporting of independent expenditures for mass communications and provision of supplemental grants to candidates who are opposed or whose opponents

if the total amount exceeds

BILL

are supported by those expenditures is found by a court to be invalid, then all of those parts of the act are void. The bill also provides that if any part of the act resulting from enactment of the bill relating to reporting by candidates who decline to accept public grants and provision of supplemental grants to candidates who are opposed or whose opponents are supported by those expenditures is found by a court to be invalid, then the entire act is void.

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

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

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

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

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

8 **SECTION 2.** 5.05 (1) (e) of the statutes is amended to read:

9 5.05 (1) (e) Delegate to its executive director the authority to issue a subpoena
10 under par. (b), apply for a search warrant under par. (b), commence an action under
11 par. (d), intervene in an action or proceeding under sub. (9), issue an order under s.
12 5.06, exempt a polling place from accessibility requirements under s. 5.25 (4) (a),
13 exempt a municipality from the requirement to use voting machines or an electronic
14 voting system under s. 5.40 (5m), approve an electronic data recording system for
15 maintaining poll lists under s. 6.79, ~~or~~ authorize nonappointment of an individual
16 who is nominated to serve as an election official under s. 7.30 (4) (e), or make a

BILL

1 determination concerning the nature of an independent expenditure under s. 11.065
2 (3), subject to such limitations as the board deems appropriate.

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

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

15 (cm) As soon as possible after the canvass of a special primary, or the date that
16 the primary would be held, if required, transmit to the state treasurer a certified list
17 of all eligible candidates for state office who have filed applications under s. 11.50 (2)
18 and ~~whom~~ who the board determines ~~to be~~ are eligible to receive a grant from the
19 Wisconsin election campaign fund prior to the election. The board shall also transmit
20 a similar list of candidates, if any, who have filed applications under s. 11.50 (2) and
21 ~~whom~~ who the board determines ~~to be~~ are eligible to receive a grant under s. 11.50
22 (1) (a) 2. after the special election. The board shall electronically transmit a similar
23 list of candidates who the board determines are eligible to receive a grant under s.
24 11.50 (9) (b), (ba), or (bb) within 24 hours after any candidate qualifies to receive such
25 a grant. Each list shall contain each candidate's name, the mailing address indicated

BILL

1 upon the candidate's registration form, the office for which the individual is a
2 candidate and the party or principle which he or she represents, if any.

3 **SECTION 4.** 7.08 (2) (cs) of the statutes is created to read:

4 7.08 (2) (cs) In each even-numbered year, certify to the state treasurer for the
5 period beginning with the month following certification and ending with the month
6 in which the next certification is made by the board:

7 1. No later than July 1, the name of each political party that qualifies under
8 s. 11.50 (1) (am) 1. as an eligible political party as of the preceding June 1 and whose
9 state chairperson has filed a request to establish an account for the party under s.
10 11.50 (2s) (a).

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

15 **SECTION 5.** 8.10 (3) (intro.) of the statutes is amended to read:

16 8.10 (3) (intro.) The certification of a qualified elector under s. 8.15 (4) (a) shall
17 be appended to each nomination paper. The Except as otherwise required under s.
18 11.50 (4m) for a candidate who seeks a grant from the Wisconsin election campaign
19 fund, the number of required signatures on nomination papers filed under this
20 section is:

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

22 8.15 (6) (intro.) The Except as otherwise required under s. 11.50 (4m) for a
23 candidate who seeks a grant from the Wisconsin election campaign fund, the number
24 of required signatures on nomination papers shall be as follows:

25 **SECTION 7.** 8.20 (4) of the statutes is amended to read:

BILL

1 8.20 (4) The Except as otherwise required under s. 11.50 (4m) for a candidate
2 who seeks a grant from the Wisconsin election campaign fund, the number of
3 required signatures on nomination papers for independent candidates shall be the
4 same as the number specified in s. 8.15 (6). For independent presidential electors
5 intending to vote for the same candidates for president and vice president, the
6 number of required signatures shall be not less than 2,000 nor more than 4,000
7 electors.

8 **SECTION 8.** 8.30 (2) of the statutes is amended to read:

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

16 **SECTION 9.** 8.35 (4) (a) 1. a. and b. of the statutes are amended to read:

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

BILL

1 b. If the former candidate was a nonpartisan candidate, donated to the a
2 charitable organization of the former candidate's choice or the charitable
3 organization chosen or transferred to the board for deposit in the Wisconsin election
4 campaign fund, as instructed by the former candidate or, if the candidate left no
5 instruction, by the former candidate's next of kin if the former candidate is deceased;
6 or

7 **SECTION 10.** 8.35 (4) (c) and (d) of the statutes are amended to read:

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

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

23 **SECTION 11.** 11.001 (2m) of the statutes is created to read:

24 11.001 (2m) The legislature finds a compelling justification for minimal
25 disclosure of all communications made near the time of an election that include the

BILL

1 name or likeness of a candidate for state office to allow increased funding for such
2 candidates based upon independent expenditures. This minimal disclosure burden
3 is outweighed by the need to establish an effective funding mechanism for candidates
4 for state office to effectively respond to independent expenditures that may impact
5 an election for those offices.

6 **SECTION 12.** 11.01 (4m) and (11m) of the statutes are created to read:

7 **11.01 (4m)** "Communication" means a message transmitted by means of a
8 printed advertisement, billboard, handbill, sample ballot, radio or television
9 advertisement, telephone call, or any medium that may be utilized for the purpose
10 of disseminating or broadcasting a message, but not including a poll conducted solely
11 for the purpose of identifying or collecting data concerning the attitudes or
12 preferences of electors.

13 **(11m)** "Independent expenditure" means an expenditure, other than a
14 disbursement, made for the purpose of making a communication either that is made
15 during the 30-day period preceding any spring primary for the office of justice or
16 state superintendent and the date of the spring election, or if no primary is held,
17 during the 60-day period preceding the spring election, or that is made during the
18 60-day period preceding any general or special election for a partisan state office
19 other than the office of district attorney; that contains a reference to a clearly
20 identified candidate for such an office at that election; that is made without
21 cooperation or consultation with such a candidate, or any authorized committee or
22 agent of such a candidate; and that is not made in concert with, or at the request or
23 suggestion of, such a candidate, or any authorized committee or agent of such a
24 candidate.

25 **SECTION 13.** 11.01 (12s) of the statutes is repealed.

BILL

1 **SECTION 14.** 11.05 (1) of the statutes is renumbered 11.05 (1) (a) and amended
2 to read:

3 11.05 (1) (a) Except as provided in s. 9.10 (2) (d), every committee, other than
4 a personal campaign committee, ~~and every political group subject to registration~~
5 ~~under s. 11.23 which~~ that makes or accepts contributions, incurs obligations or
6 makes disbursements in a calendar year in an aggregate amount in excess of \$25
7 shall file a statement with the appropriate filing officer giving the information
8 required by sub. (3). In the case of any committee other than a personal campaign
9 committee, the statement shall be filed by the treasurer. A personal campaign
10 committee shall register under sub. (2g) ~~or (2r)~~.

11 **SECTION 15.** 11.05 (1) (b) of the statutes is created to read:

12 11.05 (1) (b) Every political group subject to registration under s. 11.23 which
13 makes or accepts contributions, incurs obligations, or makes disbursements in a
14 calendar year in an aggregate amount in excess of \$100 shall file a statement with
15 the appropriate filing officer giving the information required by sub. (3).

16 **SECTION 16.** 11.05 (2) of the statutes is renumbered 11.05 (2) (a) and amended
17 to read:

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

BILL

1 **SECTION 17.** 11.05 (2) (b) of the statutes is created to read:

2 11.05 (2)(b) Every individual who accepts contributions, incurs obligations, or
3 makes disbursements with respect to one or more referenda in a calendar year in an
4 aggregate amount in excess of \$100 shall file a statement with the appropriate filing
5 officer giving the information required by sub. (3).

6 **SECTION 18.** 11.05 (2r) (title) of the statutes is renumbered 11.06 (2m) (title).

7 **SECTION 19.** 11.05 (2r) of the statutes is renumbered 11.06 (2m) (a) and
8 amended to read:

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

BILL

1 the date on which the registrant accepts any contribution or contributions exceeding
2 \$100 from a single source, other than contributions made by a candidate to his or her
3 own campaign, during ~~that~~ any calendar year, whichever is earlier. ~~If the revocation~~
4 ~~is not timely, the registrant violates s. 11.27 (1).~~

5 **SECTION 20.** 11.05 (3) (c) of the statutes is amended to read:

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

10 **SECTION 21.** 11.05 (3) (m) of the statutes is created to read:

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

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

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

16 11.05 (3) (r) In the case of a candidate or personal campaign committee of a
17 candidate, the telephone number or numbers and a facsimile transmission number
18 or electronic mail address, if any, at which the candidate may be contacted.

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

20 11.05 (5) CHANGE OF INFORMATION. Any change in information previously
21 submitted in a statement of registration shall be reported by the registrant to the
22 appropriate filing officer within 10 days following the change. This period does not
23 apply in case of change of an indication made under ~~sub. (2r)~~ s. 11.06 (2m), which
24 shall be reported no later than the date that a registrant is subject to a filing
25 requirement under ~~sub. (2r)~~ s. 11.06 (2m). Any such change may be reported only by

BILL

1 the individual or by the officer who has succeeded to the position of an individual who
2 signed the original statement; but in the case of a personal campaign committee, a
3 candidate or campaign treasurer may report a change in the statement except as
4 provided in s. 11.10 (2), and in the case of any other committee or group, the chief
5 executive officer or treasurer indicated on the statement may report a change. If a
6 preexisting support committee is adopted by a candidate as his or her personal
7 campaign committee, the candidate shall file an amendment to the committee's
8 statement under this subsection indicating that all information contained in the
9 statement is true, correct and complete.

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

11 11.05 (9) (title) DEPOSIT OF CONTRIBUTIONS; CONDUITS.

12 **SECTION 26.** 11.05 (12) (b) of the statutes is amended to read:

13 11.05 (12) (b) Except as authorized under sub. (13), a committee, group or
14 individual other than a candidate or agent of a candidate shall comply with sub. (1)
15 or (2) no later than the 5th business day commencing after receipt of the first
16 contribution by such committee, group or individual, and before making any
17 disbursement. No committee, group or individual, other than a candidate or agent
18 of a candidate, may accept any contribution or contributions exceeding \$25 in the
19 aggregate ~~the amount specified in sub. (1) or (2)~~ during a calendar year at any time
20 when the committee, group or individual is not registered under this section except
21 within the initial 5-day period authorized by this paragraph.

22 **SECTION 27.** 11.05 (13) of the statutes is amended to read:

23 11.05 (13) BANK ACCOUNT AND POSTAL BOX; EXEMPTION. An individual, committee
24 or group does not violate this section by accepting a contribution and making a
25 disbursement in the amount required to rent a postal box, or in the minimum amount

BILL

1 required by a bank or trust company to open a checking account, prior to the time of
2 registration, if the disbursement is properly reported on the first report submitted
3 under s. 11.20 or 11.21 (16) after the date that the individual, committee or group is
4 registered, whenever a reporting requirement applies to the registrant.

5 **SECTION 28.** 11.06 (1) (intro.) of the statutes is amended to read:

6 11.06 (1) CONTENTS OF REPORT. (intro.) Except as provided in subs. (2), (2m),
7 (3) and (3m) and ~~ss. 11.05 (2r) and s. 11.19 (2)~~, each registrant under s. 11.05 shall
8 make full reports, upon a form prescribed by the board and signed by the appropriate
9 individual under sub. (5), of all contributions received, contributions or
10 disbursements made, and obligations incurred. Each report shall contain the
11 following information, covering the period since the last date covered on the previous
12 report, unless otherwise provided:

13 **SECTION 29.** 11.06 (1) (e) of the statutes is amended to read:

14 11.06 (1) (e) An itemized statement of contributions over \$20 from a single
15 source donated to a charitable organization or to the common school fund, with the
16 full name and mailing address of the donee, and a statement of contributions over
17 \$20 transferred to the board for deposit in the Wisconsin election campaign fund.

18 **SECTION 30.** 11.06 (2) of the statutes is amended to read:

19 11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding
20 sub. (1), if a disbursement is made or obligation incurred by an individual other than
21 a candidate or by a committee or group which is not primarily organized for political
22 purposes, and the disbursement does not constitute a contribution to any candidate
23 or other individual, committee or group, the disbursement or obligation is required
24 to be reported only if the purpose is to expressly advocate the election or defeat of a
25 clearly identified candidate or the adoption or rejection of a referendum. The

BILL

1 exemption provided by this subsection shall in no case be construed to apply to a
2 political party, ~~legislative campaign~~, personal campaign or support committee.

3 **SECTION 31.** 11.06 (2m) (b) to (d) of the statutes are created to read:

4 11.06 (2m) (b) Any individual or committee who or which is required to file an
5 oath under s. 11.06 (7) and who or which accepts contributions, makes disbursements
6 or incurs obligations for the purpose of supporting or opposing one or more
7 candidates for state office and who or which does not anticipate accepting
8 contributions, making disbursements or incurring obligations in an aggregate
9 amount in excess of \$1,000 in a calendar year and does not anticipate accepting any
10 contribution or contributions from a single source exceeding \$100 in that year may
11 indicate on its registration statement that the individual or committee will not
12 accept contributions, incur obligations or make disbursements in the aggregate in
13 excess of \$1,000 in any calendar year and will not accept any contribution or
14 contributions from a single source exceeding \$100 in any calendar year. Any
15 registrant making such an indication is not subject to any filing requirement if the
16 statement is true. The registrant need not file a termination report. A registrant not
17 making such an indication on a registration statement is subject to a filing
18 requirement. The indication may be revoked and the registrant is then subject to a
19 filing requirement as of the date of revocation, or the date on which aggregate
20 contributions, disbursements or obligations for the calendar year exceed \$1,000, or
21 the date on which the registrant accepts any contribution or contributions exceeding
22 \$100 from a single source during any calendar year, whichever is earlier.

23 (c) Any individual or committee who or which is required to file an oath under
24 s. 11.06 (7) and who or which accepts contributions, makes disbursements or incurs
25 obligations for the purpose of supporting or opposing one or more candidates for local

BILL

1 office but not for the purpose of supporting or opposing any candidate for state office
2 and who or which does not anticipate accepting contributions, making
3 disbursements or incurring obligations in an aggregate amount in excess of \$100 in
4 a calendar year may indicate on its registration statement that the individual or
5 committee will not accept contributions, incur obligations or make disbursements in
6 the aggregate in excess of \$100 in any calendar year and will not accept any
7 contribution or contributions from a single source, other than contributions made by
8 a candidate to his or her own campaign, exceeding \$100 in any calendar year. Any
9 registrant making such an indication is not subject to any filing requirement if the
10 statement is true. The registrant need not file a termination report. A registrant not
11 making such an indication on a registration statement is subject to a filing
12 requirement. The indication may be revoked and the registrant is then subject to a
13 filing requirement as of the date of revocation, or the date that aggregate
14 contributions, disbursements or obligations for the calendar year exceed \$100,
15 whichever is earlier.

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

18 **SECTION 32.** 11.06 (4) (b) of the statutes is amended to read:

19 11.06 (4) (b) Unless it is returned or donated within 15 days of receipt, a
20 contribution must be reported as received and accepted on the date received. This
21 ~~subsection paragraph~~ applies notwithstanding the fact that the contribution is not
22 deposited in the a campaign depository account by the closing date for the a reporting
23 period as provided in s. 11.20 (8) or the reporting deadline provided in s. 11.21 (16).

24 **SECTION 33.** 11.06 (5) of the statutes is amended to read:

BILL

1 11.06 (5) REPORT MUST BE COMPLETE. A registered individual or treasurer of a
2 group or committee shall make a good faith effort to obtain all required information.
3 The first report shall commence no later than the date that the first contribution is
4 received and accepted or the first disbursement is made. Each report shall be filed
5 with the appropriate filing officer on the dates designated in s. 11.20 and, if the
6 registrant files reports under s. 11.21 (16), at the times specified in s. 11.21 (16). The
7 individual or the treasurer of the group or committee shall certify to the correctness
8 of each report. In the case of a candidate, the candidate or treasurer shall certify to
9 the correctness of each report. If a treasurer is unavailable, any person designated
10 as a custodian under s. 11.05 (3) (e) may certify to the correctness of a report.

11 **SECTION 34.** 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

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

3 **SECTION 35.** 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 36.** 11.06 (11) (c) of the statutes is amended to read:

12 11.06 (11) (c) A contribution of money received from a conduit, accompanied by
13 the information required under par. (a), is considered to be a contribution from the
14 original contributor for the purposes of ss. 11.26 (1) and (4) and 11.50 (2) (b) 5.

15 **SECTION 37.** 11.065 of the statutes is created to read:

16 **11.065 Independent expenditures.** (1) (a) If any person makes one or more
17 communications to be financed with independent expenditures exceeding \$2,000 in
18 the aggregate, that person shall file a report with the board. The report shall be made
19 whenever the person makes one or more communications financed or to be financed
20 with independent expenditures exceeding \$2,000 in the aggregate and whenever the
21 person makes one or more additional communications financed or to be financed with
22 independent expenditures exceeding \$2,000 in the aggregate that are not identified
23 in a previous report under this subsection. Reports required under this subsection
24 shall be filed within 7 days after the date that communications financed with
25 independent expenditures exceeding \$2,000 in the aggregate that are not identified

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1 in a previous report are made, or if communications are made within 15 days of the
2 date of a spring primary or election or within 15 days of a September or special
3 primary or general or special election, within 24 hours after the date that
4 communications financed with independent expenditures exceeding \$2,000 in the
5 aggregate that are not identified in a previous report are made.

6 (b) If a person makes or incurs an obligation to make a single independent
7 expenditure for the purpose of financing communications that are to be made on
8 more than one day, the person may report the entire expenditure under par. (a) for
9 the day on which the person makes the first communication financed by the
10 expenditure, or the person may report for each day on which the person makes one
11 or more communications financed by the expenditure the proportionate amount of
12 the expenditure attributable to the cost of the communication or communications
13 made on that day.

14 (2) Each report filed under sub. (1) shall contain the following information:

15 (a) The name of each candidate who is identified in each communication
16 financed by an independent expenditure.

17 (b) A statement as to whether the communication is intended to support or
18 oppose any candidate who is identified under par. (a) and if so, the name of that
19 candidate.

20 (c) The total amount or value of the independent expenditure and the
21 cumulative aggregate independent expenditures made by the person with respect to
22 that election.

23 (3) If a person who makes an independent expenditure does not indicate
24 whether an independent expenditure is made against an eligible candidate or for an
25 eligible candidate's opponent, or if the report reasonably appears to be incorrect, the

BILL

1 board may obtain a copy of the communication and, after examination, determine
2 whether the expenditure was made against an eligible candidate or for an eligible
3 candidate's opponent for purposes of s. 11.50 (9) (bb). Any determination made by
4 the board under this subsection applies solely for the purpose of administration of
5 s. 11.50 (9) (bb).

6 **SECTION 38.** 11.07 (1) of the statutes is amended to read:

7 11.07 (1) Every nonresident committee or group making contributions and
8 every nonresident individual, committee or group making disbursements exceeding
9 ~~\$25 cumulatively~~ the amount specified in s. 11.05 (1) or (2) in a calendar year within
10 this state shall file the name, mailing and street address and the name and the
11 mailing and street address of a designated agent within the state with the office of
12 the secretary of state. An agent may be any adult individual who is a resident of this
13 state. After any change in the name or address of such agent the new address or
14 name of the successor agent shall be filed within 30 days. Service of process in any
15 proceeding under this chapter or ch. 12, or service of any other notice or demand may
16 be made upon such agent.

17 **SECTION 39.** 11.07 (5) of the statutes is amended to read:

18 11.07 (5) Any campaign treasurer or individual who knowingly receives a
19 contribution made by an unregistered nonresident in violation of this section may
20 not use or expend such contribution but shall immediately return it to the source or
21 at the option of the campaign treasurer or individual, donate the contribution to a
22 charitable organization or to the common school fund or transfer the contribution to
23 the board for deposit in the Wisconsin election campaign fund.

24 **SECTION 40.** 11.09 (3) of the statutes is amended to read:

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1 11.09 (3) Each registrant whose filing officer is the board, who or which makes
2 disbursements in connection with elections for offices which serve or referenda
3 which affect only one county or portion thereof, except a candidate, personal
4 campaign committee, political party committee or other committee making
5 disbursements in support of or in opposition to a candidate for state senator,
6 representative to the assembly, court of appeals judge or circuit judge, shall file a
7 duplicate original of each financial report filed with the board with the county clerk
8 or board of election commissioners of the county in which the elections in which the
9 registrant participates are held. Such reports shall be filed no later than the dates
10 specified under s. 11.20 (2) and (4) for the filing of each report with the board. This
11 subsection does not apply to a registrant who or which files reports under s. 11.21
12 (16).

13 **SECTION 41.** 11.10 (1) of the statutes is amended to read:

14 11.10 (1) Each candidate in an election shall appoint one campaign treasurer.
15 Except as provided in s. 11.14 (3), each candidate shall designate one campaign
16 depository account within 5 business days after the candidate receives his or her first
17 contribution and before the candidate makes or authorizes any disbursement in
18 behalf of his or her candidacy. If a candidate adopts a preexisting support committee
19 as his or her personal campaign committee, the candidate shall make such
20 designation within 5 business days of adoption. The person designated as campaign
21 treasurer shall be the treasurer of the candidate's personal campaign committee, if
22 any. The candidate may appoint himself or herself or any other elector as campaign
23 treasurer. A registration statement under s. 11.05 (2g) ~~or (2f)~~ must be filed jointly
24 by every candidate and his or her campaign treasurer. The candidate does not
25 qualify for ballot placement until this requirement is met. Except as authorized

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1 under s. 11.06 (5), the campaign treasurer or candidate shall certify as to the
2 correctness of each report required to be filed, and the candidate bears the
3 responsibility for the accuracy of each report for purposes of civil liability under this
4 chapter, whether or not the candidate certifies it personally.

5 **SECTION 42.** 11.12 (2) of the statutes is amended to read:

6 11.12 (2) Any anonymous contribution exceeding \$10 received by a campaign
7 or committee treasurer or by an individual under s. 11.06 (7) may not be used or
8 expended. The contribution shall be donated to the common school fund or to any
9 charitable organization or transferred to the board for deposit in the Wisconsin
10 election campaign fund, at the option of the treasurer.

11 **SECTION 43.** 11.12 (2m) of the statutes is created to read:

12 11.12 (2m) If the campaign treasurer of a registrant receives a contribution in
13 the form of money that is made by an individual who has made contributions to the
14 registrant cumulatively within a calendar year exceeding \$100 in amount or value,
15 and the contributor has not provided to the treasurer the information required under
16 s. 11.06 (1) (b), the treasurer shall obtain the information from the contributor before
17 depositing the contribution in the campaign depository account. If the treasurer does
18 not receive the information within the period prescribed under s. 11.14 (1), the
19 treasurer shall return the contribution to the contributor.

20 **SECTION 44.** 11.12 (4) of the statutes is amended to read:

21 11.12 (4) Each registrant shall report contributions, disbursements and
22 incurred obligations in accordance with s. 11.20 and, if the registrant files reports
23 under s. 11.21 (16), in accordance with s. 11.21 (16). Except as permitted under s.
24 11.06 (2), (3) and (3m), each report shall contain the information which is required
25 under s. 11.06 (1).

BILL

1 **SECTION 45.** 11.12 (5) of the statutes is amended to read:

2 11.12 (5) If any contribution or contributions of \$500 or more cumulatively are
3 received by a candidate for state office or by a committee or individual from a single
4 contributor later than 15 days prior to a primary or election such that it is not
5 included in the preprimary or preelection report submitted under s. 11.20 (3), the
6 treasurer of the committee or the individual receiving the contribution shall within
7 24 hours of receipt inform the appropriate filing officer of the information required
8 under s. 11.06 (1) in such manner as the board may prescribe. The information shall
9 also be included in the treasurer's or individual's next regular report. For purposes
10 of the reporting requirement under this subsection, only contributions received
11 during the period beginning with the day after the last date covered on the
12 preprimary or preelection report, and ending with the day before the primary or
13 election need be reported. This subsection does not apply to a registrant who or
14 which files reports under s. 11.21 (16).

15 **SECTION 46.** 11.12 (6) of the statutes is renumbered 11.12 (6) (a) and amended
16 to read:

17 11.12 (6) (a) If ~~any~~ an individual or committee incurs an obligation or makes
18 a disbursement of more than \$20 cumulatively is made to advocate the election or
19 defeat of a clearly identified candidate ~~by an individual or committee~~ later than 15
20 days prior to a primary or election in which the candidate's name appears on the
21 ballot without cooperation or consultation with a candidate or agent or authorized
22 committee of a candidate who is supported or whose opponent is opposed, and not in
23 concert with or at the request or suggestion of such a candidate, agent or committee,
24 the individual or treasurer of the committee shall, within 24 hours of after incurring
25 the obligation or making the disbursement, inform the appropriate filing officer of

BILL

1 the information required under s. 11.06 (1) in such manner as the board may
2 prescribe. ~~The information shall also be included in the next regular report of the~~
3 ~~individual or committee under s. 11.20.~~ For purposes of this subsection, paragraph,
4 obligations and disbursements cumulate beginning with the day after the last date
5 covered on the preprimary or preelection report and ending with the day before the
6 primary or election. Upon receipt of a report under this subsection paragraph, the
7 filing officer shall, within 24 hours of receipt, mail a copy of the report to all
8 candidates for any office in support of or opposition to one of whom a an incurred
9 obligation or disbursement identified in the report is incurred or made. A committee
10 that files a report pertaining to a disbursement under par. (c) is not required to file
11 a report pertaining to the same disbursement under this paragraph. This paragraph
12 does not apply to a committee that files reports under s. 11.21 (16).

13 **SECTION 47.** 11.12 (6) (c) and (d) of the statutes are created to read:

14 11.12 (6) (c) If any committee identified under s. 11.05 (3) (c) makes any
15 disbursement for the purpose of supporting the election or defeat of a candidate for
16 a state office specified in s. 11.31 (1) (a) to (dc), (e), or (f), or any such candidate who
17 seeks a nomination for such an office at a primary election, during any period
18 beginning on the 60th day preceding the election or primary and ending on the date
19 of that election or primary, without cooperation or consultation with a candidate or
20 agent, or authorized committee of a candidate who is supported or whose opponent
21 is opposed, and not in concert with or at the request or suggestion of such a candidate,
22 agent, or committee, the committee shall file daily reports with the board and with
23 each candidate whose name is certified to appear on the ballot for the office in
24 connection with which the disbursement is made, by electronic mail or facsimile
25 transmission, on each day beginning with the date on which the committee indicates

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1 an intent to support or oppose that candidate in its statement under s. 11.06 (7) and
2 ending on the date of the election at which the candidate seeks office. Each report
3 shall contain the information required under s. 11.06 (1) pertaining to each
4 disbursement made by the committee, together with the name of each candidate who
5 is supported or whose opponent is opposed and the total amount of disbursements
6 made in support of or in opposition to that candidate. The committee shall file each
7 report no later than 24 hours after the disbursement identified in the report is made.

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

10 **SECTION 48.** 11.12 (8) and (9) of the statutes are created to read:

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

BILL

1 each disbursement that is required to be reported for other disbursements under s.
2 11.06 (1). The information shall also be included in the next regular report of the
3 candidate or committee under s. 11.20.

4 (9) Whenever a report is required to be filed with a candidate by electronic mail
5 or facsimile transmission under this section, the report shall be filed at the address
6 or number of the candidate or personal campaign committee as shown on the
7 registration statement of the candidate or committee. If no electronic mail address
8 or facsimile transmission number is shown, the report shall be filed at the mailing
9 address shown on the statement.

10 **SECTION 49.** 11.14 (3) of the statutes is amended to read:

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

23 **SECTION 50.** 11.16 (2) of the statutes is amended to read:

24 11.16 (2) **LIMITATION ON CASH CONTRIBUTIONS.** Every contribution of money
25 exceeding \$50 shall be made by negotiable instrument or evidenced by an itemized

BILL

1 credit card receipt bearing on the face the name of the remitter. No treasurer may
2 accept a contribution made in violation of this subsection. The treasurer shall
3 promptly return the contribution, ~~or donate it~~ the contribution to the common school
4 fund or to a charitable organization or transfer the contribution to the board for
5 deposit in the Wisconsin election campaign fund in the event that the donor cannot
6 be identified.

7 **SECTION 51.** 11.16 (5) of the statutes is amended to read:

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

23 **SECTION 52.** 11.19 (title) of the statutes is amended to read:

24 11.19 (title) ~~Dissolution~~ Carry-over of surplus funds; dissolution of
25 registrants; termination reports.

BILL

1 **SECTION 53.** 11.19 (1) of the statutes is amended to read:

2 **11.19 (1)** Whenever any registrant disbands or determines that obligations will
3 no longer be incurred, and contributions will no longer be received nor disbursements
4 made during a calendar year, and the registrant has no outstanding incurred
5 obligations, the registrant shall file a termination report with the appropriate filing
6 officer. Such report shall indicate a cash balance on hand of zero at the end of the
7 reporting period and shall indicate the disposition of residual funds. Residual funds
8 may be used for any political purpose not prohibited by law, returned to the donors
9 in an amount not exceeding the original contribution, transferred to the board for
10 deposit in the Wisconsin election campaign fund or donated to a charitable
11 organization or the common school fund. The report shall be filed and certified as
12 were previous reports, and shall contain the information required by s. 11.06 (1). A
13 registrant to which s. 11.055 (1) applies shall pay the fee imposed under that
14 subsection with a termination report filed under this subsection. If a termination
15 report or suspension report under sub. (2) is not filed, the registrant shall continue
16 to file periodic reports with the appropriate filing officer, no later than the dates
17 specified in s. 11.20 and, if the registrant files reports under s. 11.21 (16), no later
18 than the times specified in s. 11.21 (16). This subsection does not apply to any
19 registrant making an indication under s. ~~11.05 (2r)~~ 11.06 (2m).

20 **SECTION 54.** 11.20 (1) of the statutes is amended to read:

21 **11.20 (1)** All reports required by s. 11.06 which relate to activities which
22 promote or oppose candidates for state office or statewide referenda and all reports
23 under s. 11.08 shall be filed with the board. All reports required by s. 11.06 which
24 relate to activities which promote or oppose candidates for local office or local
25 referenda shall be filed with the appropriate filing officer under s. 11.02, except

BILL

1 reports filed under s. 11.08. Each registrant shall file the reports required by this
2 section. If the registrant is subject to a requirement under s. 11.21 (16) to report
3 electronically the same information that is reportable under this section, the
4 registrant shall, in addition, file the reports required by this section recorded on a
5 medium specified by the board.

6 **SECTION 55.** 11.20 (7) of the statutes is amended to read:

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

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

11 11.20 (9) Except as provided in ss. ~~11.05 (2r)~~ 11.06 (2m) and 11.19 (2), the duty
12 to file reports under this section continues until a termination report is filed in
13 accordance with s. 11.19.

14 **SECTION 57.** 11.20 (10) (a) of the statutes is amended to read:

15 11.20 (10) (a) Where a requirement is imposed under this section for the filing
16 of a financial report which is to be received by the appropriate filing officer no later
17 than a certain date, the requirement may be satisfied either by actual receipt of the
18 report by the prescribed time for filing at the office of the filing officer, or by filing a
19 report with the U.S. postal service by first class mail with sufficient prepaid postage,
20 addressed to the appropriate filing officer, no later than the 3rd day before the date
21 provided by law for receipt of such report.

22 **SECTION 58.** 11.20 (12) of the statutes is amended to read:

23 11.20 (12) If a candidate is unopposed in a primary or election, the obligation
24 to file the reports required by this chapter does not cease. Except as provided in ss.
25 ~~11.05 (2r)~~ 11.06 (2m) and 11.19 (2), a registrant who makes or receives no

BILL

1 contributions, makes no disbursements or incurs no obligations shall so report on the
2 dates designated in subs. (2) and (4).

3 **SECTION 59.** 11.21 (2) of the statutes is amended to read:

4 11.21 (2) Furnish to each registrant prescribed forms for the making of reports
5 and statements. Forms shall be sent by 1st class mail not earlier than 21 days and
6 not later than 14 days prior to the applicable filing deadline under s. 11.20, and
7 addressed to the attention of the treasurer or other person indicated on the
8 registration statement. Forms need not be sent to a registrant who has made an
9 indication that aggregate contributions, disbursements and obligations will not
10 exceed the amount specified under s. ~~11.05 (2r)~~ 11.06 (2m) or to a registrant who has
11 been granted a suspension under s. 11.19 (2). Forms for reports shall not be sent by
12 the board to a registrant if the registrant is required to file reports with the board
13 in an electronic format. Whenever any notice of filing requirements under this
14 chapter is sent to a candidate's campaign treasurer, the board shall also send a notice
15 to the candidate if he or she has appointed a separate treasurer. Failure to receive
16 any form or notice does not exempt a registrant from compliance with this chapter.

17 **SECTION 60.** 11.21 (15) of the statutes is amended to read:

18 11.21 (15) Inform each candidate who files an application to become eligible to
19 receive a grant from the Wisconsin election campaign fund of the dollar amount of
20 the applicable disbursement limitation under s. 11.31 (1) or (1m), adjusted as
21 provided under s. 11.31 (9), which applies to the office for which such person is a
22 candidate. Failure to receive the notice required by this subsection does not
23 constitute a defense to a violation of s. 11.27 (1) or 11.31.

24 **SECTION 61.** 11.21 (16) of the statutes is amended to read:

BILL

1 11.21 (16) Require each registrant for whom the board serves as filing officer
2 and who or which accepts contributions in a total amount or value of \$20,000 or more
3 during a campaign period to file each campaign finance report that is required to be
4 filed under this chapter in an electronic format, and accept from any other registrant
5 for whom the board serves as a filing officer any campaign finance report that is
6 required to be filed under this chapter in an electronic format. A registrant who or
7 which becomes subject to a requirement to file reports in an electronic format under
8 this subsection shall initially file the registrant's report in an electronic format for
9 the period which includes the date on which the registrant becomes subject to the
10 requirement or, if the registrant is required to report transactions within 24 hours
11 of their occurrence, within 24 hours after the date on which the registrant becomes
12 subject to the requirement. To facilitate implementation of this subsection, the board
13 shall specify, by rule, a type of software that is suitable for compliance with the
14 electronic filing requirement under this subsection. The board shall provide copies
15 of the software to registrants at a price fixed by the board that may not exceed cost.
16 Each registrant who or which files a report under this subsection in an electronic
17 format shall also file a copy of the report with the board that is recorded on a medium
18 specified by the board. The copy shall be signed by an authorized individual and filed
19 with the board by each registrant no later than the time prescribed for filing of the
20 report under this chapter. If a registrant is a committee, the copy shall be certified
21 by an authorized individual and filed with the board by the registrant no later than
22 24 hours after the occurrence of any transaction that is reportable under s. 11.06 (1).
23 If a registrant or other person becomes subject to a requirement to report
24 electronically under this subsection, the registrant or other person shall continue to
25 report electronically regardless of the amount of contributions accepted or