

2001 DRAFTING REQUEST

Bill

Received: **03/15/2001**

Received By: **kuesejt**

Wanted: **As time permits**

Identical to LRB:

For: **Marc Duff (608) 266-1190**

By/Representing: **him**

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

Drafter: **kuesejt**

May Contact: **Reps. Freese, Huber and Travis
may inspect file.**

Addl. Drafters: **rmarchan
kunkemd
jkreye**

Subject: **Elections - campaign finance
Tax - corp. inc. and fran.
Public Util. - telco**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Campaign finance and related changes

Instructions:

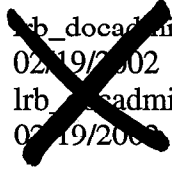
See Attached.

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	rmarchan			_____			

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out.



"15" was
Jacketed

FE Sent For: 02/19/2002, 02/20/2002.

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1/?	kuesejt 04/17/2001 rmarchan	15-2/19 Kmgj	7/2/20	Self 2/20			

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14 gjs 2/18
 62

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Resent
08-07-2001

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1?	kuesejt	/P1 cjs 4/23 01	kif 4/19	ky/ch 04/24			

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<END>

Kuesel, Jeffery

From: Duff, Marc
Sent: Thursday, March 15, 2001 3:26 PM
To: Kuesel, Jeffery
Subject: Campaign Finance Bill Draft

Hi Jeff... As we warned you, here is a campaign finance bill draft. While I'm continuing to work on some of the details, they are at the edges and can be easily modified. Please disregard the rhetoric at the beginning of the document...the actual proposal starts on page 2. Call if you have any questions.

marc



campaign finance
draft.doc

DRAFT

CAMPAIGN FINANCE REFORM PROPOSAL

Campaign finance laws in Wisconsin have not been updated for more than a decade. Several attempts have been made to devise plans to reform the system that governs campaigns in Wisconsin. None of these have passed both houses of the Legislature. Any plan should focus on addressing the problems in the current campaign finance system.

Problems with the Current Campaign Finance System

- **Campaign spending limits not adhered to**
 - Spending limits do not reflect current costs of campaigns.
 - Fear of independent expenditures / issue advocacy and no allowance for response.
 - Funding in WECF is not adequate give full public grant.

- **Influence of outside groups in elections**
 - Outside groups can hijack elections through massive independent expenditures without the knowledge of candidates affected.
 - Groups have a constitutional right to utilize independent expenditures or issue ads making it difficult to regulate.
 - There is a lack of information and reporting by independent groups who make expenditures during elections. Some of these groups are from out of the state, bypassing reporting requirements that would disclose the source of their funding.
 - Funding for independent groups can come from fundraising or direct contributions by legislative leaders and their campaign committees.

- **A perceived influence of special interest groups on government policies through campaign contributions**
 - PAC or other special interest contributions can be accepted by candidates, incumbents or legislative campaign committees during times when policy decisions are being made
 - Campaign committees can accept significant amounts of contributions from special interest groups which gives an appearance the government official would give favoritism toward those giving contributions
 - Organized groups not involved with giving campaign contributions feel their voice is diminished when they lobby government officials for policies

1. Vol. Spending Limits

	Current Law	Proposal
Governor	\$1,078,000	\$3,000,000
Lt. Governor??	\$323,000	\$400,000
Attorney General	\$539,000	\$750,000
Sup. Court Justice	\$215,625	\$400,000
Secretary of State	\$215,625	\$350,000
Treasurer	\$215,625	\$350,000
Supt. of Public Instruction	\$215,625	\$350,000
State Senate*	\$34,500	\$125,000
State Assembly*	\$17,250	\$50,000
Non-MKE DA or Judge	\$86,250	** see chart
MKE Offices		
Mayor	\$269,500	** see chart
County Exec.	\$269,500	** see chart
Alderman	\$17,250	** see chart
Local Office	\$1075...54% of whichever is greater Per person	** see chart

Spending Limits would be adjusted by the Elections Board using the CPI.

A voluntary spending limit would be provided to candidates for local offices as well as those for state offices.

2. Individual Contribution Limits

	Current	Proposal	
		<u>With Limits</u>	<u>Without Limits</u>
Governor	\$10,000	\$10,000	\$5,000
Attorney General	\$10,000	\$7,500	\$3,750
Other Statewide Races	\$10,000	\$5,000	\$2,500
State Senate*	\$1,000	\$1,000	\$500
State Assembly*	\$500	\$500	\$250
App. Judge MKE	\$3,000	**See Chart	
App. Judge non-MKE	\$2,500	**See Chart	
DAs & Circ. Judge pop 300K	\$3,000	**See Chart	
DAs & Circ. Judge pop	\$1,000	**See Chart	
Local Office	Greater of \$250 or 1¢*population (\$3,000 max)	**See Chart	
Overall Cap on Contribution By and Individual	\$10,000	**See Chart	

Proposed Spending Limits, PAC and Individual Contribution Limits for Local Offices

<u>Population</u>	<u>Spending Limit</u>	<u>Contribution Limit with Spending Limit</u>	<u>Contribution Limit without Spending Limit</u>
Greater than 500,001	\$400,000	\$3,000	\$1,500
300,001 to 500,000	\$300,000	\$2,000	\$1,000
150,001 to 300,000	\$200,000	\$1,000	\$500
75,001 to 150,000	\$115,000	\$750	\$375
50,001 to 75,000	\$67,500	\$500	\$250
30,001 to 50,000	\$40,000	\$400	\$200
15,001 to 30,000	\$25,000	\$300	\$150
5,001 to 15,000	\$10,000	\$200	\$100
2,001 to 5000	\$3,500	\$150	\$75
0 to 2000	\$1,500	\$125	\$62.50

-The Elections Board can adjust all contribution limits in \$5 increments using the CPI once every 4 years.

-Candidates not agreeing to voluntary spending limits would have contribution limits cut in half.

3. Committee Contribution Limits (Put in line with Individual Limits)

	Current Law	Proposal	
		<u>With limits</u>	<u>Without Limits</u>
PAC Governor	\$43,128	\$10,000	\$5,000
PAC AG	\$21,564	\$7,500	\$3,750
PAC Other Statcwide	\$8,625	\$5,000	\$2,500
PAC State Senate*	\$1,000	\$1,000	\$500
PAC State Assembly*	\$500	\$500	\$250
PAC MKE-App. Judge	\$3,000	**See Chart above	
PAC Non-MKE App. Judge	\$2,500	**See Chart above	
PAC Circ. Judge & DAs Pop 300K and up	\$3,000	**See Chart above	
PAC Circ. Judge & DAs Less than pop 300K	\$1,000	**See Chart above	
PAC Local Office	greater of \$200 or 75¢*pop \$2,500 max	**See Chart above	

PAC Political Party	\$6,000	\$10,000
Aggregate PAC Limit		
Political Parties	\$150,000	\$250,000 State Parties \$150,000 Leg. Camp. Com. Local Party Com. Pop > 350,000 \$75,000 Pop > 100,000 \$50,000 Pop < 100,000 \$25,000
Committee Max	65% of Spending Limit	65% of Spending Limit (more party \$\$ if I.E. or I.A.)
PAC Max	45% of Spending Limit	25% of Spending Limit (30%/35%?)
Grant Amount	45% of Spending Limit	25% of Spending Limit (30%/35%?)

- The Elections Board can adjust all contribution limits in \$5 increments using the CPI once every 4 years.
- Candidates not agreeing to voluntary spending limits would have contribution limits cut in half.

4. Limitations on Committees

- Prohibit Campaign Committee Contributions to Federal Non-Party PACs.
- Legislative Campaign Committees can only accept \$25,000 in PAC contributions until the Legislature adjourns. An additional \$25,000 can be raised if there is a special election for which the Leg. Campaign Committee is organized.
- Prohibit a registrant from accepting contributions made by an out-of-state committee or group that is not registered with the FEC or the State Elections Board. Any funds raised prior to registering cannot be used.
- Prohibit transfers to state parties from federal parties if they are not registered with the FEC or with the Elections Board.
- Prohibit transfers of state campaign funds to campaign for a local office and the transfer of local campaign funds to a campaign for state office.
- Prohibit Federal Campaign Committees from being used to run for state office.

5. Issue Advocacy / Independent Expenditures

- Allow candidates, who agree to spending limits, to match spending by independent groups by exceeding limits. Contribution limits are doubled for individual contributions and party committee contributions.
- Have candidates certify to the Elections Board that issue-ads/expenditures were conducted against them in order to have spending limits lifted. Both candidates would have their limits lifted. These expenditures would have to be 60 days before the election and would have to be "candidate linked".

6. Conduit Contribution – Limitations

- Report Conduit Contributions on a new Elections Board schedule with organization delivering the contribution listed.

7. Other Items and Reforms

- Provide a tax deduction to appropriate media outlets for the expenses involved with providing a certain level of free media to qualified candidates for state office running in the general election.
- Require Public Broadcasting to give media time to qualified candidates for state office.
- Require candidate access to public access cable TV.
- If an opposing candidate uses their personal funds for campaign expenditures, any expenditures that exceed the spending limit could be matched by the opposing candidate. Contribution limits are doubled and/or the party can match the expenditure (as per independent expenditures).
- Once a candidate campaign committee has raised more than 20% of their spending limit, the campaign committee must report weekly on their income and disbursements.
- Must mail reports 3 days before report is due.
- Allow residual excess funds to go to the general account.

8. Public Grant

- In order to qualify for a public grant, the candidate must raise 50% of their qualifying funds from residents of counties covered by their districts.
- Candidates must raise 5% of spending limit to qualify for the grant.
- Persons can voluntarily contribute up to \$5, through their income tax forms, to a WECF account dedicated to a certain political party. They can then claim an income tax credit of up to \$5.
- WECF grant is halved when the candidate has more funds in their campaign committee than the spending limits provided.
- WECF grant is halved when a candidate's opponent is not qualified to receive a grant.
- Allow for a "general contribution account" and the first draw would be for Supreme Court.
- Have Supreme Court Candidates get a 65% grant from the general account.

Kuesel, Jeffery

From: Duff, Marc
Sent: Thursday, March 22, 2001 11:28 AM
To: Kuesel, Jeffery
Subject: RE: LRB-2872 (Campaign finance and related changes)

Thanks for your inquiry and work on this draft. I figured you would have several questions about the details. I have responded to them in your text and hopefully it helps...

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

From: Kuesel, Jeffery
Sent: Thursday, March 22, 2001 9:16 AM
To: Rep.Duff
Cc: Marchant, Robert; Kreye, Joseph; Kunkel, Mark
Subject: LRB-2872 (Campaign finance and related changes)

Marc,

We have started working on your request and came up with a few questions. We can talk over the phone if you would rather, but I thought I would lay them out for you in writing so you can reflect upon them if you need to before you give us a reply:

1. In the spending limits and contribution limits, we notice you have asterisks by the offices of state senator and state representative. We were wondering if there were additional instructions and we were also wondering whether you want to retain the separate primary and general election limits or combine them, as some others have proposed.

We decided to remove the separate spending limits for primary/general for Assembly and Senate races. The asterisk was a note to me to try and resolve that question.

2. Under current law [s. 11.50 (2) (i), stats.], if a candidate who accepts a grant from the WECF is opposed by a candidate who could have qualified for a grant but who declines to accept a grant, and the candidate who declines to accept a grant does not file an affidavit of voluntary compliance under s. 11.31 (2m), stats., the candidate who accepts a grant is not bound by any spending or self-contribution limits. Under your proposal, we understand that you would treat all candidates the same, regardless of whether they accept grants, and provide them with an increased spending level or limit on a dollar-for-dollar basis to match disbursements over the spending level or limit by an opposing candidate and to match independent or issue advocacy expenditures. We would therefore delete s. 11.50 (2) (i), stats. Is this correct?

Why don't I try and explain what we're thinking about and perhaps you can figure out how to handle drafting these sections. The system I'm proposing is similar to current law...a candidate could 1) agree to spending limits and the WECF party designated grant; 2) agree to spending limits, but accept or not qualify for a grant; or 3) not agree to spending limits. I think options 1 & 2 are self explanatory. If a candidate does not accept spending limits under option 3, they will be penalized by having the maximum contribution limits for them cut in half. In addition, their opponent could still get a WECF grant and not have spending limits applied to them, as long as they originally filed for the spending limit and grant. I think this means we would keep s. 11.50 (2) (i), stats. The options to "blow the limits" to respond to issue ads would only apply if both candidates were covered under options 1 & 2. In addition, all candidates would get their contribution limits doubled in order to respond. However, it should be noted that option 3 candidates get their contribution limits cut in half, so doubling limits would only double the halved amount. (It should also be noted that a political party could contribute to a candidate facing issue ads a contribution equivalent to 65% of the spending limit...e.g. \$32,500 for Assembly)

3. You do not specify that you want "issue advocacy" expenditures to be reported, but it seems necessary if we are going to consider them to be independent expenditures for purposes of a match. Although other proposals have varied on this point, the minimum treatment necessary would be to require total (unitemized) issue advocacy expenditures to be reported. (A reporting scheme would not necessarily cause these expenditures to be regarded as disbursements for purposes of s. 11.38, stats. unless you want that to be the case.) Most proposals also provide for increased frequency of reports, especially during the period close to an election. Do you have a preference for something specific here?

I would not have "issue advocacy" reported, since I believe this raises constitutionality questions. I would instead allow a candidate who has had issue ads or independent expenditures against them to file a sworn statement (from either the candidate or someone who is willing to swear they saw an ad) about the "candidate linked" advertising done

against them. The Elections Board can specify by rule the information that is required in the statement requesting release from limits due to issue ads or independent expenditures. The Elections Board would then notify both candidates, within 24 hours, that their spending limits are released and their contribution limits are doubled. I thought I would use the concept of "candidate linked" issue ad that is issued 60 days before an election. I also want to make sure that the limits are released without an action by the Elections Board...there should be an automatic trigger.

4. In the individual contribution limits, the limit on total individual contributions within a calendar year (currently \$10,000) is changed to "see chart". Since this limit cannot be equated with the population of a jurisdiction, we were wondering whether you intended to change this limit to another specific figure or leave it as it is.

Leave as is.

5. Also, on the next page, we assume that the biennial limit upon committee contributions to state party committees applies in combination to the state committee and of its state subunits and affiliates. Is this correct? We were also wondering whether the aggregate biennial limit upon committee contributions to local party committees is to be applied in combination to all party committees other than state and federal committees and any subunits or nonfederal/nonstate affiliates of these committees. The alternative would be to apply the limits individually to whatever party committees (or subunits or affiliates) happen to be organized.

The aggregate limits are applied individually so that subunits of a party do not affect the limits of the state party. For example, the \$25,000 Buffalo County Party accepts in committee contributions would not could against the state party \$250,000 limit. Kevin Kennedy thought this made sense because in many cases, state parties are unaware of contributions to local parties. However, the committee contribution limits of \$10,000 would apply to contributions to all party committees.

6. Under "Other Items", we assume that in order for the media-related requirements to be triggered, a candidate would have to have his or her name certified for placement on the ballot. For the general election, this normally occurs around the 4th week in September. In addition, we were wondering:

a. Whether the tax deduction is limited to television and radio media, or whether it would apply to print media. Yes...include print media

b. Whether you wanted to put a maximum limit upon any tax deduction within a taxable year. Not yet

On these...I'm still waiting to hear from Dept. of Revenue on this.

c. Whether you wanted to specify the minimum air time that must be provided to candidates on public and public access cable TV. On this we thought we would require equal time...but allow the Elections Board to determine the other details.

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

Kuesel, Jeffery

From: Marchant, Robert
Sent: Friday, April 06, 2001 1:32 PM
To: Kuesel, Jeffery
Subject: Rep. Duff's answers re: Campaign financing draft

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

From: Duff, Marc
Sent: Friday, April 06, 2001 1:20 PM
To: Marchant, Robert
Subject: RE: Campaign financing draft

Good questions....I'll try and put the response to your questions in the text below. Thanks for your work on this.

marc

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

From: Marchant, Robert
Sent: Wednesday, March 28, 2001 10:38 AM
To: Duff, Marc
Cc: Kuesel, Jeffery
Subject: Campaign financing draft
Importance: High

Representative Duff:

We are continuing work on your campaign financing proposal, but have the following questions with regard to the request to allow individual tax filers to contribute to the Wisconsin election campaign fund for the account of a political party and to receive up to a \$5 tax credit for the contribution:

1. We assume you want to limit these contributions to political parties that have ballot status (recognized political parties). Is this assumption correct? YES
2. Is the intent to retain the current check-off system and allow the new contribution to be made in addition to any check-off? This would replace the current \$1 check-off system...the current check-off would be repealed.
3. Along these lines, do you intend to retain the current system of funding grants from the general account in the Wisconsin election campaign fund and allow candidates to receive an extra grant from a political party account if they represent a political party for which these new contributions were designated? >>>Another option would be to require grants to be funded out of any applicable political party account first, and then to fund the remainder of the grant with any available amounts in the general account in the Wisconsin election campaign fund. Option 2 sounds good...it should be noted that I'm allowing Supreme Court to have first draw of the funding from the "General Account".
4. Do you want the grants from the political party accounts distributed in the same proportion as is currently provided for grants from the Wisconsin election campaign fund or do you desire to use a different distribution formula? Same proportion...except I think I dropped the percentage to 25% of the spending limit. (I may increase the percentage after negotiations to 30% or even 35%)
5. If a candidate reaches the maximum grant amount, how should that candidate's remaining share in the political party account be distributed? >>>One option would be to redistribute the amounts to other eligible candidates of the political party, until they reach their maximum grant amounts. >>>In addition or instead of this option, you could hold the amounts in the account for use in future election campaigns. You could also require the amounts to be transferred to the general account in the Wisconsin election campaign fund, the state general fund, or the common school fund. Redistribute to other qualified candidates of the political party and hold any remaining amounts over for future elections.
6. Similarly, if a political party ceases to be eligible for an account, do you want the amounts in the party's account to be transferred to the general account in the Wisconsin election campaign fund, the state general fund, or the common school fund? General Account sounds good
7. With respect to the general account in the Wisconsin election campaign fund, we understand that the first draw is

to fund grants for candidates for the office of justice. If these grants are fully funded, should the remainder be distributed to other candidates in accordance with the current apportionment formula or should we retain the remainder for use in the next election for the office of justice? I intended to allow the remaining funds in the General Account to be distributed to other qualified candidates who may not have received the maximum through the party account.

Please let us know how you would like to address these issues. Also, please feel free to call if you have any questions or would like to discuss any of these items.

Robert J. Marchant

Legislative Attorney
State of Wisconsin Legislative Reference Bureau
robert.marchant@legis.state.wi.us

Marchant, Robert

From: Kuesel, Jeffery
Sent: Wednesday, January 02, 2002 4:10 PM
To: Marchant, Robert
Subject: FW: Changes to Campaign Finance Reform bill - LRB2872/2

Rob,
Please review and we can then meet to discuss. I'll be out for a dentist appointment from 10:15 AM to 1PM on Thursday. Thanks.

Jeff

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

From: Duff, Marc
Sent: Wednesday, January 02, 2002 3:19 PM
To: Kuesel, Jeffery
Subject: Changes to Campaign Finance Reform bill - LRB2872/2

Hi Jeff. I have a number of revisions to the Campaign Finance Reform bill. I thought I would send you this preliminary list, with some additional changes to follow. Thanks and please contact me if you have questions.

- 1) For Section 38, I intended to only prohibit campaign committee conversions. I think the drafted language would also prohibit contributions. I would still like to allow campaign committees to make contributions to local or state candidates, as under current law.
- 2) Starting with Section 40, I would like to change the language on out-of-state committees so that it mirrors AB184 as passed by the Assembly.
- 3) On page 52, line 11, the board makes the determination if a candidate can have their disbursement limits removed. I think it would work better if the executive director makes the determination, which can be appealed to the board. *5105 delegation*
- 4) For Section 89, this should be quadrennially indexed. I wanted to have all indexing to be quadrennial.
- 5) For local party committees, keep the committee contribution limit at \$6,000.

New Items:

- 1) Change 11.12(6) so that it applies to disbursements of more than \$250 and is 21 days prior to an election. Reports should also be triggered for incurred obligations for communications that have been made. Also, in the definition of "disbursement" in 11.01(7)4.(b), include language so that disbursements do not include payments for communications that have not been made.
- 2) Include the language from the Gundrum proposal, AB682, which prohibits any official action taken due to contributions to others. I would also like to have it cover official actions in return for making independent expenditures/issue ads meant to influence an election, as defined under s. 11.01(11m) of the proposed bill.
- 3) Change the bill so that it bans Legislative Campaign Committees. As part of this, increase the committee contribution limit to \$20,000 and the overall party committee limit to \$600,000. *See 4152*
- 4) Include the language in the Ellis bill that increases the referendum disbursement limit to \$100. *Check 551 to 53184*
- 5) Is it possible to include the language from Assembly Rule 98...which would provide statutory limitations on fundraising during session?

Marchant, Robert

From: Kuesel, Jeffery
Sent: Thursday, January 03, 2002 9:39 AM
To: Marchant, Robert
Subject: FW: Another revision

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

From: Duff, Marc
Sent: Wednesday, January 02, 2002 4:39 PM
To: Kuesel, Jeffery
Subject: Another revision

Hi Jeff. I also wanted to allow local candidates to have their limits released and contribution limits doubled if there are independent expenditures made that have an unfair impact on an election. I suppose this determination would be made by the municipal clerks?

marc

Marchant, Robert

From: Marchant, Robert
Sent: Wednesday, January 23, 2002 10:04 AM
To: Duff, Marc
Cc: Kuesel, Jeffery
Subject: LRB-2872 (campaign financing)

Representative Duff--

Jeff and I have been working on the changes you requested and are making progress. I wanted to follow up on one of the requested changes, though. You had asked that, on page 52, line 11, the executive director of the elections board, rather than the board itself, be required to make the determination that the disbursement limitations are increased and that the determination be appealable to the board.

Upon further review, this provision (proposed s. 11.31 (3p) (b)) may need some re-working in order to clarify the process that results in increased disbursement limits. As currently drafted, a candidate files a sworn statement alleging that an independent expenditure was made that is likely to have an unfair impact on the election campaign. The board then issues a determination (really, an order) increasing the spending limits for that candidate and his or her opponents. As currently drafted, the board is not permitted to make any factual determination regarding the validity of the allegations in the sworn statement. Rather, the board is required to raise the limits within 3 days after receiving the statement, even if the allegations are obviously false. Proposed s. 11.31 (3p) (c), which allows the board to request verification from a TV or radio station before making this determination/order, doesn't really fit within this procedure.

Is this procedure consistent with your intent? If so, then you likely do not need to change the draft to have the executive director issue this determination/order. Like any other ministerial duty of the board, the executive director will act as agent of the board in performing the board's duties under this proposed paragraph. Because this is a ministerial duty, requiring no exercise of discretion, there would be nothing to appeal to the board. It would be good to delete proposed par. (c), though, which seems to imply that there is some discretion being exercised by the board. It would also be good to delete Section 1 of the bill, which permits the board to delegate this determination to the executive director. This type of delegation is used primarily for discretionary tasks and goes without saying for performance of the board's ministerial duties.

Or do you intend to require the board or executive director to order the increased limits *only after determining that the allegations in the sworn statement are valid*? If this is your intent, then proposed par. (b) will need to be changed to require this determination of validity. It would probably be desirable to direct the board to make this determination, but permit the board to delegate this determination to the executive director under s. 5.05 (1) (e), stats. (see Section 1 of the bill). The appeal would be covered by the Administrative Procedure Act (see ss. 227.42 and 227.52, stats.) and, thus, you would not need to add an appeal procedure to the bill.

We have not yet drafted any changes to proposed s. 11.31 (3p). When you can make the time, please take a look at these issues and let us know how you would like to proceed.

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

2001

Date (time) needed

DNOTES
Apr 20

LRB - 2872 P1

CS

BILL

JTK, RJM, MES, MDK+JK

TUE
Apr 24
as soon as possible

Use the appropriate components and routines developed for bills.

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

statutes; relating to: *campaign financing, a nonrefundable income tax credit for certain donations to the Wisconsin election campaign fund, providing exemptions from certain emergency rule procedures, and granting rule-making authority.*

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

Analysis by the Legislative Reference Bureau
SEE INSERT ANALYSIS

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

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

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

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

For the analysis text, in the component bar:

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

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

SECTION #.

INSERT ANALYSIS

This bill makes numerous changes in the campaign financing law. Significant changes include:

FILING OF CAMPAIGN FINANCE REPORTS

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 delivering a report to the appropriate filing officer or agency no later than the deadline or by depositing the report with the U.S. postal service no later than that date.

This bill permits satisfaction of the filing requirement by delivering the report to the appropriate filing officer or agency no later than the deadline 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.

This bill:

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

Office	Current Level	Proposed Level or Limitation
Governor	\$1,078,200	\$3,000,000
Lieutenant governor	323,475	400,000
Attorney general	539,000	750,000
Secretary of state	215,625	350,000
State treasurer	215,625	350,000
Supreme court justice	215,625	400,000
State Superintendent of public instruction	215,625	350,000
State senator	34,500	125,000
Representative to the assembly	17,250	50,000

2. Replaces the disbursement levels applicable to the offices of district attorney, court of appeals judge, and circuit court judge and local offices with disbursement levels that are based upon the population of the ~~area~~ *Jurisdiction, district, or circuit* served by the office which the candidate seeks, as shown in the following chart:

Population of Jurisdiction, District, or Circuit	Proposed Level
Greater than 500,000	\$400,000

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300,001 to 500,000	300,000
150,001 to 300,000	200,000
75,001 to 150,000	115,000
50,001 to 75,000	67,500
30,001 to 50,000	40,000
15,001 to 30,000	25,000
5,001 to 15,000	10,000
2,001 to 5,000	3,500
0 to 2,000	1,500

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.

CONTRIBUTION LIMITATIONS

Individual contributions

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

This bill:

1. Revises the current limitations on contributions individuals may make to candidates for certain state offices ^{amount} ~~in part to permit~~ candidates who voluntarily agree to abide by the disbursement levels outlined above ^{Under the bill, with certain exceptions,} to receive higher amounts of contributions from particular individuals. The proposed limitations on these contributions are shown in the following chart:

Limitations and self-contribution limitations may

Office	Current Limit	Proposed Limit: Candidates Subject to Disbursement and Self-Contribution Limitations	Proposed Limit: Candidates Not Subject to Disbursement and Self-Contribution Limitations
Governor	\$10,000	\$10,000	\$5,000
Lieutenant governor	10,000	5,000	2,500
Attorney general	10,000	7,500	3,750
Secretary of state	10,000	5,000	2,500
State treasurer	10,000	5,000	2,500
Supreme court justice	10,000	5,000	2,500
State Superintendent of public instruction	10,000	5,000	2,500

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Complete line (pointing to the bottom of the table)

Initial caps (pointing to the top of the rightmost column)

Proposed Limit: Candidates (pointing to the rightmost column)

Not Subject to Disbursement and Self-Contribution Limitations (pointing to the rightmost column)

Disbursement and Self-Contribution Limitations (pointing to the middle column)

Initial caps (pointing to the top of the middle column)

Proposed Limit: Candidates Subject to Disbursement and Self-Contribution Limitations (pointing to the middle column)

Initial caps (pointing to the top of the leftmost column)

Current Limit (pointing to the leftmost column)

Initial caps (pointing to the top of the leftmost column)

Proposed Limit: Candidates (pointing to the rightmost column)

Not Subject to Disbursement and Self-Contribution Limitations (pointing to the rightmost column)

Disbursement and Self-Contribution Limitations (pointing to the middle column)

Initial caps (pointing to the top of the middle column)

Proposed Limit: Candidates Subject to Disbursement and Self-Contribution Limitations (pointing to the middle column)

Initial caps (pointing to the top of the leftmost column)

Current Limit (pointing to the leftmost column)

State senator	1,000	1,000	500
Representative to the assembly	500	500	250

Under the bill, with certain exceptions

2. Replaces the limitations on contributions individuals may make to candidates for the offices of district attorney, court of appeals judge, and circuit court judge and candidates for local offices, in part to permit candidates who voluntarily agree to abide by the disbursement levels outlined above to receive higher amounts of contributions from particular individuals. The proposed limitations on these contributions, which are based upon the population of the area served by the office which the candidate seeks, are shown in the following chart:

Population	Proposed Limit: Candidate Subject to Disbursement Levels and Self-Contribution Limitations	Proposed Limit: Candidate Not Subject to Disbursement and Self-Contribution Limitations
Greater than 500,000	\$3,000	\$1,500
300,001 to 500,000	2,000	1,000
150,001 to 300,000	1,000	500
75,001 to 150,000	750	375
50,001 to 75,000	500	250
30,001 to 50,000	400	200
15,001 to 30,000	300	150
5,001 to 15,000	200	100
2,001 to 5,000	150	75
0 to 2,000	125	62.50

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3. Creates a biennial cost-of-living adjustment that causes the statutory limits on individual contributions 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.

Committee contributions

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. For example, a committee may contribute up to \$43,238 to a candidate for statewide office. This bill revises these limitations, making them the same as those which apply to contributions from individuals. For example, under the bill, a committee other than a political party committee or legislative campaign committee may contribute up to \$10,000 to any candidate for the office of governor who has agreed to abide by the disbursement levels specified above or up to \$5,000 if the candidate is not subject to the disbursement levels and self-contribution limitations

and self-contribution limitations

quadrennially

2006

other than political party or legislative campaign committee

Current law also limits the amount of contributions that a candidate may accept during a campaign from all committees other than political party and legislative campaign committees. Currently, this limit is an amount equal to 45% of the disbursement level that applies to the candidate. This bill revises the limit to an amount equal to 25% of the applicable disbursement level.

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 increases to \$250,000 the amount of contributions that a state political party, together with any of its state subunits and state affiliates, may accept from all committees during any biennium. In addition, the bill increases to \$10,000 the amount of contributions that a state political party, together with any of its state subunits and state affiliates, may annually accept from a particular committee. The bill also permits a committee to annually contribute up to \$10,000 to a particular political party. In addition, the bill limits the amount of contributions that a local political party, together with any of its local subunits and non-state affiliates, may accept from a particular committee during any biennium. These limits range under the bill from \$75,000 to \$25,000, depending upon the population of the county in which the local political party primarily operates.

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. Unlike political party committees, legislative campaign committees may accept an unlimited amount of contributions from other committees. This bill establishes a limit of \$150,000 on contributions that a legislative campaign committee may accept from all committees during any biennium.

This bill also creates a ~~biennial~~ ^{quadrennial} cost-of-living adjustment that causes the statutory limits on committee contributions to be adjusted ~~biennially~~ ^{biennially}, beginning in ~~2004~~ ²⁰⁰⁶ in accordance with a formula tied to the "consumer price index" determined by the U.S. department of labor.

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~~

other than a political party or legislative campaign committee

other than a political party or legislative campaign committee, and its subunits or affiliates

other than political party and legislative campaign committees

other than a political party or legislative campaign committee, and its subunits and affiliates

other than political party and legislative campaign committees

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other than political party and legislative campaign committees

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~~purpose. Current law also permits an individual, committee, or any other person to donate money to the Wisconsin election campaign fund.~~

~~This bill:~~

~~1. Permits individuals to designate on their income tax forms a donation of up to \$5 to the Wisconsin election campaign fund. The donation may be for the account of eligible political parties or for the fund generally. Individuals who make these donations may claim a tax credit of up to \$5. Donations made for the account of eligible political parties are distributed to all candidates representing the designated parties who qualify for a grant from the Wisconsin election campaign fund. Donations made to the fund generally are distributed primarily to candidates for non-partisan state office. This donation procedure replaces the existing method of funding the Wisconsin election campaign fund from \$1 income tax checkoffs.~~

~~2. Allows registrants under the campaign finance law who or which disband or will no longer incur obligations, make contributions, or make disbursements to donate their residual funds to the Wisconsin election campaign fund.~~

Grant eligibility requirements and amounts

Under current law, public financing from the Wisconsin election campaign fund is available to eligible candidates for the offices of state senator, representative to the assembly, governor, lieutenant governor, attorney general, state treasurer, secretary of state, justice of the supreme court, and superintendent of public instruction. To 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 is eligible for a grant. Among other things, in order to be eligible for a grant, the candidate must receive, during a specified time period, a specified amount of 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.~~

~~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~~

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disbursement level for the office which the candidate seeks in order to qualify for a grant. The bill also 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. ~~Revises the maximum grant that a candidate may receive to 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 25% of the authorized disbursement level for the office which the candidate seeks.~~

INSERT

~~SECTION 1. 11.06 (7m) (a) of the statutes is amended to read:~~

~~11.06 (7m) (a) If a committee which was registered under s. 11.05 as a political party committee or legislative campaign committee supporting candidates of a political party files an oath under sub. (7) affirming that it does not act in cooperation or consultation with any candidate who is nominated to appear on the party ballot of the party at a general or special election, that the committee does not act in concert with, or at the request or suggestion of, such a candidate, that the committee does not act in cooperation or consultation with such a candidate or agent or authorized committee of such a candidate who benefits from a disbursement made in opposition to another candidate, and that the committee does not act in concert with, or at the request or suggestion of, such a candidate or agent or authorized committee of such a candidate who benefits from a disbursement made in opposition to another candidate, the committee filing the oath may not make any contributions in support of any candidate of the party at the general or special election or in opposition to any such candidate's opponents exceeding the applicable amounts specified in s. 11.26 (2) (1) and (1m), except as authorized in par. (c).~~

~~disbursement level for the office which the candidate seeks in order to qualify for a grant. The bill also 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. Revises the maximum grant that a candidate may receive to 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 25% of the authorized disbursement level for the office which the candidate seeks.~~

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FWS 6AA

FWS 6A

INSERT

SECTION 1. 11.06 (7m) (a) of the statutes is amended to read:

11.06 (7m) (a) If a committee which was registered under s. 11.05 as a political party committee or legislative campaign committee supporting candidates of a political party files an oath under sub. (7) affirming that it does not act in cooperation or consultation with any candidate who is nominated to appear on the party ballot of the party at a general or special election, that the committee does not act in concert with, or at the request or suggestion of, such a candidate, that the committee does not act in cooperation or consultation with such a candidate or agent or authorized committee of such a candidate who benefits from a disbursement made in opposition to another candidate, and that the committee does not act in concert with, or at the request or suggestion of, such a candidate or agent or authorized committee of such a candidate who benefits from a disbursement made in opposition to another candidate, the committee filing the oath may not make any contributions in support of any candidate of the party at the general or special election or in opposition to any such candidate's opponents exceeding the applicable amounts specified in s. 11.26 (2) (1) and (1m), except as authorized in par. (c).

FWS 6B

FWS 6C

FWS 6D

✓

SECTION 2. 11.06 (7m) (b) of the statutes is amended to read:

11.06 (7m) (b) If the committee has already made contributions in excess of the applicable amounts specified in s. 11.26 ~~(2)~~ (1) or (1m) at the time it files an oath under sub. (7), each candidate to whom contributions are made shall promptly return a sufficient amount of contributions to bring the committee in compliance with this subsection and the committee may not make any additional contributions in violation of this subsection.

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

SECTION 3. 11.19 (1) of the statutes is amended to read:

11.19 (1) Whenever any registrant disbands or determines that obligations will no longer be incurred, and contributions will no longer be received nor disbursements made during a calendar year, and the registrant has no outstanding incurred obligations, the registrant shall file a termination report with the appropriate filing officer. Such report shall indicate a cash balance on hand of zero at the end of the reporting period and shall indicate the disposition of residual funds. Residual funds may be used for any political purpose not prohibited by law, returned to the donors in an amount not exceeding the original contribution, or donated to the Wisconsin election campaign fund under s. 11.50 (13), donated to a charitable organization, or donated to the common school fund. The report shall be filed and certified as were previous reports, and shall contain the information required by s. 11.06 (1). A registrant to which s. 11.055 (1) applies shall pay the fee imposed under that subsection with a termination report filed under this subsection. If a termination report or suspension report under sub. (2) is not filed, the registrant shall continue to file periodic reports with the appropriate filing officer, no later than the dates

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INS 8A

INS 8B

INS 8C

specified in s. 11.20. This subsection does not apply to any registrant making an indication under s. 11.05 (2r).

History: 1973 c. 334; 1975 c. 93; 1979 c. 328; 1985 a. 303; 1997 a. 27.

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

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

History: 1973 c. 334; 1975 c. 93, 199; 1979 c. 328 ss. 38, 82 to 92, 146; 1981 c. 314 s. 146; 1983 a. 183, 491, 538; 1985 a. 303 ss. 32m to 37, 88; 1987 a. 370; 1989 a. 192; 1995 a. 16 s. 2; 1997 a. 27.

SECTION 5. 11.21 (15) of the statutes is amended to read:

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

History: 1973 c. 334; 1975 c. 93 ss. 73 to 78, 119 (2); 1977 c. 107; 1979 c. 260, 328; 1981 c. 390 s. 252; 1983 a. 27, 538; 1985 a. 303; 1987 a. 370; 1989 a. 192; 1997 a. 230.

SECTION 6. 11.26 (1) (intro.) of the statutes is amended to read:

11.26 (1) ~~No~~ Except as provided under subs. (1t) and (10a), no individual and no committee other than a political party committee or legislative campaign committee may make any contribution or contributions to a candidate for election or nomination to any of the following offices who has filed an affidavit under s. 11.31 (2m) and to any individual or committee under s. 11.06 (7) acting solely in support

INS 8D

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of such a candidate or solely in opposition to the candidate's opponent to the extent of more than a total of the amounts specified per candidate:

SECTION 7. 11.26 (1) (a) ~~of the statutes~~ ^{is} repealed.

SECTION 8. 11.26 (1) (ab), (ag) ^{and} (ar) ~~of the statutes~~ are created to read:
 remove comma

11.26 (1) (ab) Candidates for governor, \$10,000.

(ag) Candidates for attorney general, \$7,500.

(ar) Candidates for lieutenant governor, secretary of state, state treasurer, state superintendent, or justice, \$5,000.

~~SECTION 8. 11.26 (1) (cc) to (d)~~
~~SECTION 8. 11.26 (1) (e) to (n)~~
11.26 (1) (e) Candidates for court of appeals judge ^{and candidates for} (circuit judge, district attorney, or local office in ^{jurisdictions,} ~~districts, circuits, counties, or election districts, respectively,~~ ^{or} ~~which~~ have a population of more than 500,000, as determined under s. 11.263, \$3,000.
 that

(f) Candidates for ~~court of appeals judge,~~ ^{jurisdictions,} circuit judge, district attorney, or local office in ~~districts, circuits, counties, or election districts, respectively,~~ ^{or} that have a population of more than 300,000 but not more than 500,000, as determined under s. 11.263, \$2,000.

(g) Candidates for ~~court of appeals judge,~~ ^{jurisdictions,} circuit judge, district attorney, or local office in ~~districts, circuits, counties, or election districts, respectively,~~ ^{or} that have a population of more than 150,000 but not more than 300,000, as determined under s. 11.263, \$1,000.

(h) Candidates for ~~court of appeals judge,~~ ^{jurisdictions,} circuit judge, district attorney, or local office in ~~districts, circuits, counties, or election districts, respectively,~~ ^{or} that have a population of more than 75,000 but not more than 150,000, as determined under s. 11.263, \$750.

(i) Candidates for ~~court of appeals judge~~, circuit judge, district attorney, or local office in ^{jurisdictions,} ~~districts, circuits, counties, or election districts, respectively,~~ that have a population of more than 50,000 but not more than 75,000, as determined under s. 11.263, \$500.

(j) Candidates for ~~court of appeals judge~~, circuit judge, district attorney, or local office in ^{jurisdictions,} ~~districts, circuits, counties, or election districts, respectively,~~ that have a population of more than 30,000 but not more than 50,000, as determined under s. 11.263, \$400.

(k) Candidates for ~~court of appeals judge~~, circuit judge, district attorney, or local office in ^{jurisdictions,} ~~districts, circuits, counties, or election districts, respectively,~~ that have a population of more than 15,000 but not more than 30,000, as determined under s. 11.263, \$300.

(L) Candidates for ~~court of appeals judge~~, circuit judge, district attorney, or local office in ^{jurisdictions,} ~~districts, circuits, counties, or election districts, respectively,~~ that have a population of more than 5,000 but not more than 15,000, as determined under s. 11.263, \$200.

(m) Candidates for ~~court of appeals judge~~, circuit judge, district attorney, or local office in ^{jurisdictions,} ~~districts, circuits, counties, or election districts, respectively,~~ that have a population of more than 2,000 but not more than 5,000, as determined under s. 11.263, \$150.

(n) Candidates for ~~court of appeals judge~~, circuit judge, district attorney, or local office in ^{jurisdictions,} ~~districts, circuits, counties, or election districts, respectively,~~ that have a population of not more than 2,000, as determined under s. 11.263, \$125.

SECTION 9. 11.26 (1m) of the statutes is created to read:

9(9m)

(X)

11.26 (1m) Except as provided under subs. (1t) and (10a), no individual and no committee other than a political party committee or legislative campaign committee may make any contribution or contributions to a candidate for election or nomination to any of the following offices who has not filed an affidavit under s. 11.31 (2m) and to any individual or committee under s. 11.06 (7) acting solely in support of such a candidate or solely in opposition to the candidate's opponent to the extent of more than a total of the amounts specified per candidate:

(ab)(a) Candidates for governor, \$5,000.

(ag)(b) Candidates for attorney general, \$3,750.

(ar)(c) Candidates for lieutenant governor, secretary of state, state treasurer, state superintendent, or justice, \$2,500.

(b)(d) Candidates for state senator, \$500.

(c)(e) Candidates for representative to the assembly, \$250.

(e) Candidates for court of appeals judge, circuit judge, district attorney, or local office in ~~jurisdictions, districts, circuits, counties, or election districts, respectively, which~~ have a population of more than 500,000, as determined under s. 11.263, \$1,500.

(f) Candidates for ~~court of appeals judge,~~ circuit judge, district attorney, or local office in ~~jurisdictions, districts, circuits, counties, or election districts, respectively,~~ that have a population of more than 300,000 but not more than 500,000, as determined under s. 11.263, \$1,000.

(g) Candidates for ~~court of appeals judge,~~ circuit judge, district attorney, or local office in ~~jurisdictions, districts, circuits, counties, or election districts, respectively,~~ that have a population of more than 150,000 but not more than 300,000, as determined under s. 11.263, \$500.

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and candidates for

(h) Candidates for ~~court of appeals judge~~ circuit judge, district attorney, or local office in ^{jurisdictions,} ~~districts, circuits, counties, or election districts,~~ respectively, that have a population of more than 75,000 but not more than 150,000, as determined under s. 11.263, \$375.

(i) Candidates for ~~court of appeals judge~~ circuit judge, district attorney, or local office in ^{jurisdictions,} ~~districts, circuits, counties, or election districts,~~ respectively, that have a population of more than 50,000 but not more than 75,000, as determined under s. 11.263, \$250.

(j) Candidates for ~~court of appeals judge~~ circuit judge, district attorney, or local office in ^{jurisdictions,} ~~districts, circuits, counties, or election districts,~~ respectively, that have a population of more than 30,000 but not more than 50,000, as determined under s. 11.263, \$200.

(k) Candidates for ~~court of appeals judge~~ circuit judge, district attorney, or local office in ^{jurisdictions,} ~~districts, circuits, counties, or election districts,~~ respectively, that have a population of more than 15,000 but not more than 30,000, as determined under s. 11.263, \$150.

(L) Candidates for ~~court of appeals judge~~ circuit judge, district attorney, or local office in ^{jurisdictions,} ~~districts, circuits, counties, or election districts,~~ respectively, that have a population of more than 5,000 but not more than 15,000, as determined under s. 11.263, \$100.

(m) Candidates for ~~court of appeals judge~~ circuit judge, district attorney, or local office in ^{jurisdictions,} ~~districts, circuits, counties, or election districts,~~ respectively, that have a population of more than 2,000 but not more than 5,000, as determined under s. 11.263, \$75.

(n) Candidates for ~~court of appeals judge, circuit judge, district attorney, or~~
^{Jurisdictions,} local office in ~~districts, circuits, counties, or election districts, respectively,~~
^{for} that have a population of not more than 2,000, as determined under s. 11.263, \$62.50.

SECTION 10. 11.26 (1t) of the statutes is created to read:

11.26 (1t) The limitations under sub. (1m) ~~rather than the limitations under~~
~~sub. (1)~~ apply to any candidate who files an affidavit under s. 11.31 (2m) (a) but who
the board determines is ineligible to receive a grant from the Wisconsin election
campaign fund, who withdraws his or her application for a grant under s. 11.50 (2)

(h), or to whom s. 11.50 (2) (i) applies, unless the candidate subsequently files an
^{If a candidate files an affidavit under s. 11.31 (2m) (b), the limitations under sub.}
affidavit under s. 11.31 (2m) (b). Contributions made before the date on which a
limitation changes under this subsection are lawful if the contributions were lawful
at the time they were made. ^{(1) apply to that candidate beginning on the date that the affidavit is filed.}

SECTION 11. 11.26 (2) of the statutes is repealed.

SECTION 12. 11.26 (3) of the statutes is amended to read:

11.26 (3) The contribution limitations of subs. (1) and (2) (1m) apply
cumulatively to the entire primary and election campaign in which a candidate
participates, whether or not there is a contested primary election. The total
limitation may be apportioned in any manner desired between the primary and
election. All moneys cumulate regardless of the time of contribution.

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

SECTION 13. 11.26 (4) of the statutes is amended to read:

11.26 (4) No Except as provided under sub. (10a), no individual may make any
contribution or contributions to all candidates for state and local offices and to any
individuals who or committees which are subject to a registration requirement

under s. 11.05, including legislative campaign committees and committees of a political party, to the extent of more than a total of \$10,000 in any calendar year.

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

SECTION 14. 11.26 (5) of the statutes is amended to read:

11.26 (5) The contribution limits provided in subs. (1), (1m), and (4) do not apply to a candidate who makes any contribution or contributions to his or her own campaign for office from the candidate's personal funds or property or the personal funds or property which are owned jointly or as marital property with the candidate's spouse, with respect to any contribution or contributions made to that candidate's campaign only. A candidate's personal contributions shall be deposited in his or her campaign depository account and reported in the normal manner.

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

SECTION 15. 11.26 (6) of the statutes is amended to read:

11.26 (6) When a candidate adopts a preexisting support committee as his or her personal campaign committee, the support committee is deemed to have been the same committee as the candidate's personal campaign committee for purposes of the application of subs. (1), ~~(2)~~, (1m), and (9). The limitations prescribed in subs. ~~(2)~~ (1), (1m), and (9) do not apply to the ^{refuse} transfer of contributions ~~between committees~~ PLAIN which is made at the time of such adoption, but do apply to the contributions which have been made by any other committee to the support committee at the time of adoption.

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

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

11.26 (8) (a) No state political party as defined in s. 5.02 (13) committee registered under s. 11.05, together with any of its state subunits and state affiliates, may receive more than a total of ~~\$150,000~~ \$250,000 in value of its contributions in

any biennium from all other committees, excluding contributions from legislative campaign committees and transfers between party committees of the party the state political party committee, its state subunits, and state affiliates. In this paragraph, a "biennium commences" means the time period commencing with January 1 of each odd-numbered year and ends ending with December 31 of each even-numbered year. The limitation imposed under this paragraph is subject to adjustment under sub. (10a).

(b) No such state political party committee registered under s. 11.05, together with any of its state subunits and state affiliates, may receive more than a total of \$6,000 \$10,000 in value of its contributions in any calendar year from any specific committee or its that specific committee's subunits or affiliates, excluding contributions from legislative campaign committees and transfers between the state political party committees committee, its state subunits, and state affiliates. The limitation imposed under this paragraph is subject to adjustment under sub. (10a).

(c) No committee, other than a political party committee or legislative campaign committee, may make any contribution or contributions, directly or indirectly, to a political party under s. 5.02 (13) in a calendar year exceeding a total value of \$6,000 \$10,000. The limitation imposed under this paragraph is subject to adjustment under sub. (10a).

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

SECTION 17. 11.26 (8) (ag) and (ar) of the statutes are created to read:

11.26 (8) (ag) Except as provided under sub. (10a), no political party committee, other than a state political party committee registered under s. 11.05, ^{national} a federal political party committee, ^{or a state or national subunit or affiliate of such a committee,} may receive more than a total of the following amounts of contributions in any biennium, as defined in par. (a), from all other committees,

state or national

national

or a state or national subunit or affiliate of such a committee,

excluding contributions from legislative campaign committees and transfers between the committee, its subunits, and non-state affiliates:

1. \$75,000, if the committee operates primarily in a county with a population of more than 350,000, as determined under s. 11.263.

2. \$50,000, if the committee operates primarily in a county with a population of more than 100,000 but not more than 350,000, as determined under s. 11.263.

3. \$25,000, if the committee operates primarily in a county with a population of not more than 100,000, as determined under s. 11.263.

(ar) Except as provided under sub. (10a), no legislative campaign committee may receive more than a total of \$150,000 in value of contributions in any biennium, as defined in par. (a), from all other committees.

SECTION 18. 11.26 (9) (a) of the statutes is amended to read:
strike 11.26 (9) (a) ~~No~~ Except as provided in sub. (9a), no individual who is a candidate for state or local office may receive and accept more than 65% of the value of the total disbursement level determined under s. 11.31 (1), adjusted as provided under s. 11.31 (9), for the office for which he or she is a candidate during any primary and election campaign combined from all committees subject to a filing requirement, including political party and legislative campaign committees.

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

SECTION 19. 11.26 (9) (b) of the statutes is amended to read:
11.26 (9) (b) No individual who is a candidate for state or local office may receive and accept more than 45% 25% of the value of the total disbursement level determined under s. 11.31 (1), adjusted as provided under s. 11.31 (9), for the office for which he or she is a candidate during any primary and election campaign

combined from all committees other than political party and legislative campaign committees subject to a filing requirement.

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

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

11.26 (10) No candidate for state office who files a sworn statement and an application to receive a grant from the Wisconsin election campaign fund and an

affidavit under s. 11.31 (2m) may make contributions of more than 200% of the amounts specified in sub. (1) to the candidate's own campaign from the candidate's

personal funds or property or the personal funds or property which are owned jointly or as marital property with the candidate's spouse, unless the board determines that

the candidate is not eligible to receive a grant, the candidate withdraws his or her application under s. 11.50 (2) (h), or s. 11.50 (2) (i) applies. For purposes of this

subsection, any contribution received by a candidate or his or her personal campaign committee from a committee which is registered with the federal elections

commission as the authorized committee of the candidate under 2 USC 432 (e) shall be treated as a contribution made by the candidate to his or her own campaign. The

contribution limit of sub. (4) applies to amounts contributed by such a candidate personally to the candidate's own campaign and to other campaigns, except that a

candidate may exceed the limitation if authorized under this subsection to contribute more than the amount specified to the candidate's own campaign, up to the amount

of the limitation.

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

SECTION 21. 11.26 (15) of the statutes is amended to read:

11.26 (15) The fact that 2 or more committees, other than personal campaign committees, utilize common policies and practices concerning the endorsement of

FWS 17A

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(a)

11.31 (3m) or

to the candidate

FWS 17B

candidates or agree to make contributions only to such endorsed candidates does not affect the right of each committee independently to make contributions up to the applicable amount specified under sub. (2) (1) or (1m).

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

SECTION 22. 11.26 (17) (a) of the statutes is amended to read:

11.26 (17) (a) For purposes of application of ~~the limitations imposed in~~ ^{strike} subs. (1), ~~(2) (1m)~~, ^(9m) (9) and (10), the "campaign" of a candidate begins and ends at the times specified in this subsection.

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

SECTION 23. 11.263 of the statutes is created to read:

11.263 Determination of population amounts. (1) The board shall ~~annually~~ publish in the Wisconsin administrative register the population of each county and the population of each ~~applicable judicial district, judicial circuit, and election district~~ ^{jurisdiction, district, or} to which s. 11.26 (1) (e) to (n), (1m) (e) to (n), or (8) (ag) or 11.31 (1) (i) to (s) applies. The board shall base the population figures on the results of the most recent federal decennial census of the population and any special federal census ~~conducted or official federal census corrections issued after the date that the results~~ ^{covering the entire jurisdiction, district, or circuit} of the most recent federal decennial census of the population were published.

(2) If a ~~county, judicial district, judicial circuit, or election district~~ ^{jurisdiction, or} for which the board is required to publish population figures under sub. (1) is not comprised of whole census blocks, the board, in determining the population figure under sub. (1), shall use the following procedure:

(a) For each census block that is only partly within the ~~county, judicial district,~~ ^{jurisdiction,} ~~judicial circuit, or election district,~~ ^{or} the board shall divide the area of that portion of

X

the census block that is outside of the ^{jurisdiction} county, judicial district ^{or} judicial circuit ~~or~~
^{in square miles}
~~election district~~ by the area of the entire census block ^{in square miles}

(b) The board shall multiply the quotient determined under par. (a) by the total population for the applicable census block, based upon the results of the most recent federal decennial census of the population and any special census ^{covering the} ~~conducted~~ or ~~official census corrections issued after the date that the results of the most recent~~
~~federal decennial census of the population were published~~

(c) The board shall subtract the product determined under par. (b) from the total population for the applicable census block, based upon the results of the most recent federal decennial census of the population and any special census conducted ^{covering the entire jurisdiction, district or circuit} or ~~official census corrections issued after the date that the results of the most recent~~
~~federal decennial census of the population were published~~. The board shall use the result determined under this paragraph ^{as the population of that portion of the} census block that is within the ^{jurisdiction} county, judicial district ^{or} judicial circuit ~~or election district~~, in determining the applicable population figure under sub. (1).

(3) The clerk of every municipality and the department of administration shall provide the board with any information the board requests in the execution of its duties under this section.

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→ SECTION # RP; 11.265(2)

SECTION 24. 11.31 (1) (intro.) of the statutes is amended to read:

11.31 (1) SCHEDULE. (intro.) The following levels of disbursements are established with reference to the candidates listed below. The levels are subject to adjustment under sub. (9). Except as provided in sub. (2), such levels do not operate

to restrict the total amount of disbursements which are made or authorized to be made by any candidate in any primary or other election.

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

SECTION 25. 11.31 (1) (a) to (c) of the statutes are amended to read:

11.31 (1) (a) Candidates for governor, ~~\$1,078,200~~ \$3,000,000.

(b) Candidates for lieutenant governor, ~~\$323,475~~ \$400,000.

(c) Candidates for attorney general, ~~\$539,000~~ \$750,000.

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

SECTION 26. 11.31 (1) (cm) of the statutes is created to read:

11.31 (1) (cm) Candidates for justice, \$400,000.

SECTION 27. 11.31 (1) (d) of the statutes is amended to read:

11.31 (1) (d) Candidates for secretary of state, state treasurer, ~~justice~~ or state superintendent, ~~\$215,625~~ \$350,000.

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

SECTION 28. 11.31 (1) (dm) of the statutes is repealed.

SECTION 29. 11.31 (1) (e) and (f) of the statutes are amended to read:

11.31 (1) (e) Candidates for state senator, ~~\$34,500 total in the primary and election, with disbursements not exceeding \$21,575 for either the primary or the election~~ \$125,000.

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

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

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

SECTION 30. 11.31 (1) (fm) to (h) of the statutes are repealed.

SECTION 31. 11.31 (1) (i) to ~~(j)~~ ⁽ⁿ⁾ of the statutes are created to read:

grand candidates for

11.31 (1) (i) Candidates for court of appeals judge, circuit judge, district attorney, or local office in ^{jurisdictions,} ~~districts, circuits, counties, or election districts,~~ ^{or} ~~respectively,~~ ^{that} which have a population of more than 500,000, as determined under s. 11.263, \$400,000.

(j) Candidates for ~~court of appeals judge,~~ circuit judge, district attorney, or local office in ^{jurisdictions,} ~~districts, circuits, counties, or election districts,~~ ^{or} ~~respectively,~~ that have a population of more than 300,000 but not more than 500,000, as determined under s. 11.263, \$300,000.

(k) Candidates for ~~court of appeals judge,~~ circuit judge, district attorney, or local office in ^{jurisdictions,} ~~districts, circuits, counties, or election districts,~~ ^{or} ~~respectively,~~ that have a population of more than 150,000 but not more than 300,000, as determined under s. 11.263, \$200,000.

(L) Candidates for ~~court of appeals judge,~~ circuit judge, district attorney, or local office in ^{jurisdictions,} ~~districts, circuits, counties, or election districts,~~ ^{or} ~~respectively,~~ that have a population of more than 75,000 but not more than 150,000, as determined under s. 11.263, \$115,000.

(m) Candidates for ~~court of appeals judge,~~ circuit judge, district attorney, or local office in ^{jurisdictions,} ~~districts, circuits, counties, or election districts,~~ ^{or} ~~respectively,~~ that have a population of more than 50,000 but not more than 75,000, as determined under s. 11.263, \$67,500.

(n) Candidates for ~~court of appeals judge,~~ circuit judge, district attorney, or local office in ^{jurisdictions,} ~~districts, circuits, counties, or election districts,~~ ^{or} ~~respectively,~~ that have a population of more than 30,000 but not more than 50,000, as determined under s. 11.263, \$40,000.

SECTION A CR; 11.31(1)(p) to (s)

11.31(1)(p) Candidates for ~~court of appeals judge~~, circuit judge, district attorney, or local office in ~~districts, circuits, counties, or election districts~~, respectively, that have a population of more than 15,000 but not more than 30,000, as determined under s. 11.263, \$25,000.

(q) Candidates for ~~court of appeals judge~~, circuit judge, district attorney, or local office in ~~districts, circuits, counties, or election districts~~, respectively, that have a population of more than 5,000 but not more than 15,000, as determined under s. 11.263, \$10,000.

(r) Candidates for ~~court of appeals judge~~, circuit judge, district attorney, or local office in ~~districts, circuits, counties, or election districts~~, respectively, that have a population of more than 2,000 but not more than 5,000, as determined under s. 11.263, \$3,500.

(s) Candidates for ~~court of appeals judge~~, circuit judge, district attorney, or local office in ~~districts, circuits, counties, or election districts~~, respectively, that have a population of not more than 2,000, as determined under s. 11.263, \$1,500.

SECTION 32. 11.31 (2) of the statutes is amended to read:

11.31 (2) LIMITATION IMPOSED. No candidate for state office at a spring or general election who files a sworn statement and an application to receive a grant from the Wisconsin election campaign fund and an affidavit under sub. (2m) (a) may make or authorize total disbursements from the his or her campaign treasury in any campaign to the extent of more than the amount prescribed in sub. (1), adjusted as provided under sub. (9), unless the board determines that the candidate is not eligible to receive a grant, the candidate withdraws his or her application under s. 11.50 (2) (h), or ~~s. 11.50 (2) (i)~~ ^{sub. (3n) or (3p) or} applies. No candidate for state office at a special election who files a sworn statement and ^{to that candidate} an application to receive a grant from the

Wisconsin election campaign fund and an affidavit under sub. (2m) (a) may make or authorize total disbursements from the his or her campaign treasury in any campaign to the extent of more than the amount prescribed under sub. (1), adjusted as provided under sub. (9), for the preceding spring or general election for the same office, unless the board determines that the candidate is not eligible to receive a grant, the candidate withdraws his or her application under s. 11.50 (2) (h), or s. 11.50

(2) (i) applies.

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

SECTION 33. 11.31 (2m) of the statutes is amended to read:

11.31 (2m) ~~VOLUNTARY AFFIDAVIT OF LIMITATION~~ (a) Any candidate who files an application to receive a grant from the Wisconsin election campaign fund shall file an affidavit with his or her filing officer affirming that the candidate, and his or her authorized agents, have complied with the limitations imposed under sub. (2) and s. 11.26 at all times during which the limitations have applied to the candidacy and will continue to comply with the limitations at all times during which the limitations apply to the candidacy, unless the board determines that the candidate is not eligible to receive a grant from the Wisconsin election campaign fund under s. 11.50, the candidate withdraws his or her application for a grant under s. 11.50 (2) (h), or s. 11.50 (2) (i) applies.

SECTION #. KA; 11.31 (2m); 11.31 (2m) (b)
11.31 (2m) (b) Any candidate to whom sub. (2) and s. 11.26 (10) do not apply may file an affidavit with his or her filing officer affirming that he or she has adhered and will adhere to the limitations imposed under sub. (2) and s. 11.26 during the entire campaign. These limitations apply after the filing of an affidavit under this paragraph, unless the candidate withdraws the affidavit by notifying his or her filing officer in writing no later than the 7th day after the date of the primary in which the

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Reverse order of these two bill sections

to that candidate
11.31 (3n) or (3p)
or
SECTION #. AM; 11.31 (2m) (title) 11.31 (2m) (title) VOLUNTARY LIMITATION AFFIDAVIT OF ADHERENCE TO LIMITATIONS

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person filing the affidavit is a candidate, or the 7th day after the date that the primary would be held, if no primary is required/

OR UNLESS sub. (3h) or (3g) applies to that candidate

} p. 6. 2.

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

SECTION 34. 11.31 (3) of the statutes is amended to read:

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

SECTION # RP; 11.31 (3m)

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

SECTION 35. 11.50 (2) (a) of the statutes is amended to read:

11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may file an application with the board requesting approval to participate in the fund. The application shall be filed no later than the applicable deadline for filing nomination 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. on the 7th day after the primary or date on which the primary would be held if required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day after appointment in the case of candidates appointed to fill vacancies. The application shall contain a sworn statement that the candidate and his or her authorized agents have complied with the contribution limitations prescribed in s. 11.26 and the disbursement limitations prescribed under s. 11.31 at all times to which such limitations have applied to his or her candidacy and will continue to comply with the limitations at all times to which the limitations apply to his or her candidacy for the office in contest, unless the board determines that the candidate

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~~is not eligible to receive a grant, the candidate withdraws his or her application under par. (h), or par. (i) applies~~ applicant shall provide, along with the application, an affidavit under s. 11.31 (2m) (a).

History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75.

SECTION 36. 11.50 (2) (b) 4. of the statutes is amended to read:

11.50 (2) (b) 4. The financial reports filed by or on behalf of the candidate as of the date of the spring or September primary, or the date that the special primary is or would be held, if required, indicate that his or her ~~statement~~ affidavit filed with ~~the application~~ under par. (a) s. 11.31 (2m) (a) is true; and

History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75.

SECTION 37. 11.50 (2) (b) 5. of the statutes is amended to read:

11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as of the date of the spring or September primary, or the date that the special primary is or would be held, if required, indicate that the candidate has received an amount equal to at least the amount provided in this subdivision 5% of the applicable authorized disbursement limitation, as determined under s. 11.31 (1) and adjusted as provided under s. 11.31 (9), from contributions of money, other than loans, made by individuals who reside in this state and, in the case of a candidate for other than a statewide office, by individuals at least 50% of whom reside in a county having territory within the district in which the candidate seeks office, which contributions have been received during the period ending on the date of the spring primary and July 1 preceding such date in the case of candidates at the spring election, or the date of the September primary and January 1 preceding such date in the case of candidates at the general election, or the date that a special primary will or would be held, if required, and 90 days preceding such date or the date a special election is ordered, whichever is earlier, in the case of ~~special election~~ candidates at a special

election, which contributions are in the aggregate amount of \$100 or less, and which contributions are fully identified and itemized as to the exact source thereof. A contribution received from a conduit which is identified by the conduit as originating from an individual shall be considered a contribution made by the individual. Only the first \$100 of an aggregate contribution of more than \$100 may be counted toward the required percentage. ~~For a candidate at the spring or general election for an office identified in s. 11.26 (1) (a) or a candidate at a special election, the required amount to qualify for a grant is 5% of the candidate's authorized disbursement limitation under s. 11.31. For any other candidate at the general election, the required amount to qualify for a grant is 10% of the candidate's authorized disbursement limitation under s. 11.31.~~

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SECTION 38. 11.50 (2) (g) of the statutes is amended to read:

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

or s. 11.31 (3a) or (3b)
applies to the candidate

History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75.

SECTION 39. 11.50 (2) (h) of the statutes is amended to read:

11.50 (2) (h) An eligible candidate who files an application under par. (a) may file a written withdrawal of the application. A withdrawal of an application may be filed with the board no later than the 7th day after the day of the primary in which

the person withdrawing the application is a candidate or the 7th day after the date that the primary would be held, if required. If an application is withdrawn in accordance with this paragraph, the person withdrawing the application is no longer bound by the ~~statement~~ affidavit filed under par. (a) s. 11.31 (2m) (a) after the date of the withdrawal.

History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75.

SECTION 40. 11.50 (2) (i) of the statutes is amended to read:

11.50 (2) (i) Notwithstanding par. (g), if an eligible candidate at the spring election or a special nonpartisan election who accepts a grant is opposed by one or more candidates in the election, or if an eligible candidate at the general election or a special partisan election who accepts a grant is opposed by one or more candidates in the election who receive at least 6% of the vote cast for all candidates for the same office on all ballots at the September primary or a special partisan primary if a primary was held, and in either case if any such opponent of the eligible candidate does not accept a grant under this section in whole or in part, the eligible candidate is not bound by the pledge made in his or her application to adhere to the contribution limitations prescribed in s. 11.26 and the disbursement limitation prescribed under s. 11.31 (2), unless each such opponent files an affidavit of voluntary compliance *and s. 11.31 (3m) and (3p) do not apply to the candidate* under s. 11.31 (2m) ~~(b)~~ *plain text*

History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75.

SECTION 41. 11.50 (9) of the statutes is amended to read:

11.50 (9) ~~THE TOTAL GRANT AVAILABLE TO AN ELIGIBLE CANDIDATE FOR AN OFFICE OTHER THAN THE OFFICE OF JUSTICE~~ *(a) EXCEPT AS PROVIDED IN PARS. (C) AND (D)* The total grant available to an eligible candidate *the* may not exceed 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% ~~25%~~ *25%* of the disbursement level specified for the applicable office under s. 11.31 (1), *renumbered 11.50(9)(a) and* adjusted as provided under s.

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④ (e)
 11.31 (9) The board shall scrutinize accounts and reports and records kept under this chapter to assure that applicable limitations under ss. 11.26 (9) and 11.31 are not exceeded and any violation is reported. No candidate or campaign treasurer may accept grants exceeding the amount authorized by this subsection.

History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75.

SECTION 42. 11.50 (10m) of the statutes is amended to read:

11.50 (10m) RETURN OF GRANTS. An individual who receives a grant prior to an election in which he or she is a candidate and who desires to return any portion of the grant shall return that portion no later than the 2nd Tuesday in October preceding a general election, the 4th Tuesday preceding a spring election or the 3rd Tuesday preceding a special election. A candidate who returns all or any portion of a grant under this subsection remains bound by the candidate's statement affidavit filed under sub. (2) (a) s. 11.31 (2m) (a).

History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75.

SECTION 43. 11.50 (11) (e) of the statutes is amended to read:

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

History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75.

SECTION 44. Initial applicability.

④ (a)
 COST OF LIVING ADJUSTMENTS. The treatment of section 11.26 (10a) ~~and 11.27~~ of the statutes first applies to adjustments for the ^{4-year period} ~~biennium~~ beginning on January 1, 2004.

④ (b) The treatment of section 11.31 (9) of the statutes first applies to adjustments for the biennium beginning on January 1, 2004.

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