

**ENGROSSED SENATE BILL 104**

1           11.20 (10) (a) Where a requirement is imposed under this section for the filing  
2 of a financial report which is to be received by the appropriate filing officer no later  
3 than a certain date, the requirement may be satisfied either by actual receipt of the  
4 report by the prescribed time for filing at the office of the filing officer, or by filing a  
5 report with the U.S. postal service by first class mail with sufficient prepaid postage,  
6 addressed to the appropriate filing officer, no later than the 3rd day before the date  
7 provided by law for receipt of such report.

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

9           11.20 (12) If a candidate is unopposed in a primary or election, the obligation  
10 to file the reports required by this chapter does not cease. Except as provided in ss.  
11 ~~11.05 (2r)~~ 11.06 (2m) and 11.19 (2), a registrant who makes or receives no  
12 contributions, makes no disbursements or incurs no obligations shall so report on the  
13 dates designated in subs. (2) and (4).

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

15           11.21 (2) Furnish to each registrant prescribed forms for the making of reports  
16 and statements. Forms shall be sent by 1st class mail not earlier than 21 days and  
17 not later than 14 days prior to the applicable filing deadline under s. 11.20, and  
18 addressed to the attention of the treasurer or other person indicated on the  
19 registration statement. Forms need not be sent to a registrant who has made an  
20 indication that aggregate contributions, disbursements and obligations will not  
21 exceed the amount specified under s. ~~11.05 (2r)~~ 11.06 (2m) or to a registrant who has  
22 been granted a suspension under s. 11.19 (2). Forms for reports shall not be sent by  
23 the board to a registrant if the registrant is required to file reports with the board  
24 in an electronic format. Whenever any notice of filing requirements under this  
25 chapter is sent to a candidate's campaign treasurer, the board shall also send a notice

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1 to the candidate if he or she has appointed a separate treasurer. Failure to receive  
2 any form or notice does not exempt a registrant from compliance with this chapter.

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

4 11.21 (15) Inform each candidate who files an application to become eligible to  
5 receive a grant from the Wisconsin election campaign fund of the dollar amount of  
6 the applicable disbursement limitation under s. 11.31 (1) or (1m), adjusted as  
7 provided under s. 11.31 (9), which applies to the office for which such person is a  
8 candidate. Failure to receive the notice required by this subsection does not  
9 constitute a defense to a violation of s. 11.27 (1) or 11.31.

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

11 11.21 (16) Require each registrant for whom the board serves as filing officer  
12 and who or which accepts contributions in a total amount or value of \$20,000 or more  
13 during a campaign period to file each campaign finance report that is required to be  
14 filed under this chapter in an electronic format, and accept from any other registrant  
15 for whom the board serves as a filing officer any campaign finance report that is  
16 required to be filed under this chapter in an electronic format. A registrant who or  
17 which becomes subject to a requirement to file reports in an electronic format under  
18 this subsection shall initially file the registrant's report in an electronic format for  
19 the period which includes the date on which the registrant becomes subject to the  
20 requirement or, if the registrant is required to report transactions within 24 hours  
21 of their occurrence, within 24 hours after the date on which the registrant becomes  
22 subject to the requirement. To facilitate implementation of this subsection, the board  
23 shall specify, by rule, a type of software that is suitable for compliance with the  
24 electronic filing requirement under this subsection. The board shall provide copies  
25 of the software to registrants at a price fixed by the board that may not exceed cost.

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1 Each registrant who or which files a report under this subsection in an electronic  
2 format shall also file a copy of the report with the board that is recorded on a medium  
3 specified by the board. The copy shall be signed by an authorized individual and filed  
4 with the board by each registrant no later than the time prescribed for filing of the  
5 report under this chapter. If a registrant is a committee, the copy shall be certified  
6 by an authorized individual and filed with the board by the registrant no later than  
7 24 hours after the occurrence of any transaction that is reportable under s. 11.06 (1).  
8 If a registrant or other person becomes subject to a requirement to report  
9 electronically under this subsection, the registrant or other person shall continue to  
10 report electronically regardless of the amount of contributions accepted or  
11 expenditures made by the registrant or other person, until a termination report is  
12 filed. The board shall provide complete instructions to any registrant who or which  
13 files a report under this subsection. In this subsection, the “campaign period” of a  
14 candidate, personal campaign committee or support committee begins and ends with  
15 the “campaign” of the candidate whose candidacy is supported, as defined in s. 11.26  
16 (17), and the “campaign period” of any other registrant begins on January 1 of each  
17 odd-numbered year and ends on December 31 of the following year. Section 990.001  
18 (4) does not apply to the computation of time permitted for compliance with the filing  
19 requirements under this subsection.

20 **SECTION 62.** 11.22 (3) of the statutes is amended to read:

21 11.22 (3) Furnish to each registrant prescribed forms for the making of reports  
22 and statements. Forms shall be sent by 1st class mail not earlier than 21 days and  
23 not later than 14 days prior to the applicable filing deadline under s. 11.20 and  
24 addressed to the attention of the treasurer or other person indicated on the  
25 registration statement. Forms need not be sent to a registrant who has made an

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1 indication that aggregate contributions, disbursements and obligations will not  
2 exceed the amount specified under s. ~~11.05 (2r)~~ 11.06 (2m) or to a registrant who has  
3 been granted a suspension under s. 11.19 (2). Whenever any notice of the filing  
4 requirements under this chapter is sent to a candidate's campaign treasurer, the  
5 filing officer shall also send a notice to the candidate if he or she has appointed a  
6 separate treasurer. Failure to receive any form or notice does not exempt a registrant  
7 from compliance with this chapter.

8 **SECTION 63.** 11.23 (1) of the statutes is amended to read:

9 11.23 (1) Any group or individual may promote or oppose a particular vote at  
10 any referendum in this state. Before making disbursements, receiving contributions  
11 or incurring obligations in excess of ~~\$25~~ \$100 in the aggregate in a calendar year for  
12 such purposes, the group or individual shall file a registration statement under s.  
13 11.05 (1), or (2) ~~or (2r)~~. In the case of a group the name and mailing address of each  
14 of its officers shall be given in the statement. Every group and every individual  
15 under this section shall designate a campaign depository account under s. 11.14.  
16 Every group shall appoint a treasurer, who may delegate authority but is jointly  
17 responsible for the actions of his or her authorized designee for purposes of civil  
18 liability under this chapter. The appropriate filing officer shall be notified by a group  
19 of any change in its treasurer within 10 days of the change under s. 11.05 (5). The  
20 treasurer of a group shall certify the correctness of each statement or report  
21 submitted by it under this chapter.

22 **SECTION 64.** 11.23 (2) of the statutes is amended to read:

23 11.23 (2) Any anonymous contribution exceeding \$10 received by an individual  
24 or group treasurer may not be used or expended. The contribution shall be donated  
25 to the common school fund or to any charitable organization or transferred to the

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1 board for deposit in the Wisconsin election campaign fund, at the option of the  
2 treasurer.

3 **SECTION 65.** 11.24 (1w) of the statutes is created to read:

4 11.24 (1w) No candidate or personal campaign committee of a candidate who  
5 applies for a grant under s. 11.50 may accept any contribution from a committee  
6 other than a political party committee.

7 **SECTION 66.** 11.24 (2) of the statutes is renumbered 11.24 (5).

8 **SECTION 67.** 11.24 (4) of the statutes is created to read:

9 11.24 (4) (a) No person may make a contribution to an incumbent partisan state  
10 elective official or to the personal campaign committee or support committee  
11 authorized under s. 11.05 (3) (p) of that official for the purpose of promoting that  
12 official's nomination or reelection to the office held by the official during the period  
13 beginning on the first Monday of January in each odd-numbered year and ending  
14 on the date of enactment of the biennial budget act.

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

20 **SECTION 67m.** 11.25 (2) (b) of the statutes is amended to read:

21 11.25 (2) (b) Notwithstanding par. (a), a registrant may accept contributions  
22 and make disbursements from a campaign depository account for the purpose of  
23 making expenditures in connection with a campaign for national office; for payment  
24 of civil penalties incurred by the registrant under this chapter but not under any  
25 other chapter; or for payment of the expenses of nonpartisan campaigns to increase

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1 voter registration or participation. Notwithstanding par. (a), a personal campaign  
2 committee or support committee may accept contributions and make disbursements  
3 from a campaign depository account for payment of inaugural expenses of an  
4 individual who is elected to state or local office. If such expenses are paid from  
5 contributions made to the campaign depository account, they are reportable under  
6 s. 11.06 (1) as disbursements. Otherwise, such expenses are not reportable under s.  
7 11.06 (1). If contributions from the campaign depository account are used for such  
8 expenses, they are subject to s. 11.26.

9 **SECTION 68.** 11.26 (1) (intro.) of the statutes is amended to read:

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

15 **SECTION 69.** 11.26 (2) (intro.) of the statutes is amended to read:

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

23 **SECTION 70.** 11.26 (2) (a) of the statutes is amended to read:

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

4           **SECTION 71.** 11.26 (2) (ad) to (au) of the statutes are created to read:

5           11.26 (2) (ad) Candidates for lieutenant governor, \$15,000.

6           (am) Candidates for attorney general, \$25,000.

7           (au) Candidates for secretary of state, state treasurer, state superintendent, or  
8 justice, \$10,000.

9           **SECTION 72.** 11.26 (4) of the statutes is amended to read:

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

16           **SECTION 73.** 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 \$18,000 in  
24 value of its contributions in any calendar year from any specific committee or its  
25 subunits or affiliates, excluding legislative campaign and political party committees.

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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 \$18,000.

5 **SECTION 74.** 11.26 (8m) of the statutes is created to read:

6 11.26 (8m) (a) Except as provided in par. (b), no committee may make a  
7 contribution to any other committee except a political party, personal campaign, or  
8 support committee.

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

12 **SECTION 75b.** 11.26 (9) (a) of the statutes is renumbered 11.26 (9) (a) (intro.)  
13 and amended to read:

14 11.26 (9) (a) (intro.) No individual who is a candidate for state or local office may  
15 receive and accept more than ~~65% of the value of the total disbursement level~~  
16 ~~determined under s. 11.31 for the office for which he or she is a candidate~~ the  
17 following amount during any primary and election campaign combined from all  
18 ~~committees subject to a filing requirement, including political party and legislative~~  
19 ~~campaign committees.;~~

20 **SECTION 75c.** 11.26 (9) (a) 1. to 7. of the statutes are created to read:

21 11.26 (9) (a) 1. For a candidate for the office of governor, \$400,000.

22 2. For a candidate for the office of lieutenant governor, \$100,000.

23 3. For a candidate for the office of attorney general, \$100,000.

24 4. For a candidate for the office of secretary of state, state treasurer, justice or  
25 state superintendent, \$50,000.



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1           5. For a candidate for the office of state senator, \$24,000.

2           6. For a candidate for the office of representative to the assembly, \$12,000.

3           7. For a candidate for any other state or local office, 20% of the value of the total  
4 disbursement level, as determined under s. 11.31 (1) and adjusted as provided under  
5 s. 11.31 (9) but without respect to any adjustment under s. 11.31 (1m), for the office  
6 for which he or she is a candidate.

7           **SECTION 75d.** 11.26 (9) (b) of the statutes is renumbered 11.26 (9) (b) (intro.)  
8 and amended to read:

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

15           **SECTION 75e.** 11.26 (9) (b) 1. to 7. of the statutes are created to read:

16           11.26 (9) (b) 1. For a candidate for the office of governor, \$485,190.

17           2. For a candidate for the office of lieutenant governor, \$145,564.

18           3. For a candidate for the office of attorney general, \$ 242,550.

19           4. For a candidate for the office of secretary of state, state treasurer, justice or  
20 state superintendent, \$97,031.

21           5. For a candidate for the office of state senator, \$15,525.

22           6. For a candidate for the office of representative to the assembly, \$7,763.

23           7. For a candidate for any other state or local office, 25% of the value of the total  
24 disbursement level, as determined under s. 11.31 (1) and as adjusted as provided

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1 under s. 11.31 (9) but without respect to any adjustment under s. 11.31 (1m), for the  
2 office for which he or she is a candidate.

3 **SECTION 76.** 11.26 (9) (c) of the statutes is repealed.

4 **SECTION 77.** 11.26 (10) of the statutes is amended to read:

5 11.26 (10) No candidate for state office who files a sworn statement and  
6 application to receive a grant from the Wisconsin election campaign fund may make  
7 contributions of more than 200% of the amounts specified in sub. (1) to the  
8 candidate's own campaign from the candidate's personal funds or property or the  
9 personal funds or property which are owned jointly or as marital property with the  
10 candidate's spouse, unless the board determines that the candidate is not eligible to  
11 receive a grant, ~~the candidate withdraws his or her application under s. 11.50 (2) (h),~~  
12 ~~or s. 11.50 (2) (i) applies.~~ For purposes of this subsection, any contribution received  
13 by a candidate or his or her personal campaign committee from a committee which  
14 is registered with the federal elections commission as the authorized committee of  
15 the candidate under 2 USC 432 (e) shall be treated as a contribution made by the  
16 candidate to his or her own campaign. The contribution limit of sub. (4) applies to  
17 amounts contributed by such a candidate personally to the candidate's own  
18 campaign and to other campaigns, except that a candidate may exceed the limitation  
19 if authorized under this subsection to contribute more than the amount specified to  
20 the candidate's own campaign, up to the amount of the limitation.

21 **SECTION 78.** 11.26 (12m) of the statutes is amended to read:

22 11.26 (12m) For purposes of ~~this section~~ subs. (1) and (4), a contribution of  
23 money received from a conduit identified in the manner prescribed in s. 11.06 (11)  
24 (a) shall be considered a contribution received from the original contributor.

25 **SECTION 79.** 11.265 of the statutes is repealed.

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1           **SECTION 81.** 11.31 (1) (intro.) of the statutes is amended to read:

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

7           **SECTION 82.** 11.31 (1) (a) to (d) of the statutes are amended to read:

8           11.31 (1) (a) Candidates for governor, ~~\$1,078,200~~ \$2,000,000.

9           (b) Candidates for lieutenant governor, ~~\$323,475~~ \$500,000.

10          (c) Candidates for attorney general, ~~\$530,000~~ \$700,000.

11          (d) Candidates for secretary of state, state treasurer, ~~justice~~ or state  
12 superintendent, ~~\$215,625~~ \$250,000.

13          **SECTION 83.** 11.31 (1) (de) of the statutes is created to read:

14          11.31 (1) (de) Candidates for justice, \$300,000.

15          **SECTION 84.** 11.31 (1) (e) and (f) of the statutes are amended to read:

16          11.31 (1) (e) Candidates for state senator, ~~\$34,500~~ \$100,000 total in the primary  
17 and election, with disbursements not exceeding ~~\$21,575~~ \$72,000 for either the  
18 primary or the election.

19          (f) Candidates for representative to the assembly, ~~\$17,250~~ \$50,000 total in the  
20 primary and election, with disbursements not exceeding ~~\$10,775~~ \$36,000 for either  
21 the primary or the election.

22          **SECTION 85.** 11.31 (1m) of the statutes is created to read:

23          11.31 (1m) DISBURSEMENT LEVEL FOR CANDIDATES IN COMPETITIVE PARTISAN  
24 PRIMARY ELECTIONS. The total disbursement level for any candidate for a partisan  
25 office at a general or special election whose name appears on the ballot as a candidate

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1 for an office at a primary election preceding that election and who receives less than  
2 twice as many votes at that primary election as another candidate for the same office  
3 within the same political party, and who has an opponent in the general or special  
4 election who received at least 6% of the votes cast for all candidates for the office that  
5 the candidate seeks on all ballots at the September primary or any special primary  
6 preceding the general or special election, is 120% of the amount specified in sub. (1)  
7 for the candidate for the same office who receives the greatest number of votes in the  
8 primary election, as adjusted as provided in sub. (9).

9 **SECTION 86.** 11.31 (2) of the statutes is amended to read:

10 11.31 (2) LIMITATION IMPOSED. No candidate for state office at a spring or general  
11 election who files a sworn statement and application to receive a grant from the  
12 Wisconsin election campaign fund may make or authorize total disbursements from  
13 ~~the his or her~~ campaign treasury in any campaign to the extent of more than the  
14 amount prescribed in sub. (1) or (1m), whichever is applicable, adjusted as provided  
15 under sub. (9), unless the board determines that the candidate is not eligible to  
16 receive a grant, ~~the candidate withdraws his or her application under s. 11.50 (2) (h),~~  
17 ~~or s. 11.50 (2) (i) sub. (3p) applies.~~ No candidate for state office at a special election  
18 who files a sworn statement and application to receive a grant from the Wisconsin  
19 election campaign fund may make or authorize total disbursements from ~~the his or~~  
20 her campaign treasury in any campaign to the extent of more than the amount  
21 prescribed under sub. (1), adjusted as provided under sub. (9), for the preceding  
22 spring or general election for the same office, unless the board determines that the  
23 candidate is not eligible to receive a grant, ~~the candidate withdraws his or her~~  
24 ~~application under s. 11.50 (2) (h), or s. 11.50 (2) (i) sub. (3p) applies.~~

25 **SECTION 87.** 11.31 (2m) of the statutes is repealed:

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1           **SECTION 88.** 11.31 (3) of the statutes is amended to read:

2           11.31 (3) GUBERNATORIAL CAMPAIGNS. For purposes of compliance with the  
3 limitations imposed under sub. (2), candidates for governor and lieutenant governor  
4 of the same political party who both accept grants from the Wisconsin election  
5 campaign fund may agree to combine disbursement levels under sub. (1) (a) and (b),  
6 adjusted as provided under sub. (9), and reallocate the total level between them. The  
7 candidates shall each inform the board of any such agreement.

8           **SECTION 89.** 11.31 (3p) of the statutes is created to read:

9           11.31 (3p) CANDIDATES RECEIVING ADDITIONAL GRANTS; EXCEPTION. If a candidate  
10 receives a grant under s. 11.50 (9) <sup>(b)</sup>(ba), or (bb), the disbursement limitation of that  
11 candidate for the campaign in which the grant is received is increased by the amount  
12 of that grant.

13           **SECTION 90.** 11.31 (9) of the statutes is created to read:

14           11.31 (9) ADJUSTMENT OF DISBURSEMENT LEVELS. (a) In this subsection,  
15 “consumer price index” means the average of the consumer price index over each  
16 12-month period, all items, U.S. city average, as determined by the bureau of labor  
17 statistics of the U.S. department of labor.

18           (b) The dollar amounts of all disbursement limitations specified in sub. (1) shall  
19 be subject to a cost-of-living adjustment to be determined by rule of the board in  
20 accordance with this subsection. To determine the adjustment, the board shall  
21 calculate the percentage difference between the consumer price index for the  
22 12-month period ending on December 31 of each odd-numbered year and the  
23 consumer price index for calendar year 2003. For each biennium, the board shall  
24 adjust the disbursement limitations specified under sub. (1) by that percentage to the  
25 extent required to reflect any difference, rounded to the nearest multiple of \$25 in

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

6 **SECTION 91.** 11.38 (1) (a) 2. of the statutes is amended to read:

7 11.38 (1) (a) 2. Notwithstanding subd. 1., any such corporation or association  
8 may establish and administer a separate segregated fund and solicit contributions  
9 from individuals to the fund to be utilized by such corporation or association, for the  
10 purpose of supporting or opposing any candidate for state or local office but the  
11 corporation or association may not make any contribution to the fund. The fund shall  
12 appoint a treasurer and shall register as a political committee under s. 11.05. A  
13 parent corporation or association engaging solely in this activity is not subject to  
14 registration under s. 11.05, but shall register and file special reports on forms  
15 prescribed by the board disclosing its administrative and solicitation expenses on  
16 behalf of such fund. A corporation not domiciled in this state need report only its  
17 expenses for administration and solicitation of contributions in this state together  
18 with a statement indicating where information concerning other administration and  
19 solicitation expenses of its fund may be obtained. The reports shall be filed with the  
20 filing officer for the fund specified in s. 11.02 in the manner provided under s. 11.21  
21 (16), if applicable, or otherwise in the manner in which continuing reports are filed  
22 under s. 11.20 (4) and (8).

23 **SECTION 92.** 11.38 (6) of the statutes is amended to read:

24 11.38 (6) Any individual or campaign treasurer who receives funds in violation  
25 of this section shall promptly return such funds to the contributor or, donate the

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1 funds to the common school fund or a charitable organization or transfer the funds  
2 to the board for deposit in the Wisconsin election campaign fund, at the treasurer's  
3 option.

4 **SECTION 93.** 11.38 (8) (b) of the statutes is amended to read:

5 11.38 (8) (b) Except as authorized in s. 11.05 (12) (b) and (13), prior to making  
6 any disbursement on behalf of a political group which is promoting or opposing a  
7 particular vote at a referendum and prior to accepting any contribution or making  
8 any disbursement to promote or oppose a particular vote at a referendum, a  
9 corporation or association organized under ch. 185 shall register with the  
10 appropriate filing officer specified in s. 11.02 and appoint a treasurer. The  
11 registration form of the corporation or association under s. 11.05 shall designate an  
12 account separate from all other corporation or association accounts as a campaign  
13 depository account, through which all moneys received or expended for the adoption  
14 or rejection of the referendum shall pass. The corporation or association shall file  
15 periodic reports under s. 11.20 and under s. 11.21 (16), if applicable, providing the  
16 information required under s. 11.06 (1).

17 **SECTION 94.** 11.50 (1) (a) 1. (intro.) of the statutes is created to read:

18 11.50 (1) (a) 1. (intro.) For purposes of qualification for a grant from the general  
19 account:

20 **SECTION 95.** 11.50 (1) (a) 1. of the statutes is renumbered 11.50 (1) (a) 1. a.

21 **SECTION 96.** 11.50 (1) (a) 2. of the statutes is renumbered 11.50 (1) (a) 1. b.

22 **SECTION 97.** 11.50 (1) (a) 2m. of the statutes is created to read:

23 11.50 (1) (a) 2m. For purposes of qualification for a grant from a political party  
24 account, an individual who is certified under s. 7.08 (2) (a) in the general election or  
25 a special election as the candidate of an eligible political party for a state office, other

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1 than district attorney, or an individual who has been lawfully appointed and certified  
2 to replace such an individual on the ballot at the general or a special election and who  
3 has qualified for a grant under sub. (2).

4 **SECTION 98.** 11.50 (1) (am) of the statutes is created to read:

5 11.50 (1) (am) “Eligible political party” means any of the following:

6 1. A party qualifying under s. 5.62 (1) (b) for a separate ballot or one or more  
7 separate columns or rows on a ballot for the period beginning on the date of the  
8 preceding general election and ending on the day before the general election that  
9 follows that election.

10 2. A party qualifying under s. 5.62 (2) for a separate ballot or one or more  
11 separate columns or rows on a ballot for the period beginning on the preceding June  
12 1, or if that June 1 is in an odd-numbered year, the period beginning on June 1 of the  
13 preceding even-numbered year, and ending on May 31 of the 2nd year following that  
14 June 1.

15 **SECTION 99.** 11.50 (1) (bm) and (cm) of the statutes are created to read:

16 11.50 (1) (bm) “General account” means the account in the fund created under  
17 sub. (2w).

18 (cm) “Political party account” means an account in the fund created under sub.  
19 (2s).

20 **SECTION 100.** 11.50 (2) (a) of the statutes is amended to read:

21 11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may  
22 file an application with the board requesting approval to participate in the fund. The  
23 application shall be filed no later than the applicable deadline for filing nomination  
24 papers under s. 8.10 (2) (a), 8.15 (1), 8.20 (8) (a) or 8.50 (3) (a), no later than 4:30 p.m.  
25 on the 7th day after the primary or date on which the primary would be held if



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1 required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day  
2 after appointment in the case of candidates appointed to fill vacancies. The  
3 application shall contain a sworn statement that the candidate and his or her  
4 authorized agents have complied with the contribution limitations prescribed in s.  
5 11.26 and the disbursement limitations ~~prescribed~~ imposed under s. 11.31 (2), as  
6 adjusted under s. 11.31 (9), at all times to which such limitations have applied to his  
7 or her candidacy and will continue to comply with the limitations at all times to  
8 which the limitations apply to his or her candidacy for the office in contest, unless  
9 the board determines that the candidate is not eligible to receive a grant, ~~the~~  
10 ~~candidate withdraws his or her application under par. (h), or par. (i) s. 11.31 (3p)~~  
11 applies. The application shall also contain a sworn statement that the candidate and  
12 his or her agents have not accepted any contribution made by a committee other than  
13 a political party committee during the campaign, or, if any such contribution has  
14 been accepted, that the contribution has been returned or donated as provided in par.  
15 (j), and the candidate and his or her agents will not accept any such contribution  
16 during the campaign, unless the candidate is determined by the board to be ineligible  
17 to receive a grant after the date of that determination.

18 **SECTION 101.** 11.50 (2) (b) 5. of the statutes is amended to read:

19 11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as  
20 of the date of the spring or September primary, or the date that the special primary  
21 is or would be held, if required, indicate that the candidate has received an amount  
22 equal to at least the amount provided in this subdivision 3% of the applicable  
23 authorized disbursement limitation, as determined under s. 11.31 (1) and adjusted  
24 under s. 11.31 (9) but without respect to any adjustment under s. 11.31 (1m), from  
25 contributions of money, other than loans, made by individuals who reside in this

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1 state and, in the case of a candidate for legislative office, by individuals at least 50%  
2 of whom reside in a county having territory within the legislative district in which  
3 the candidate seeks office, which contributions have been received during the period  
4 ending on the date of the spring primary and July 1 preceding such date in the case  
5 of candidates at the spring election, or the date of the September primary and  
6 January 1 preceding such date in the case of candidates at the general election, or  
7 the date that a special primary will or would be held, if required, and 90 days  
8 preceding such date or the date a special election is ordered, whichever is earlier, in  
9 the case of ~~special election candidates~~ at a special election, which contributions are  
10 in the aggregate amount of \$100 or less, and which contributions are fully identified  
11 and itemized as to the exact source thereof. A contribution received from a conduit  
12 which is identified by the conduit as originating from an individual shall be  
13 considered a contribution made by the individual. Only the first \$100 of an aggregate  
14 contribution of more than \$100 may be counted toward the required percentage. ~~For~~  
15 ~~a candidate at the spring or general election for an office identified in s. 11.26 (1) (a)~~  
16 ~~or a candidate at a special election, the required amount to qualify for a grant is 5%~~  
17 ~~of the candidate's authorized disbursement limitation under s. 11.31. For any other~~  
18 ~~candidate at the general election, the required amount to qualify for a grant is 10%~~  
19 ~~of the candidate's authorized disbursement limitation under s. 11.31.~~

20 **SECTION 102.** 11.50 (2) (c) of the statutes is amended to read:

21 11.50 (2) (c) If a candidate has not filed financial reports as of the date of the  
22 spring primary, September primary, special primary, or date that the special primary  
23 would be held, if required, which indicate that he or she has met the qualification  
24 under par. (b) 5., the candidate may file a special report with the board. Such report  
25 shall be filed not later than the 7th day after the primary, or 7th day after the date

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1 the primary would be held, if required, and shall include such supplementary  
2 information as to sources of contributions which may be necessary to complete the  
3 candidate's qualification. The special report shall cover the period from the day after  
4 the last date covered on the candidate's most recent report, or from the date on which  
5 the first contribution was received or the first disbursement was made, whichever  
6 is earlier, if the candidate has not previously filed a report, to the date of such report.  
7 All information included on the special report shall also be included in the  
8 candidate's next report under s. 11.20. This paragraph does not apply to a candidate  
9 who files reports under s. 11.21 (16).

10 **SECTION 103.** 11.50 (2) (g) of the statutes is amended to read:

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

19 **SECTION 104.** 11.50 (2) (h) of the statutes is repealed.

20 **SECTION 105.** 11.50 (2) (i) of the statutes is repealed.

21 **SECTION 106.** 11.50 (2) (j) of the statutes is created to read:

22 11.50 (2) (j) If a candidate who desires to apply for a grant has accepted, or the  
23 candidate's personal campaign committee has accepted, a contribution from a  
24 committee other than a political party committee during the campaign for the office  
25 that the candidate seeks, the candidate shall, before filing an application to receive

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1 a grant, return the contribution or its monetary equivalent to the contributor, or, at  
2 the contributor's option, donate an amount equal to the contribution to the fund or  
3 to the common school fund. If the board later determines that the candidate is  
4 ineligible to receive a grant, the candidate may then accept contributions from  
5 committees other than political party committees after the date of that  
6 determination.

7 **SECTION 107.** 11.50 (2m) of the statutes is created to read:

8 11.50 (2m) PUBLIC INFORMATION. (a) Annually, no later than September 1, the  
9 board may notify the state treasurer that an amount not exceeding 5% of the amount  
10 transferred to the fund in that year shall be placed in a public information account.  
11 Moneys in this account shall be expended by the board for the purpose of providing  
12 public information concerning the purpose and effect of this section and s. 71.10 (3).

13 (b) As part of the public information program under par. (a), the board shall  
14 prepare an easily understood description of the purpose and effect of this section and  
15 s. 71.10 (3).

16 (c) Any amount placed in the public information account that is not expended  
17 by the board in any year shall be retained in that account.

18 **SECTION 108.** 11.50 (2s) of the statutes is created to read:

19 11.50 (2s) POLITICAL PARTY ACCOUNTS. (a) There is established a political party  
20 account for each eligible political party. Each political party account consists of all  
21 moneys designated by individuals for deposit in that account under s. 71.10 (3) (a).

22 (b) From the account of each eligible political party, the board shall apportion  
23 moneys to eligible candidates representing that party who qualify to receive grants.  
24 Whenever an eligible candidate representing an eligible political party receives a  
25 grant, the state treasurer shall first make payment of the grant from the political

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1 party account of that party, to the extent that sufficient moneys are available in that  
2 account to make payment of the grant.

3 (c) If a political party for which an account is established under this subsection  
4 ceases to be an eligible political party, the board shall transfer the unencumbered  
5 balance of that account to the general account.

6 **SECTION 109.** 11.50 (2w) of the statutes is created to read:

7 11.50 (2w) GENERAL ACCOUNT. There is established a general account within  
8 the fund consisting of all moneys designated by individuals for deposit in that  
9 account under s. 71.10 (3) (a).

10 **SECTION 110.** 11.50 (3) of the statutes is repealed.

11 **SECTION 111.** 11.50 (4) of the statutes is repealed and recreated to read:

12 11.50 (4) PAYMENT OF GRANT AMOUNTS. The state treasurer shall make payment  
13 of each grant to an eligible candidate from the political party account of that  
14 candidate's political party, if any, if there are sufficient moneys in that account to  
15 make full payment of the grant, and then from the general account. If there are  
16 insufficient moneys in the general account to make full payment of a grant, the state  
17 treasurer shall supplement the general account from the appropriation under s.  
18 20.855 (4) (ba) in an amount sufficient to make full payment of the grant. Except as  
19 provided in subs. (4m) and (10), the amount of each grant is the amount specified in  
20 sub. (9).

21 **SECTION 112.** 11.50 (4m) of the statutes is created to read:

22 11.50 (4m) GRANTS FOR PRIMARY CAMPAIGNS. If an eligible candidate who  
23 qualifies to receive a grant in a spring, general, or special election was opposed in the  
24 spring or September primary, or in a special primary, by a candidate who qualified  
25 to have his or her name appear on the primary ballot and the eligible candidate won

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1 nomination in that primary, the board shall award to that candidate the primary  
2 grant specified in sub. (9) (a) at the same time that grants are distributed under that  
3 paragraph for the spring, general, or special election, provided that the candidate  
4 has filed with the board, no later than the time specified in s. 8.10 (2) (a), 8.15 (1),  
5 8.20 (8) (a), or 8.50 (3) (a) nomination papers containing at least the following number  
6 of valid signatures of electors for the office that the candidate seeks:

- 7 (a) For candidates for statewide offices, not less than 4,000 electors.  
8 (b) For candidates for state senator, not less than 800 electors.  
9 (c) For candidates for representative to the assembly, not less than 400 electors.

10 **SECTION 113.** 11.50 (5) of the statutes is amended to read:

11 11.50 (5) TIME OF DISBURSEMENT. The state treasurer shall make the  
12 disbursements of grants under sub. (9) (a) to the campaign depository account of each  
13 eligible candidate under subs. (3) and (4) by the end of the 3rd business day following  
14 notice from the board under s. 7.08 (2) (c) or (cm). If an eligible candidate notifies the  
15 state treasurer of the information required to make electronic transfers to the  
16 candidate's campaign depository account, the state treasurer shall transfer to the  
17 candidate any supplemental grants under sub. (9) (ba), or (b) (bb) for which the candidate  
18 qualifies immediately following notice from the board under s. 7.08 (2) (c) or (cm).  
19 Eligible candidates for governor and lieutenant governor of the same political party  
20 may combine accounts if desired.

21 **SECTION 114.** 11.50 (6) of the statutes is amended to read:

22 11.50 (6) EXCESS MONEYS. If the amounts which are to be apportioned to each  
23 eligible candidate under subs. (3) and (4) are more than the amount which a  
24 candidate may accept under sub. (9), or more than the amount which a candidate  
25 elects to accept under sub. (10), the excess moneys shall be retained in the fund.

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1       **SECTION 115.** 11.50 (9) (title) of the statutes is amended to read:

2       11.50 (9) (title) ~~LIMITATION ON~~ AMOUNT OF GRANTS.

3       **SECTION 116.** 11.50 (9) of the statutes is renumbered 11.50 (9) (a) and amended  
4 to read:

5       11.50 (9) (a) The Except as provided in this paragraph and pars. (b), (ba), and (bb)  
6 the total grant available to an eligible candidate may not exceed an amount equal to  
7 the lesser of 45% of the disbursement level specified for the office that the candidate  
8 seeks, as determined under s. 11.31 (1) and adjusted under s. 11.31 (9) but without  
9 respect to any adjustment under s. 11.31 (1m) or that amount which, when added to  
10 all other contributions accepted from sources other than individuals, political party  
11 committees and legislative campaign committees by the candidate, is equal to 45%  
12 of the disbursement level specified for the applicable office that the candidate seeks,  
13 as determined under s. 11.31 (1) and adjusted as provided under s. 11.31 (9) but  
14 without respect to any adjustment under s. 11.31 (1m). Except as provided in pars.  
15 (b), (ba), and (bb), the total grant available to an eligible candidate who qualifies for  
16 a grant for primary campaign expenses under sub. (4m) may not exceed an amount  
17 equal to the lesser of 55% of the disbursement level specified for the office that the  
18 candidate seeks, as determined under s. 11.31 (1) and adjusted under s. 11.31 (9), but  
19 without respect to any adjustment under s. 11.31 (1m), or that amount which, when  
20 added to all other contributions accepted by the candidate, is equal to the  
21 disbursement level specified for the office that the candidate seeks, as determined  
22 under s. 11.31 (1) and adjusted under s. 11.31 (9) but without respect to any  
23 adjustment under s. 11.31 (1m). The board shall scrutinize accounts and reports and  
24 records kept under this chapter to assure that applicable limitations under ss. 11.26  
25 (9) and 11.31 are not exceeded and any violation is reported. No candidate or

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

3 **SECTION 117m.** 11.50 (9) (b), (ba) and (bb) of the statutes are created to read:

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

17 (ba) If an eligible candidate at a primary or election, or both, who accepts a  
18 grant is opposed by one or more candidates who are required, or whose personal  
19 campaign committees are required, to file a report under s. 11.12 (8), then the board  
20 shall make an additional grant to the eligible candidate who accepts a grant in an  
21 amount equal to the total amount or value of disbursements, as reported under s.  
22 11.12 (8), made by the opposing candidate or candidates exceeding the amount  
23 specified under s. 11.31 (1) (a) to (de), (e), or (f) for the office which the candidate  
24 seeks, as adjusted under s. 11.31 (9) but without respect to any adjustment under s.  
25 11.31 (1m) .



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1 (bb) If the sum of the aggregate disbursements made against an eligible  
2 candidate and of the disbursements made for that candidate's opponent, as reported  
3 under s. 11.12 (6) (c), exceed 10% of the amount specified under s. 11.31 (1) (a) to (de),  
4 (e), or (f), for the office that the eligible candidate seeks as adjusted under s. 11.31  
5 (9) but without respect to any adjustment under s. 11.31 (1m), then the board shall  
6 make an additional grant to the eligible candidate. The amount of the additional  
7 grant shall equal the total of such disbursements made.

8 **SECTION 118.** 11.50 (11) (a) of the statutes is amended to read:

9 11.50 (11) (a) No Except as authorized for candidates who are awarded grants  
10 under sub. (4m), no grant may be utilized in any primary.

11 **SECTION 119.** 11.50 (11) (e) of the statutes is amended to read:

12 11.50 (11) (e) No candidate may expend, authorize the expenditure of or incur  
13 any obligation to expend any grant if he or she violates the pledge required under  
14 sub. (2) (a) as a precondition to receipt of a grant, ~~except as authorized in sub. (2) (h)~~  
15 ~~or (i).~~

16 **SECTION 120.** 11.50 (14) of the statutes is created to read:

17 11.50 (14) CERTIFICATIONS TO SECRETARY OF REVENUE. (a) In each  
18 even-numbered year, the board shall certify to the secretary of revenue:

19 1. No later than July 1, the name of each political party that qualifies under  
20 sub. (1) (am) 1. as an eligible political party as of the preceding June 1 and whose  
21 state chairperson has filed a request to establish an account for the party under sub.  
22 (2s) (a).

23 2. No later than December 15, the name of each political party that qualifies  
24 under sub. (1) (am) 2. as an eligible political party as of the date of the preceding  
25 general election.

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1 (b) As soon as possible after receiving a valid application from an eligible  
2 candidate under sub. (2) (a) and determining that the candidate is eligible to receive  
3 a grant, the board shall certify to the secretary of revenue the full name of that  
4 candidate as the name appears on the candidate's nomination papers.

5 (c) In each certification under this subsection, the board shall specify the  
6 expiration date of the certification.

7 **SECTION 120m.** 11.60 (3s) and (3t) of the statutes are created to read:

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

18 (3t) Notwithstanding sub. (1), if any candidate or committee, other than a  
19 conduit, accepts one or more contributions, makes one or more disbursements, or  
20 incurs one or more obligations to make disbursements for the purpose of supporting  
21 or opposing a candidate for an office specified in s. 11.31 (1) (a) to (de), (e), or (f) in  
22 an amount or value that differs from the amount reported by that individual or  
23 committee under s. 11.12 (6) (c) or (8) or 11.20 (3) or (4):

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

4 (b) By more than 10% but not more than 15% cumulatively, the candidate or  
5 other individual or committee shall forfeit 6 times the amount or value of the  
6 difference.

7 (c) By more than 15% cumulatively, the candidate or other individual or  
8 committee shall forfeit 8 times the amount of the difference.

9 **SECTION 121.** 11.60 (4) of the statutes is amended to read:

10 11.60 (4) Actions under this section arising out of an election for state office or  
11 a statewide referendum may be brought by the board or by the district attorney of  
12 the county where the violation is alleged to have occurred, except as specified in s.  
13 11.38. Actions under this section arising out of an election for local office or local  
14 referendum may be brought by the district attorney of the county where the violation  
15 is alleged to have occurred. Actions under this section arising out of an election for  
16 county office or a county referendum may be brought by the county board of election  
17 commissioners of the county wherein the violation is alleged to have occurred. In  
18 addition, whenever a candidate or personal campaign committee or agent of a  
19 candidate is alleged to have violated this chapter, action may be brought by the  
20 district attorney of any county any part of which is contained within the jurisdiction  
21 or district in which the candidate seeks election. If a violation concerns a district  
22 attorney or circuit judge or candidate for such offices, the action shall be brought by  
23 the attorney general. If a violation concerns the attorney general or a candidate for  
24 such office, the governor may appoint special counsel under s. 14.11 (2) to bring suit

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1 in behalf of the state. The counsel shall be independent of the attorney general and  
2 need not be a state employe at the time of appointment.

3 **SECTION 122.** 11.61 (1) (a) of the statutes is amended to read:

4 11.61 (1) (a) Whoever intentionally violates s. 11.05 (1), (2), or (2g) ~~or (2r)~~, 11.07  
5 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6), or 11.24 (1) may be fined not more than \$10,000  
6 or imprisoned for not more than 4 years and 6 months or both.

7 **SECTION 124.** 13.625 (3m) of the statutes is created to read:

8 13.625 (3m) No elective state official and no personal campaign committee of  
9 an elective state official may solicit a lobbyist or principal to arrange for another  
10 person to make a campaign contribution to that official or personal campaign  
11 committee or to another elective state official or the personal campaign committee  
12 of that official.

13 **SECTION 124b.** 19.42 (3m), (4g) and (4r) of the statutes are created to read:

14 19.42 (3m) "Candidate," except as otherwise provided, has the meaning given  
15 in s. 11.01 (1).

16 (4g) "Clearly identified," when used in reference to a communication  
17 containing a reference to a person, means one of the following:

18 (a) The person's name appears.

19 (b) A photograph or drawing of the person appears.

20 (c) The identity of the person is apparent by unambiguous reference.

21 (4r) "Communication" means a message transmitted by means of a printed  
22 advertisement, billboard, handbill, sample ballot, radio or television advertisement,  
23 telephone call, or any medium that may be utilized for the purpose of disseminating  
24 or broadcasting a message, but not including a poll conducted solely for the purpose  
25 of identifying or collecting data concerning the attitudes or preferences of electors.

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1           **SECTION 124d.** 19.45 (13) of the statutes is created to read:

2           **19.45 (13)** No state public official holding an elective office may, directly or by  
3 means of an agent, give, or offer or promise to give, or withhold, or offer or promise  
4 to withhold, his or her vote or influence, or promise to take or refrain from taking  
5 official action with respect to any proposed or pending matter in consideration of, or  
6 upon condition that, any other person make or refrain from making a political  
7 contribution, or provide or refrain from providing any service or other thing of value,  
8 to or for the benefit of a candidate, a political party, any other person who is subject  
9 to a registration requirement under s. 11.05, or any person making a communication  
10 that contains a reference to a clearly identified state public official holding an  
11 elective office or to a candidate for state public office.

12           **SECTION 124f.** 19.49 (1m) of the statutes is created to read:

13           **19.49 (1m)** No complaint alleging a violation of s. 19.45 (13) may be filed during  
14 the period beginning 120 days before a general or spring election, or during the  
15 period commencing on the date of the order of a special election under s. 8.50, and  
16 ending on the date of that election, against a candidate who files a declaration of  
17 candidacy to have his or her name appear on the ballot at that election.

18           **SECTION 124h.** 19.49 (5) of the statutes is renumbered 19.49 (5) (a) and  
19 amended to read:

20           **19.49 (5) (a)** ~~No~~ Except as provided in par. (b), no action may be taken on any  
21 complaint ~~which~~ that is filed later than 3 years after a violation of this subchapter  
22 or subch. III of ch. 13 is alleged to have occurred.

23           **SECTION 124k.** 19.49 (5) (b) of the statutes is created to read:

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1           19.49 (5) (b) The period of limitation under par. (a) is tolled for a complaint  
2 alleging a violation of s. 19.45 (13) or 19.59 (1) (br) for the period during which such  
3 a complaint may not be filed under s. 19.49 (1m) or 19.59 (8) (cm).

4           **SECTION 124m.** 19.53 (6) of the statutes is amended to read:

5           19.53 (6) An order requiring the accused to forfeit not more than \$500 for each  
6 violation of s. 19.43, 19.44, or 19.56 (2) or not more than \$5,000 for each violation of  
7 any other provision of this subchapter, or not more than the applicable amount  
8 specified in s. 13.69 for each violation of subch. III of ch. 13; ~~and, if~~. If the board  
9 determines that the accused has realized economic gain as a result of the violation,  
10 an the board may, in addition, order requiring the accused to forfeit the amount  
11 gained as a result of the violation. In addition, if the board determines that a state  
12 public official has violated s. 19.45 (13), the board may order the official to forfeit an  
13 amount equal to the amount or value of any political contribution, service, or other  
14 thing of value that was wrongfully obtained. If the board determines that a state  
15 public official has violated s. 19.45 (13) and no political contribution, service or other  
16 thing of value was obtained, the board may order the official to forfeit an amount  
17 equal to the maximum contribution authorized under s. 11.26 (1) for the office held  
18 or sought by the official, whichever amount is greater. The attorney general, when  
19 so requested by the board, shall institute proceedings to recover any forfeiture  
20 incurred under this section or s. 19.545 which is not paid by the person against whom  
21 it is assessed.

22           **SECTION 124p.** 19.535 of the statutes is created to read:

23           **19.535 Direct enforcement.** If the board refuses or otherwise fails to  
24 authorize an investigation under s. 19.49 (3) with respect to a violation of s. 19.45 (13)  
25 within 30 days after receiving a verified complaint alleging a violation of s. 19.45 (13),

**ENGROSSED SENATE BILL 104**

1 the person making the complaint may bring an action to recover the forfeiture under  
2 s. 19.53 (6) on his or her relation in the name, and on behalf, of the state. In such  
3 actions, the court may award actual and necessary costs of prosecution, including  
4 reasonable attorney fees, to the relator if he or she prevails, but any forfeiture  
5 recovered shall be paid to the state. If the court finds in any such action that the  
6 cause of action was frivolous as provided in s. 814.025, the court shall award costs  
7 and fees to the defendant under that section.

8 **SECTION 124r.** 19.59 (1) (br) of the statutes is created to read:

9 19.59 (1) (br) No local public official holding an elective office may, directly or  
10 by means of an agent, give, or offer or promise to give, or withhold, or offer or promise  
11 to withhold, his or her vote or influence, or promise to take or refrain from taking  
12 official action with respect to any proposed or pending matter in consideration of, or  
13 upon condition that, any other person make or refrain from making a political  
14 contribution, or provide or refrain from providing any service or other thing of value,  
15 to or for the benefit of a candidate, a political party, any other person who is subject  
16 to a registration requirement under s. 11.05, or any person making a communication  
17 that contains a reference to a clearly identified local public official holding an elective  
18 office or to a candidate for local public office.

19 **SECTION 124t.** 19.59 (7) of the statutes is renumbered 19.59 (7) (a) and  
20 amended to read:

21 19.59 (7) (a) Any person who violates sub. (1) may be required to forfeit not  
22 more than \$1,000 for each violation, and, if the court determines that the accused has  
23 violated sub. (1) (br), the court may, in addition, order the accused to forfeit an  
24 amount equal to the amount or value of any political contribution, service, or other  
25 thing of value that was wrongfully obtained.

**ENGROSSED SENATE BILL 104**

1           **SECTION 124v.** 19.59 (7) (b) of the statutes is created to read:

2           19.59 (7) (b) Any person who violates sub. (1) may be required to forfeit not  
3 more than \$1,000 for each violation, and, if the court determines that a local public  
4 official has violated sub. (1) (br) and no political contribution, service or other thing  
5 of value was obtained, the court may, in addition, order the accused to forfeit an  
6 amount equal to the maximum contribution authorized under s. 11.26 (1) for the  
7 office held or sought by the official, whichever amount is greater.

8           **SECTION 124x.** 19.59 (8) (c) of the statutes is amended to read:

9           19.59 (8) (c) If the district attorney fails to commence an action to enforce sub.  
10 (1) (a), (b), or (c) to (g) within 20 days after receiving a verified complaint or if the  
11 district attorney refuses to commence such an action, the person making the  
12 complaint may petition the attorney general to act upon the complaint. The attorney  
13 general may then bring an action under par. (a) or (b), or both.

14           **SECTION 124z.** 19.59 (8) (cm) and (cn) of the statutes are created to read:

15           19.59 (8) (cm) No complaint alleging a violation of sub. (1) (br) may be filed  
16 during the period beginning 120 days before a general or spring election, or during  
17 the period commencing on the date of the order of a special election under s. 8.50, and  
18 ending on the date of that election, against a candidate who files a declaration of  
19 candidacy to have his or her name appear on the ballot at that election.

20           (cn) If the district attorney refuses or otherwise fails to commence an action to  
21 enforce sub. (1) (br) within 30 days after receiving a verified complaint alleging a  
22 violation of sub. (1) (br), the person making the complaint may bring an action to  
23 recover the forfeiture under sub. (7) on his or her relation in the name, and on behalf,  
24 of the state. In such actions, the court may award actual and necessary costs of  
25 prosecution, including reasonable attorney fees, to the relator if her or she prevails,



**ENGROSSED SENATE BILL 104**

1 but any forfeiture recovered shall be paid to the state. If the court finds in any such  
2 action that the cause of action was frivolous as provided in s. 814.025, the court shall  
3 award costs and fees to the defendant under that section.

4 **SECTION 125.** 20.510 (1) (q) of the statutes is amended to read:

5 20.510 (1) (q) *Wisconsin election campaign fund.* As a continuing  
6 appropriation, from the Wisconsin election campaign fund, the moneys determined  
7 under s. 11.50 to provide for payments to eligible candidates whose names are  
8 certified under s. 7.08 (2) (c) and (cm) and to provide for public information as  
9 authorized under s. 11.50 (2m).

10 **SECTION 126.** 20.855 (4) (ba) of the statutes is created to read:

11 20.855 (4) (ba) *Wisconsin election campaign fund supplement.* A sum sufficient  
12 equal to the amounts required to make full payment of grants which candidates  
13 qualify to receive from the Wisconsin election campaign fund, to be transferred from  
14 the general fund to the Wisconsin election campaign fund no later than the time  
15 required to make payments of grants under s. 11.50 (5).

16 **SECTION 127.** 25.42 of the statutes is amended to read:

17 **25.42 Wisconsin election campaign fund.** All moneys appropriated under  
18 s. 20.855 (4) (b) and (ba) together with all moneys deposited under ss. 8.35 (4) (a),  
19 11.07 (5), 11.12 (2), 11.16 (2), 11.19 (1), 11.23 (2), and 11.38 (6), all moneys reverting  
20 to the state under s. 11.50 (8) and all gifts, bequests and devises received under s.  
21 11.50 (13) constitute the Wisconsin election campaign fund, to be expended for the  
22 purposes of s. 11.50. All moneys in the fund not disbursed by the state treasurer shall  
23 continue to accumulate indefinitely.

24 **SECTION 128.** 71.10 (3) (a) of the statutes is amended to read:

**ENGROSSED SENATE BILL 104**

1           71.10 (3) (a) Every individual filing an income tax return who has a tax liability  
2 or is entitled to a tax refund may designate ~~\$1~~ \$5 for transfer to the Wisconsin  
3 election campaign fund for the use of eligible candidates under s. 11.50. If the  
4 individuals filing a joint return have a tax liability or are entitled to a tax refund,  
5 each individual may make a designation of ~~\$1~~ \$5 under this subsection. Each  
6 individual making a designation shall indicate whether the amount designated by  
7 that individual shall be placed in the general account for the use of all eligible  
8 candidates for state office, or in the account of an eligible political party whose name  
9 is certified to the secretary of revenue under s. 11.50 (14). If an individual does not  
10 indicate that the amount of his or her designation shall be placed in the account of  
11 a particular eligible political party, that amount shall be placed in the general  
12 account.

13           **SECTION 129.** 71.10 (3) (b) of the statutes is amended to read:

14           71.10 (3) (b) The secretary of revenue shall provide a place for these  
15 designations under par. (a) on the face of the individual income tax return and shall  
16 provide next to that place a statement that a designation will not increase tax  
17 liability. ~~Annually on August 15~~ The secretary shall also provide and highlight a  
18 place in the instructions that accompany the return for any information submitted  
19 to the secretary by the elections board under s. 11.50 (2m) without cost to the board.  
20 No later than the 15th day of each month, the secretary of revenue shall certify to  
21 the elections board, the department of administration and the state treasurer ~~under~~  
22 ~~s. 11.50~~ the total amount of designations made on returns processed by the  
23 department of revenue during the preceding fiscal year month and the amount of  
24 designations made during that month for the general account and for the account of  
25 each eligible political party. If any individual attempts to place any condition or

**ENGROSSED SENATE BILL 104**

1 restriction upon a designation not authorized under par. (a), that individual is  
2 deemed not to have made a designation on his or her tax return.

3 **SECTION 130.** 806.04 (11m) of the statutes is created to read:

4 **806.04 (11m) CAMPAIGN FINANCE REGISTRATION.** Any person who proposes to  
5 publish, disseminate, or broadcast, or causes to be published, disseminated, or  
6 broadcast, any communication may commence a proceeding under this section to  
7 determine the application to that person of a registration requirement under s. 11.05  
8 (1), (2), or (2g).

9 **SECTION 131. Nonstatutory provisions.**

10 (1) NONSEVERABILITY.

11 (a) Notwithstanding section 990.001 (11) of the statutes, if a court finds that  
12 all or any portion of sections 11.01 (16) (a) 3., 11.12 (6) (c), 11.26 (8m), or 11.50 (9) (bb)  
13 of the statutes, as created by this act, is unconstitutional, then sections 11.01 (16) (a)  
14 3., 11.12 (6) (c), 11.26 (8m), and 11.50 (9) (bb) of the statutes, as created by this act,  
15 are void in their entirety.

16 (b) Notwithstanding section 990.001 (11) of the statutes, if a court finds that  
17 any part of section 11.12 (8) or 11.50 (9) (ba) of the statutes, as created by this act,  
18 is unconstitutional, this entire act is void.

19 **SECTION 132. Appropriation changes; elections board.**

20 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation  
21 to the elections board under section 20.510 (1) (a) of the statutes, as affected by the  
22 acts of 2001, the dollar amount is increased by \$76,100 for fiscal year 2001–02 and  
23 the dollar amount is increased by \$85,100 for fiscal year 2002–03 to increase the  
24 authorized FTE positions for the elections board by 1.0 GPR campaign finance

**ENGROSSED SENATE BILL 104**

1 investigator position and 1.0 GPR auditor position and to fund supporting expenses  
2 for these positions.

3 **SECTION 133. Initial applicability.**

4 (1) Except as provided in subsections (2) and (3), this act first applies to  
5 elections held on the day after publication.

6 (2) The treatment of section 71.10 (3) (a) of the statutes first applies to claims  
7 filed for taxable years beginning on January 1 of the year in which this subsection  
8 takes effect, except that if this subsection takes effect after July 31 the treatment  
9 first applies to claims filed for taxable years beginning on January 1 of the year  
10 following the year in which this subsection takes effect.

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

13 (END)

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

4780  
LRB-~~0001~~/lins  
RJM&JTK:.....

INSERT ANALYSIS ✓

NOA

*disbursements* This bill provides that, if any part of the bill relating to the reporting of ~~expenditures~~ *disbursements* by candidates who decline to accept public grants and the provision of supplemental grants to candidates who are opposed or whose opponents are supported by those ~~expenditures~~ *disbursements* is unconstitutional, then the entire ~~act~~ *bill* is void. In addition, the bill provides that if any of the following parts of the bill ~~are~~ *is* unconstitutional, then all of the following parts are void: a) ~~Parts~~ *Parts* relating to the reporting of independent expenditures for mass communications; b) ~~Parts~~ *Parts* relating to the provision of supplemental grants to candidates who are opposed or whose opponents are supported by such independent expenditures or by independent disbursements that are reportable under current law; c) ~~Parts~~ *Parts* relating to the reporting of contributions received or intended to be received for the purpose of making such independent expenditures or independent disbursements; and d) ~~Parts~~ *Parts* relating to the provision of supplemental grants to candidates who are intended to be opposed or whose opponents are intended to be supported through the use of such contributions. →

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

*anal. space*

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

4780/2 dm  
LRB-4824/Tdm  
JTK&RJM:kmg:kjf  
↑

January 31, 2002

This bill is based on engrossed SB-104. Because the Senate has not passed SB-104, it is possible that SB-104 may be further amended. If that happens, you may <sup>want</sup> want to have this bill redrafted to incorporate the new amendments. In addition, please note that engrossed SB-104

Representative Travis:

Don Schneider:

*[Handwritten signature]*

*[Handwritten note: this bill, we addressed]*

*[Handwritten note: noted]*

The engrossed bill marries two different reporting and matching systems, one from the original SB-104, sponsored by Senator Ellis, and one from the committee substitute, SSA 1. In preparing the engrossed copies of SB-104, we noted one technical issue and one substantive issue with respect to the combined system that may merit your consideration.

1) One feature of the system from the original SB-104, as contained in proposed s. 11.50 (9) (b) of SA 3, matches contributions intended to be received or received by independent committees other than conduits for use against a candidate. SSA 1 contained a separate proposed s. 11.50 (9) (b) which matched conventional independent disbursements by committees. SA 6 redefined the definition of political purpose so that proposed s. 11.50 (9) (b) was no longer needed because the match that it contained was provided elsewhere. SA 6, therefore, deleted the cross-references to proposed s. 11.50 (9) (b), which are needed to fully carry out the effect of SA 3. ~~These cross-references should be restored.~~ *[in preparing this bill]*

*[Handwritten note: We restored these]*

2) The substantive effect of matching contributions to independent committees as well as disbursements by those committees could result in a double match of some of the same money. This would not necessarily occur because some contribution money might not be spent, some disbursements might be made too late in a campaign to effectively match, and a treasury might have earnings that do not result from contributions. Nevertheless, you may want to consider ~~either~~ adopting the entire reporting structure from the original SB-104 (which matched contributions but not disbursements), or deleting the match for contributions in proposed s. 11.50 (9) (b).

*[Handwritten note: or matching only that amount of disbursements that exceeds the amount of matched contributions relating to the same committee]*

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

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

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

LRB-4780/2dn  
JTK&RJM:kmg:jf

February 5, 2002

Representative Travis:

This bill is based on engrossed SB-104. Because the senate has not passed SB-104, it is possible that SB-104 may be further amended. If that happens, you may want to have this bill redrafted to incorporate the new amendments. In addition, please note that engrossed SB-104 marries two different reporting and matching systems, one from the original SB-104, sponsored by Senator Ellis, and one from the committee substitute, SSA 1. In preparing this bill, we addressed one technical issue and noted one substantive issue with respect to the combined system.

One feature of the system from the original SB-104, as contained in proposed s. 11.50 (9) (b) of SA 3, matches contributions intended to be received or received by independent committees other than conduits for use against a candidate. SSA 1 contained a separate proposed s. 11.50 (9) (b) which matched conventional independent disbursements by committees. SA 6 redefined the definition of political purpose so that proposed s. 11.50 (9) (b) was no longer needed because the match that it contained was provided elsewhere. SA 6, therefore, deleted the cross-references to proposed s. 11.50 (9) (b), which are needed to fully carry out the effect of SA 3. We restored these cross-references in preparing this bill.

The substantive effect of matching contributions to independent committees as well as disbursements by those committees could result in a double match of some of the same money. This would not necessarily occur because some contribution money might not be spent, some disbursements might be made too late in a campaign to effectively match, and a treasury might have earnings that do not result from contributions. Nevertheless, you may want to consider adopting the entire reporting structure from the original SB-104 (which matched contributions but not disbursements), deleting the match for contributions in proposed s. 11.50 (9) (b), or matching only that amount of disbursements that exceeds the amount of matched contributions relating to the same committee.

Jeffery T. Kuesel  
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# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
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STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

February 5, 2002

### MEMORANDUM

To: Representative Travis

From: Jeffery T. Kuesel, Managing Attorney

Re: LRB-4780/2 Campaign financing; lobbying regulation; WECF designations; Elections Board staffing

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY  JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-6778 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.



**Gilfoy, Karen**

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**From:** Marchant, Robert  
**Sent:** Monday, February 18, 2002 4:52 PM  
**To:** Gilfoy, Karen  
**Cc:** Kuesel, Jeffery  
**Subject:** CCC in AB-801

Karen--

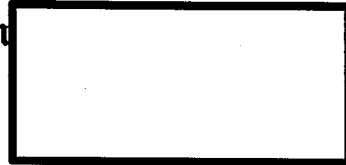
There is a technical error in AB-801 on page 73, line 19, that I think could be addressed by a CCC. At that location "(b and" should be inserted before "(bb)." Could you take a look and prepare a CCC, if you think it is appropriate? If you do not think a CCC is appropriate, let me know and we can talk about it.

Thanks.

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



State of Wisconsin  
2001-2002 LEGISLATURE



CORRECTIONS IN:

**CCC (LRB-4780/2)**

## 2001 ASSEMBLY BILL 801

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Prepared by the Legislative Reference Bureau  
(Date)

1. Page 73, line 19: delete "(bb)" and substitute "(b) and (bb)".

KMG:

.....

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Minor clerical corrections in legislation are authorized under s. 35.17, stats.; Senate Rule 31, Assembly Rule 37 and Joint Rule 56.



State of Wisconsin  
2001-2002 LEGISLATURE

**CORRECTIONS IN:**

**2001 ASSEMBLY BILL 801**

Prepared by the Legislative Reference Bureau  
(February 19, 2002)

1. Page 73, line 19: delete "(bb)" and substitute "(b) and (bb)".

LRB-4780/2ccc-1  
KMG:ch

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Minor clerical corrections in legislation are authorized under s. 35.17, stats.; Senate Rule 31; Assembly Rule 36; and Joint Rule 56.



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

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REFERENCE SECTION: (608) 266-0341  
FAX: (608) 266-5648

STEPHEN R. MILLER  
CHIEF

March 12, 2002

## MEMORANDUM

**To:** Representative Travis

**From:** Marc E. Shovers, Sr. Legislative Attorney, (608) 266-0129

**Subject:** Technical Memorandum to **2001 AB-801** (LRB-4780/2)

---

We received the attached technical memorandum relating to your bill. This copy is for your information and your file. If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

cc. Jeffrey Kuesel  
Robert Marchant

**MEMORANDUM**

February 25, 2002

**TO:** Jeffrey Kuesel  
Robert Marchant  
Legislative Reference Bureau

**FROM:** Brian Pahnke  
Department of Revenue

**SUBJECT:** Technical Memorandum on AB 801: Campaign Financing; Lobbying Regulation;  
WECF Designations; Election Board Staffing

The effective date of the checkoff provision indicated in the analysis does not agree with the date provided in the bill. In the bill, the changes to 71.10 (3)(a) first apply to claims filed for taxable years beginning on January 1 of the year in which the subsection takes effect, except that if the subsection takes effect after July 31, the treatment first applies to claims filed for taxable years beginning on January 1 of the following year. The analysis states that the increase in the checkoff amount takes effect for taxable years beginning on or after January 1 following the day the bill becomes law.

The proposed legislation makes no provision for the funding of the costs involved in administering the activities required. If the author wishes to provide funding, appropriation language could be developed and costs allocated in the following manner:

	<u>Chapter 20</u>	<u>Amount</u>
annual	s. 20.566 ( ) ( )	\$63,000

If you have any questions regarding this technical memorandum, please contact Pam Walgren at (608) 266-7817.