



(UNOIC)  
State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-2872/E1 R

JTK/RJM/MES/MDK/JK:cs:kjf/ch

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D. H. ...

(regenerate)

1 AN ACT ~~to repeal~~ 11.06 (3w) (a), 11.26 (1) (a), 11.26 (1) (cc) to (d), 11.26 (2), 11.265  
2 (2), 11.31 (1) (dm), 11.31 (1) (fm) to (h), 11.31 (3m) and 11.31 (4); **to renumber**  
3 11.50 (1) (a) 1. and 11.50 (3) (a) 1.; **to renumber and amend** 11.31 (2m), 11.50  
4 (1) (a) 2., 11.50 (3) (a) 2. and 11.50 (9); **to amend** 7.08 (2) (cm), 8.35 (4) (a) 1. a.  
5 and b., 11.06 (7m) (a), 11.06 (7m) (b), 11.07 (5), 11.12 (2), 11.16 (2), 11.19 (1),  
6 11.20 (2), (3) (a) and (b), 11.20 (8) (intro.), 11.20 (8) (a), 11.20 (10) (a), 11.21 (15),  
7 11.23 (2), 11.26 (1) (intro.), 11.26 (3), 11.26 (4), 11.26 (5), 11.26 (6), 11.26 (8),  
8 11.26 (9) (a), 11.26 (9) (b), 11.26 (10), 11.26 (15), 11.26 (17) (a), 11.30 (4), 11.31  
9 (1) (intro.), 11.31 (1) (a) to (c), 11.31 (1) (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31  
10 (2m) (title), 11.31 (3), 11.38 (6), 11.50 (2) (a), 11.50 (2) (b) 4., 11.50 (2) (b) 5., 11.50  
11 (2) (f), 11.50 (2) (g), 11.50 (2) (h), 11.50 (2) (i), 11.50 (3) (b), 11.50 (5), 11.50 (6),  
12 11.50 (10m), 11.50 (11) (e), 25.42, 71.10 (3) (a) and 71.10 (3) (b); and **to create**  
13 11.01 (4m), (11m), (13), (14) and (20), 11.05 (3) (q), 11.05 (3) (q), 11.06 (1) (dm),  
14 11.06 (11) (bm), 11.20 (3) (be), 11.20 (8) (am), 11.26 (1) (ab), (ag) and (ar), 11.26  
15 (1) (e) to (n), 11.26 (1m), 11.26 (1t), 11.26 (8) (ag) and (ar), 11.26 (9m), 11.26 (10a),

1 11.263, 11.31 (1) (cm), 11.31 (1) (i) to (n), 11.31 (1) (p) to (s), 11.31 (2m) (a), 11.31  
 2 (3n), 11.81 (3p), 11.31 (9), 11.50 (1) (a) 1. (intro.), 11.50 (1) (a) 2m., 11.50 (1) (am),  
 3 11.50 (1) (bm) and (cm), 11.50 (2s), 11.50 (2w), 11.50 (4m), 11.50 (9) (b) to (d),  
 4 11.50 (14), 71.07 (6s) and 71.10 (4) (cs) of the statutes; relating to: campaign

5 financing, nonrefundable income tax credits for certain donations to the state  
 6 Wisconsin election campaign fund, providing exemptions from certain  
 7 emergency rule procedures, and granting rule-making authority. and providing penalties

**Analysis by the Legislative Reference Bureau**

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

and also makes certain changes to individual income tax laws relating to campaign financing and provision of free media access to candidate for state office

**FILING OF CAMPAIGN FINANCE REPORTS**

**Required frequency of certain reports**

Currently, with limited exceptions, a candidate at any primary or other election must file preprimary and preelection reports no later than eight days before each primary or other election at which the candidate participates. This bill provides, in addition, that if such a candidate, as of the end of any week before a primary or other election at which the candidate seeks office, has received contributions or other income in a total amount exceeding 20% of the disbursement level provided for the office that the candidate seeks, the candidate or his or her personal campaign committee must file weekly preprimary or preelection reports for each week preceding the primary or other election at which the candidate seeks office.

**Reporting of contributions transferred by conduits**

Currently, if an individual or organization receives a political contribution consisting of money and transfers the contribution to another individual or organization without exercising discretion as to the amount to be transferred and the individual to whom or the organization to which the transfer is to be made, the contribution is considered to be made by the original contributor for purposes of reporting by the ultimate recipient. The contribution is also treated as an individual contribution for purposes of determining contribution limitations and qualifying contributions for public grants. The individual or organization making the transfer is called a "conduit" under the law. A conduit must identify itself to the ultimate recipient as a conduit and provide to that recipient the information about the contribution which is necessary for the recipient to file its campaign finance reports.

This bill directs the elections board to provide a separate schedule that must be filed by each registrant to which contributions are transferred by a conduit. The schedule includes the name and address of the conduit, the date and amount of each

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transfer, and the total amount transferred to the registrant by the conduit for the calendar year.

*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 and limitations applicable to candidates for the offices shown 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
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 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
300,001 to 500,000	300,000
150,001 to 300,000	200,000

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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 amount of contributions made to all candidates.

This bill:

1. Revises the current limitations on contributions individuals may make to candidates for certain state offices. Under the bill, with certain exceptions, candidates who voluntarily agree to abide by the disbursement limitations and self-contribution limitations may receive higher amounts of contributions from individuals. The proposed limitations on these contributions are shown in the following chart:

<i>Office</i>	<i>Current Limit</i>	<i>Proposed Limit: Candidates Subject to Disbursement and Self-Contribution Limitations</i>	<i>Proposed Limit: Candidates Not Subject to Disbursement and Self-Contribution Limitations</i>
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
Superintendent of public instruction	10,000	5,000	2,500

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

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. Under the bill, with certain exceptions, candidates who voluntarily agree to abide by the disbursement limitations and self-contribution limitations may receive higher amounts of contributions from individuals. The proposed limitations on these contributions, which are based upon the population of the jurisdiction, district, or circuit served by the office which the candidate seeks, are shown in the following chart:

<i>Population</i>	<i>Proposed Limit: Candidates Subject to Disbursement and Self-Contribution Limitations</i>	<i>Proposed Limit: Candidates Not Subject to Dis- bursement and Self-Contribution Limitations</i>
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 cost-of-living adjustment that causes the statutory limits on individual contributions to be adjusted quadrennially, beginning in 2006, 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 and self-contribution limitations or up to \$5,000 if the candidate is not subject to the disbursement and self-contribution limitations.

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 other than a political party or legislative campaign 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 other than a political party or legislative campaign committee, and its subunits or affiliates, and limits the aggregate total of contributions that a political party may accept during any biennium from all committees other than political party and legislative campaign committees. Currently, a committee other than a political party or legislative campaign 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 other than a political party or legislative campaign committee, and its subunits and affiliates, and a political party may accept up to \$150,000 in contributions from all committees other than a political party or legislative campaign committee 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 other than political party and legislative campaign 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 other than political party and legislative campaign committees. The bill also permits a committee other than a political party or legislative campaign committee, and its subunits and affiliates, 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 other than a political party or legislative campaign 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 other than political party and legislative campaign committees during any biennium.~~

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

**EXEMPTION FROM DISBURSEMENT AND CERTAIN CONTRIBUTION LIMITATIONS**

Currently, if a candidate for a partisan state office <sup>and self-contribution</sup> accepts a grant and has an opponent who also could have qualified to receive a grant but declines to accept one, the candidate is not bound by his or her disbursement limitation. Similarly, if a candidate for a nonpartisan state office accepts a grant and has an opponent who declines to accept a grant, that candidate is not bound by his or her disbursement limitation. However, in either case, if each opponent who declines to accept a grant files with the elections board an affidavit of voluntary compliance with the disbursement limitation applicable to candidates for the office that the candidate seeks, the disbursement limitation for the candidate who accepts a grant continues to apply. ~~This bill deletes the exception that retains the disbursement limitation of a candidate if an affidavit is filed by each of his or her opponents.~~

or self-contribution

and self-contribution

~~NOT~~ Currently, a candidate for state or local office may not accept contributions from all committees, together with grants from the Wisconsin election campaign fund, in an aggregate amount exceeding 65% of the candidate's applicable disbursement level or limit.

This bill provides that if a candidate who accepts a grant from the Wisconsin election campaign fund or a candidate who has filed an affidavit of voluntary compliance with disbursement and self-contribution limitations, files a sworn statement with the board, in accordance with procedures specified by the board for this purpose, to the effect that one or more independent disbursements or other independent expenditures have been made for the purpose of making communications opposing his or her candidacy, then 1) all candidates for the office that the candidate seeks are not bound by any disbursement limitations; 2) limitations upon contributions made by individuals to the campaigns of those candidates (as affected by the bill) are doubled; and 3) those candidates may accept aggregate contributions equal to not more than 65% of their disbursement limitation from political party and legislative campaign committees, in addition to contributions accepted by the candidates from other committees and any grants accepted by the candidates from the Wisconsin election campaign fund.

The bill also provides that if a candidate for a state office who accepts a grant from the Wisconsin election campaign fund or a candidate who has filed an affidavit of voluntary compliance with disbursement and self-contribution limitations determines that an opposing candidate who has not applied for a grant and who has not filed an affidavit has made disbursements exceeding the amount of the disbursement limitation applicable to candidates for that office, then all candidates for that office may make additional contributions to their own campaigns exceeding the self-contribution limitation applicable to candidates for that office and may make additional disbursements exceeding the disbursement limitation applicable to candidates for that office in an amount equivalent to the lesser of the total contributions made by the opposing candidate to his or her own campaign or the amount by which total disbursements made by the opposing candidate exceed the applicable disbursement limitation, as reported to the board by the opposing candidate. In addition, limitations upon contributions made by individuals to those candidates (as affected by the bill) are doubled and those candidates may accept

and each of the candidates' opponents accept a grant or file the affidavit and the candidate

aggregate contributions equal to not more than 65% of their disbursement limitation from political party and legislative campaign committees, in addition to contributions accepted by the candidates from other committees and any grants accepted by the candidates from the Wisconsin election campaign fund.

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**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.

This bill deletes the current checkoff for the Wisconsin election campaign fund but permits an individual to pay an additional amount not exceeding \$5 to be transferred to the fund, effective for tax returns filed for taxable years beginning on or after January 1 following the day on which the bill becomes law. Under the bill, individuals filing a joint return may separately choose whether to make an additional payment. The bill permits an individual to claim a credit against his or her individual income tax liability for the amount of the additional payment. Individuals filing a joint return may claim a credit for their combined payments. The bill also permits individuals to determine whether to designate their payments for a "general account," which is potentially available for distribution to all candidates who qualify for a grant, or for the account of an eligible political party, which is distributed to all candidates representing that party who qualify for a grant.

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**Disposition of residual or excess funds**

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

This bill allows residual or excess funds to be transferred to the Wisconsin election campaign fund for deposit in the general account.

**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

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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.

Currently, the maximum grant that a candidate may receive from the Wisconsin election campaign fund 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 that the candidate seeks, if there are sufficient moneys in the fund to finance the full amount of grants for which candidates qualify. In each year prior to a year in which an election for the office of justice of the supreme court is scheduled, 8% of the moneys designated by taxpayers to be transferred to the fund for that year is set aside to finance payment of grants to candidates for the office of justice. Whether this amount is sufficient to finance payment of the full amounts for which candidates qualify depends upon the total amount of taxpayer designations for that year.

**This bill:**

1. Increases the maximum potential grant payable to a candidate for the office of justice of the supreme court to 65% of the authorized disbursement level for that office, and decreases the maximum potential grant payable to a candidate for any other office to 25% of the authorized disbursement level for the office that the candidate seeks.
2. Provides that if a candidate has a balance in his or her campaign depository account that exceeds 50% of the authorized disbursement level for the office that the candidate seeks at the time that grant payments are made, the amount of the grant payable to that candidate is 50% of the amount that would otherwise be payable.
3. Provides that if a candidate does not have an opponent whose application for a grant is approved by the board, the amount of the grant payable to that candidate is 50% of the amount that would otherwise be payable, unless the grant has already been reduced as a result of the balance in the candidate's campaign depository account.
4. Provides that in each year prior to a year in which an election for the office of justice of the supreme court is scheduled, an amount must be set aside from taxpayer donations to the general account sufficient to finance payment of the full amount of grants for which candidates for the office of justice qualify before amounts

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are made available from the general account to finance the payment of grants to candidates for any other office.

5. Provides that a candidate for the office of state senator or representative to the assembly must receive contributions equal to only 5% of the authorized disbursement level for the office which the candidate seeks in order to qualify for a grant. 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 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.

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

1 SECTION 1. 7.08 (2) (cm) of the statutes is amended to read:

2 7.08 (2) (cm) As soon as possible after the canvass of a special primary, or the  
3 date that the primary would be held, if required, transmit to the state treasurer a  
4 certified list of all eligible candidates for state office who have filed applications  
5 under s. 11.50 (2) and whom the board determines to be eligible to receive a grant  
6 from the Wisconsin election campaign fund prior to the election. The board shall also  
7 transmit a similar list of candidates, if any, who have filed applications under s. 11.50  
8 (2) and whom the board determines to be eligible to receive a grant under s. 11.50 (1)  
9 (a) ~~2.~~ 1. b. after the special election. The list shall contain each candidate's name, the  
10 mailing address indicated upon the candidate's registration form, the office for which  
11 the individual is a candidate and the party or principle which he or she represents,  
12 if any.

13 SECTION 2. 8.35 (4) (a) 1. a. and b. of the statutes are amended to read:

14 8.35 (4) (a) 1. a. ~~Donated to the former candidate's local or state political party~~  
15 if If the former candidate was a partisan candidate or, donated to the former  
16 candidate's local or state political party, donated to the a charitable organization of  
17 the former candidate's choice or the charitable organization chosen, or transferred

1 to the board for deposit in the Wisconsin election campaign fund, as instructed by the  
2 former candidate or, if the former candidate left no instruction, by the former  
3 candidate's next of kin ~~if the former candidate is deceased, or if no choice is made~~  
4 ~~returned to the donors on a proportional basis; or~~

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

11 **SECTION 3.** 11.01 (4m), (11m), (13), (14) and (20) of the statutes are created to  
12 read:

13 11.01 (4m) "Communication" means a message transmitted by means of a  
14 printed advertisement, billboard, handbill, sample ballot, radio or television  
15 advertisement, telephone bank operator, or mass mailing, but does not include a poll  
16 conducted solely for the purpose of identifying or collecting data concerning the  
17 attitudes or preferences of electors.

18 (11m) "Independent expenditure" means a disbursement or other expenditure  
19 made for the purpose making a communication that is made during the 60-day  
20 period preceding a general, special, or spring election, that contains a reference to  
21 a clearly identified candidate at that election, that is made without cooperation or  
22 consultation with such a candidate, or any authorized committee or agent of such a  
23 candidate, and that is not made at the request or suggestion of such a candidate, or  
24 any authorized committee or agent of such a candidate.

1 (13) "Mass mailing" means the distribution of 50 or more pieces of  
2 substantially identical material.

3 (14) "National political party committee" means a national committee as  
4 defined in 2 USC 431 (14).

5 (20) "Telephone bank operator" means any person who places or directs the  
6 placement of 50 or more substantially identical telephone calls to individuals.

7 SECTION 4. 11.05 (3) (q) of the statutes is created to read:

8 11.05 (3) (q) In the case of a political party committee, an indication of whether  
9 the committee is a state or national political party committee, or a state or national  
10 subunit or state or national affiliate of such a committee.

11 ~~SECTION 5. 11.05 (3) (q) of the statutes is created to read:~~

12 ~~11.05 (3) (q) In the case of a political party committee, an indication of whether~~  
13 ~~the committee is a state or national political party committee, or a state or national~~  
14 ~~subunit or state or national affiliate of such a committee.~~

15 SECTION 6. 11.06 (1) (dm) of the statutes is created to read:

16 11.06 (1) (dm) A separate schedule itemizing those contributions that were  
17 transferred to the registrant by a conduit, together with the name and address of the  
18 conduit, the date and amount of each transfer, and the cumulative total amount  
19 transferred to the registrant by the conduit for the calendar year.

20 SECTION 7. 11.06 (3w) (a) of the statutes is repealed.

21 SECTION 8. 11.06 (7m) (a) of the statutes is amended to read:

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

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

12 **SECTION 9.** 11.06 (7m) (b) of the statutes is amended to read:

13 11.06 (7m) (b) If the committee has already made contributions in excess of the  
14 applicable amounts specified in s. 11.26 (2) (1) or (1m) at the time it files an oath  
15 under sub. (7), each candidate to whom contributions are made shall promptly return  
16 a sufficient amount of contributions to bring the committee in compliance with this  
17 subsection and the committee may not make any additional contributions in  
18 violation of this subsection.

19 **SECTION 10.** 11.06 (11) (bm) of the statutes is created to read:

20 11.06 (11) (bm) The board shall prescribe a separate schedule for reporting  
21 under s. 11.06 (1) by transferees of contributions transferred by conduits.

22 **SECTION 11.** 11.07 (5) of the statutes is amended to read:

23 11.07 (5) Any campaign treasurer or individual who knowingly receives a  
24 contribution made by an unregistered nonresident in violation of this section may  
25 not use or expend such contribution but shall immediately return it to the source or,

1 at the option of the campaign treasurer or individual, donate the contribution to a  
2 charitable organization or to the common school fund or transfer the contribution to  
3 the board for deposit in the Wisconsin election campaign fund.

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SECTION 12. 11.12 (2) of the statutes is amended to read:

5 11.12 (2) Any anonymous contribution exceeding \$10 received by a campaign  
6 or committee treasurer or by an individual under s. 11.06 (7) may not be used or  
7 expended. The contribution shall be donated to the common school fund or to any  
8 charitable organization or transferred to the board for deposit in the Wisconsin  
9 election campaign fund, at the option of the treasurer.

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

11 11.16 (2) LIMITATION ON CASH CONTRIBUTIONS. Every contribution of money  
12 exceeding \$50 shall be made by negotiable instrument or evidenced by an itemized  
13 credit card receipt bearing on the face the name of the remitter. No treasurer may  
14 accept a contribution made in violation of this subsection. The treasurer shall  
15 promptly return the contribution, or shall donate it the contribution to the common  
16 school fund or to a charitable organization or transfer the contribution to the board  
17 for deposit in the Wisconsin election campaign fund in the event that the donor  
18 cannot be identified.

19 SECTION 14. 11.19 (1) of the statutes is amended to read:

20 11.19 (1) Whenever any registrant disbands or determines that obligations will  
21 no longer be incurred, and contributions will no longer be received nor disbursements  
22 made during a calendar year, and the registrant has no outstanding incurred  
23 obligations, the registrant shall file a termination report with the appropriate filing  
24 officer. Such report shall indicate a cash balance on hand of zero at the end of the  
25 reporting period and shall indicate the disposition of residual funds. Residual funds

1 may be used for any political purpose not prohibited by law, returned to the donors  
2 in an amount not exceeding the original contribution, transferred to the board for  
3 deposit in the Wisconsin election campaign fund or donated to a charitable  
4 organization or the common school fund. The report shall be filed and certified as  
5 were previous reports, and shall contain the information required by s. 11.06 (1). A  
6 registrant to which s. 11.055 (1) applies shall pay the fee imposed under that  
7 subsection with a termination report filed under this subsection. If a termination  
8 report or suspension report under sub. (2) is not filed, the registrant shall continue  
9 to file periodic reports with the appropriate filing officer, no later than the dates  
10 specified in s. 11.20. This subsection does not apply to any registrant making an  
11 indication under s. 11.05 (2r).

12 SECTION 15. 11.20 (2), (3) (a) and (b) of the statutes are amended to read:

13 11.20 (2) ~~Preprimary and~~ Unless, as of the 14th day preceding a primary or  
14 other election at which a candidate seeks office, a candidate is required to file reports  
15 under sub. (3) (be), each candidate who seeks office at a primary or other election, or  
16 his or her personal campaign committee, shall file a preprimary and preelection  
17 reports report under s. 11.06 (1), which shall be received by the appropriate filing  
18 officer no earlier than 14 days and no later than 8 days preceding the primary and  
19 the election. Each candidate who is required to file reports under sub. (3) (be), or his  
20 or her personal campaign committee, shall file each preprimary and preelection  
21 report under sub. (3) (be) so that the report is received by the appropriate filing officer  
22 no earlier than the day after the end of the week to which the report pertains and no  
23 later than the 5th day after the end of that week.

24 (3) (a) ~~A~~ Unless otherwise required under par. (be), a candidate or personal  
25 campaign committee of a candidate at a primary shall file a preprimary and

1 preelection report. If a candidate for a nonpartisan state office at an election is not  
2 required to participate in a primary, the candidate or personal campaign committee  
3 of the candidate shall file a preprimary report at the time prescribed in sub. (2) or  
4 (3) (be) preceding the date specified in s. 5.02 (20) or (22) for the holding of the  
5 primary, were it to be required.

6 (b) ~~A~~ Unless otherwise required under par. (be), a candidate or personal  
7 campaign committee of a candidate at an election shall file a preelection report.

8 **SECTION 16.** 11.20 (3) (be) of the statutes is created to read:

9 11.20 (3) (be) If a candidate, as of the end of any week before a primary or other  
10 election at which the candidate seeks office, has received contributions or other  
11 income in a total amount exceeding 20% of the disbursement level specified in s.  
12 11.31 (1), as adjusted under s. 11.31 (9), for the office that the candidate seeks, the  
13 candidate or his or her personal campaign committee shall file preprimary or  
14 preelection reports for each week prior to the primary or other election for the office  
15 that the candidate seeks.

16 **SECTION 17.** 11.20 (8) (intro.) of the statutes is amended to read:

17 11.20 (8) (intro.) Reports filed under subs. (2), (3) (be), (4) and (4m) shall include  
18 all contributions received and transactions made as of the end of:

19 **SECTION 18.** 11.20 (8) (a) of the statutes is amended to read:

20 11.20 (8) (a) The 15th day preceding the primary or election in the case of the  
21 preprimary and preelection report under sub. (2);

22 **SECTION 19.** 11.20 (8) (am) of the statutes is created to read:

23 11.20 (8) (am) The Saturday preceding the due date under sub. (2) in the case  
24 of a preprimary or preelection report under sub. (3) (be).

25 **SECTION 20.** 11.20 (10) (a) of the statutes is amended to read:



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

8           **SECTION 21.** 11.21 (15) of the statutes is amended to read:

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

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

16           11.23 (2) Any anonymous contribution exceeding \$10 received by an individual  
 17 or group treasurer may not be used or expended. The contribution shall be donated  
 18 to the common school fund or to any charitable organization or transferred to the  
 19 board for deposit in the Wisconsin election campaign fund, at the option of the  
 20 treasurer.

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21           **SECTION 23.** 11.26 (1) (intro.) of the statutes is amended to read:

22           11.26 (1) ~~No~~ Except as provided under subs. (1t), (9m), (10), and (10a), no  
 23 individual and no committee other than a political party committee or legislative  
 24 campaign committee may make any contribution or contributions to a candidate for  
 25 election or nomination to any of the following offices who has filed an affidavit under

1 s. 11.31 (2m) and to any individual or committee under s. 11.06 (7) acting solely in  
2 support of such a candidate or solely in opposition to the candidate's opponent to the  
3 extent of more than a total of the amounts specified per candidate:

4 **SECTION 24.** 11.26 (1) (a) of the statutes is repealed.

5 **SECTION 25.** 11.26 (1) (ab), (ag) and (ar) of the statutes are created to read:

6 11.26 (1) (ab) Candidates for governor, \$10,000.

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

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

10 **SECTION 26.** 11.26 (1) (cc) to (d) of the statutes are repealed.

11 **SECTION 27.** 11.26 (1) (e) to (n) of the statutes are created to read:

12 11.26 (1) (e) Candidates for court of appeals judge and candidates for circuit  
13 judge, district attorney, or local office in jurisdictions, districts, or circuits that have  
14 a population of more than 500,000, as determined under s. 11.263, \$3,000.

15 (f) Candidates for circuit judge, district attorney, or local office in jurisdictions,  
16 districts, or circuits that have a population of more than 300,000 but not more than  
17 500,000, as determined under s. 11.263, \$2,000.

18 (g) Candidates for circuit judge, district attorney, or local office in jurisdictions,  
19 districts, or circuits that have a population of more than 150,000 but not more than  
20 300,000, as determined under s. 11.263, \$1,000.

21 (h) Candidates for circuit judge, district attorney, or local office in jurisdictions,  
22 districts, or circuits that have a population of more than 75,000 but not more than  
23 150,000, as determined under s. 11.263, \$750.

1 (i) Candidates for circuit judge, district attorney, or local office in jurisdictions,  
2 districts, or circuits that have a population of more than 50,000 but not more than  
3 75,000, as determined under s. 11.263, \$500.

4 (j) Candidates for circuit judge, district attorney, or local office in jurisdictions,  
5 districts, or circuits that have a population of more than 30,000 but not more than  
6 50,000, as determined under s. 11.263, \$400.

7 (k) Candidates for circuit judge, district attorney, or local office in jurisdictions,  
8 districts, or circuits that have a population of more than 15,000 but not more than  
9 30,000, as determined under s. 11.263, \$300.

10 (L) Candidates for circuit judge, district attorney, or local office in jurisdictions,  
11 districts, or circuits that have a population of more than 5,000 but not more than  
12 15,000, as determined under s. 11.263, \$200.

13 (m) Candidates for circuit judge, district attorney, or local office in jurisdictions,  
14 districts, or circuits that have a population of more than 2,000 but not more than  
15 5,000, as determined under s. 11.263, \$150.

16 (n) Candidates for circuit judge, district attorney, or local office in jurisdictions,  
17 districts, or circuits that have a population of not more than 2,000, as determined  
18 under s. 11.263, \$125.

19 **SECTION 28.** 11.26 (1m) of the statutes is created to read:

20 11.26 (1m) Except as provided under subs. (1t), (9m), and (10a), no individual  
21 and no committee other than a political party committee or legislative campaign  
22 committee may make any contribution or contributions to a candidate for election or  
23 nomination to any of the following offices who has not filed an affidavit under s. 11.31  
24 (2m) and to any individual or committee under s. 11.06 (7) acting solely in support

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

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

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

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

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

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

9 (e) Candidates for court of appeals judge and candidates for circuit judge,  
10 district attorney, or local office in jurisdictions, districts, or circuits that have a  
11 population of more than 500,000, as determined under s. 11.263, \$1,500.

12 (f) Candidates for circuit judge, district attorney, or local office in jurisdictions,  
13 districts, or circuits that have a population of more than 300,000 but not more than  
14 500,000, as determined under s. 11.263, \$1,000.

15 (g) Candidates for circuit judge, district attorney, or local office in jurisdictions,  
16 districts, or circuits that have a population of more than 150,000 but not more than  
17 300,000, as determined under s. 11.263, \$500.

18 (h) Candidates for circuit judge, district attorney, or local office in jurisdictions,  
19 districts, or circuits that have a population of more than 75,000 but not more than  
20 150,000, as determined under s. 11.263, \$375.

21 (i) Candidates for circuit judge, district attorney, or local office in jurisdictions,  
22 districts, or circuits that have a population of more than 50,000 but not more than  
23 75,000, as determined under s. 11.263, \$250.

1 (j) Candidates for circuit judge, district attorney, or local office in jurisdictions,  
2 districts, or circuits that have a population of more than 30,000 but not more than  
3 50,000, as determined under s. 11.263, \$200.

4 (k) Candidates for circuit judge, district attorney, or local office in jurisdictions,  
5 districts, or circuits that have a population of more than 15,000 but not more than  
6 30,000, as determined under s. 11.263, \$150.

7 (L) Candidates for circuit judge, district attorney, or local office in jurisdictions,  
8 districts, or circuits that have a population of more than 5,000 but not more than  
9 15,000, as determined under s. 11.263, \$100.

10 (m) Candidates for circuit judge, district attorney, or local office in jurisdictions,  
11 districts, or circuits that have a population of more than 2,000 but not more than  
12 5,000, as determined under s. 11.263, \$75.

13 (n) Candidates for circuit judge, district attorney, or local office in jurisdictions,  
14 districts, or circuits that have a population of not more than 2,000, as determined  
15 under s. 11.263, \$62.50.

16 **SECTION 29.** 11.26 (1t) of the statutes is created to read:

17 11.26 (1t) The limitations under sub. (1m) apply to any candidate who files an  
18 affidavit under s. 11.31 (2m) (a) but who the board determines is ineligible to receive  
19 a grant from the Wisconsin election campaign fund, who withdraws his or her  
20 application for a grant under s. 11.50 (2) (h), or to whom s. 11.50 (2) (i) applies, unless  
21 the candidate subsequently files an affidavit under s. 11.31 (2m) (b). If a candidate  
22 files an affidavit under s. 11.31 (2m) (b), the limitations under sub. (1) apply to that  
23 candidate beginning on the date that the affidavit is filed. Contributions made before  
24 the date on which a limitation changes under this subsection are lawful if the  
25 contributions were lawful at the time they were made.

1           **SECTION 30.** 11.26 (2) of the statutes is repealed.

2           **SECTION 31.** 11.26 (3) of the statutes is amended to read:

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

8           **SECTION 32.** 11.26 (4) of the statutes is amended to read:

9           11.26 (4) ~~No~~ Except as provided under sub. (10a), no individual may make any  
10 contribution or contributions to all candidates for state and local offices and to any  
11 individuals who or committees which are subject to a registration requirement under  
12 s. 11.05, including legislative campaign committees and committees of a political  
13 party, to the extent of more than a total of \$10,000 in any calendar year.

14           **SECTION 33.** 11.26 (5) of the statutes is amended to read:

15           11.26 (5) The contribution limits provided in subs. (1), (1m), and (4) do not apply  
16 to a candidate who makes any contribution or contributions to his or her own  
17 campaign for office from the candidate's personal funds or property or the personal  
18 funds or property which are owned jointly or as marital property with the candidate's  
19 spouse, with respect to any contribution or contributions made to that candidate's  
20 campaign only. A candidate's personal contributions shall be deposited in his or her  
21 campaign depository account and reported in the normal manner.

22           **SECTION 34.** 11.26 (6) of the statutes is amended to read:

23           11.26 (6) When a candidate adopts a preexisting support committee as his or  
24 her personal campaign committee, the support committee is deemed to have been the  
25 same committee as the candidate's personal campaign committee for purposes of the

1 application of subs. (1), ~~(2)~~, (1m), and (9). The limitations prescribed in subs. ~~(2)~~ (1),  
2 (1m), and (9) do not apply to the transfer of contributions which is made at the time  
3 of such adoption, but do apply to the contributions which have been made by any  
4 other committee to the support committee at the time of adoption.

5 SECTION 35. 11.26 (8) of the statutes is amended to read:

6 11.26 (8) (a) No state political party as defined in s. 5.02 (13) committee  
7 registered under s. 11.05, together with any of its state subunits and state affiliates,  
8 may receive more than a total of \$150,000 \$250,000 in value of its contributions in  
9 any biennium from all other committees, excluding contributions from legislative  
10 campaign committees and transfers between ~~party committees of the party~~ the state  
11 political party committee, its state subunits, and state affiliates. In this paragraph,  
12 a "biennium commences" means the time period commencing with January 1 of each  
13 odd-numbered year and ends ending with December 31 of each even-numbered  
14 year. The limitation imposed under this paragraph is subject to adjustment under  
15 sub. (10a).

16 (b) No ~~such~~ state political party committee registered under s. 11.05, together  
17 with any of its state subunits and state affiliates, may receive more than a total of  
18 \$6,000 \$10,000 in value of its contributions in any calendar year from any specific  
19 committee or its that specific committee's subunits or affiliates, excluding  
20 contributions from legislative campaign committees and transfers between the state  
21 political party committees committee, its state subunits, and state affiliates. The  
22 limitation imposed under this paragraph is subject to adjustment under sub. (10a).

23 (c) No committee, other than a political party committee or legislative  
24 campaign committee, may make any contribution or contributions, directly or  
25 indirectly, to a political party under s. 5.02 (13) in a calendar year exceeding a total

1 value of ~~\$6,000~~ \$10,000. The limitation imposed under this paragraph is subject to  
2 adjustment under sub. (10a).

3 SECTION 36. 11.26 (8) (ag) and (ar) of the statutes are created to read:

4 11.26 (8) (ag) Except as provided under sub. (10a), no political party committee,  
5 other than a state political party committee registered under s. 11.05, a national  
6 political party committee, or a state or national subunit or state or national affiliate  
7 of such a committee, may receive more than a total of the following amounts of  
8 contributions in any biennium, as defined in par. (a), from all other committees,  
9 excluding contributions from legislative campaign committees and transfers  
10 between the committee, its subunits, and non-state affiliates:

11 1. \$75,000, if the committee operates primarily in a county with a population  
12 of more than 350,000, as determined under s. 11.263.

13 2. \$50,000, if the committee operates primarily in a county with a population  
14 of more than 100,000 but not more than 350,000, as determined under s. 11.263.

15 3. \$25,000, if the committee operates primarily in a county with a population  
16 of not more than 100,000, as determined under s. 11.263.

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

20 SECTION 37. 11.26 (9) (a) of the statutes is amended to read:

21 11.26 (9) (a) ~~No~~ Except as provided in sub. (9m), no individual who is a  
22 candidate for state or local office may receive and accept more than 65% of the value  
23 of the total disbursement level determined under s. 11.31 (1), adjusted as provided  
24 under s. 11.31 (9), for the office for which he or she is a candidate during any primary

25 *No* Except as provided under sub. (10a), no legislative campaign committee may receive  
more than a total of \$16,000 in value of contributions in any calendar year from any specific  
committee or its subunits or affiliates, excluding contributions from legislative campaign committees and  
political party committees.



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

3 **SECTION 38.** 11.26 (9) (b) of the statutes is amended to read:

4 11.26 (9) (b) No individual who is a candidate for state or local office may receive  
5 and accept more than ~~45%~~ 25% of the value of the total disbursement level  
6 determined under s. 11.31 (1), adjusted as provided under s. 11.31 (9), for the office  
7 for which he or she is a candidate during any primary and election campaign  
8 combined from all committees other than political party and legislative campaign  
9 committees subject to a filing requirement.

10 **SECTION 39.** 11.26 (9m) of the statutes is created to read:

11 11.26 (9m) If s. 11.31 (3n) or (3p) applies to a candidate in any campaign or if  
12 the board issues a determination under s. 11.31 (3p) applicable to a candidate in any  
13 campaign, the limitations prescribed in sub. (1) and (1m) do not apply to that  
14 candidate. That candidate is subject to the limitations prescribed in subs. (1) and  
15 (1m) in that campaign in amounts that are 200% of the amounts specified in sub. (1),  
16 and (1m), and the candidate may receive and accept contributions from political  
17 party and legislative campaign committees in that campaign in an aggregate amount  
18 not exceeding 65% of the value of the total disbursement level determined under s.  
19 11.31 (1), as adjusted under s. 11.31 (9), for the office for which he or she is a candidate  
20 during the primary and election combined, in addition to contributions accepted by  
21 the candidate from other committees.

22 **SECTION 40.** 11.26 (10) of the statutes is amended to read:

23 11.26 (10) No candidate for state office who files ~~a sworn statement and an~~  
24 application to receive a grant from the Wisconsin election campaign fund and an  
25 affidavit under s. 11.31 (2m) (a) may make contributions of more than 200% of the

1 ~~amounts~~ applicable amount specified in sub. (1) to the candidate's own campaign  
2 from the candidate's personal funds or property or the personal funds or property  
3 which are owned jointly or as marital property with the candidate's spouse, unless  
4 the board determines that the candidate is not eligible to receive a grant, the  
5 candidate withdraws his or her application under s. 11.50 (2) (h), or s. 11.31 (3n) or  
6 11.50 (2) (i) applies to the candidate. For purposes of this subsection, any  
7 contribution received by a candidate or his or her personal campaign committee from  
8 a committee which is registered with the federal elections commission as the  
9 authorized committee of the candidate under 2 USC 432 (e) shall be treated as a  
10 contribution made by the candidate to his or her own campaign. The contribution  
11 limit of sub. (4) applies to amounts contributed by such a candidate personally to the  
12 candidate's own campaign and to other campaigns, except that a candidate may  
13 exceed the limitation if authorized under this subsection to contribute more than the  
14 amount specified to the candidate's own campaign, up to the amount of the  
15 limitation.

16 **SECTION 41.** 11.26 (10a) of the statutes is created to read:

17 11.26 (10a) (a) In this subsection, "consumer price index" means the average  
18 of the consumer price index over each 12-month period, all items, U.S. city average,  
19 as determined by the burcau of labor statistics of the U.S. department of labor.

20 (b) The dollar amounts of the limitations under subs. (1), (1m), (4), and (8) are  
21 subject to a quadrennial adjustment to be determined by rule of the board in  
22 accordance with this subsection. To determine the adjustment, the board shall, in  
23 each year that the adjustment is made, calculate the percentage difference between  
24 the consumer price index for the 12-month period ending on December 31 of the  
25 preceding year and the consumer price index for calendar year 2005. Beginning in

1 2006 and every 4 years thereafter, the board shall multiply the amount of each  
2 limitation under subs. (1), (1m), (4), and (8) by the percentage difference in the  
3 consumer price indices. The board shall adjust the amount of each limitation to  
4 substitute that result for the existing amount to the extent required to reflect any  
5 difference, rounded to the nearest multiple of \$5. The amount so determined shall  
6 then be in effect until a subsequent rule is promulgated under this subsection.  
7 Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), determinations under this  
8 subsection may be promulgated as an emergency rule under s. 227.24 without  
9 providing evidence that the emergency rule is necessary for the public peace, health,  
10 safety, or welfare and without a finding of emergency.

11 **SECTION 42.** 11.26 (15) of the statutes is amended to read:

12 11.26 (15) The fact that 2 or more committees, other than personal campaign  
13 committees, utilize common policies and practices concerning the endorsement of  
14 candidates or agree to make contributions only to such endorsed candidates does not  
15 affect the right of each committee independently to make contributions up to the  
16 applicable amount specified under sub. ~~(2)~~ (1) or (1m).

17 **SECTION 43.** 11.26 (17) (a) of the statutes is amended to read:

18 11.26 (17) (a) For purposes of application of ~~the limitations imposed in~~ subs.  
19 (1), ~~(2)~~ (1m), (9), ~~(9m)~~, and (10), the "campaign" of a candidate begins and ends at the  
20 times specified in this subsection.

21 **SECTION 44.** 11.263 of the statutes is created to read:

22 **11.263 Determination of population amounts.** (1) The board shall publish  
23 in the Wisconsin administrative register the population of each county and the  
24 population of each jurisdiction, district, or circuit to which s. 11.26 (1) (e) to (n), (1m)  
25 (e) to (n), or (8) (ag) or 11.31 (1) (i) to (s) applies. The board shall base the population

1 figures on the results of the most recent federal decennial census of the population  
2 and any special federal census covering the entire jurisdiction, district, or circuit.

3 (2) If a jurisdiction, district, or circuit for which the board is required to publish  
4 population figures under sub. (1) is not comprised of whole census blocks, the board,  
5 in determining the population figure under sub. (1), shall use the following  
6 procedure:

7 (a) For each census block that is only partly within the jurisdiction, district, or  
8 circuit, the board shall divide the area of that portion of the census block that is  
9 outside of the jurisdiction, district, or circuit in square miles by the area of the entire  
10 census block in square miles.

11 (b) The board shall multiply the quotient determined under par. (a) by the total  
12 population for the applicable census block, based upon the results of the most recent  
13 federal decennial census of the population and any special census covering the entire  
14 jurisdiction, district, or circuit.

15 (c) The board shall subtract the product determined under par. (b) from the  
16 total population for the applicable census block, based upon the results of the most  
17 recent federal decennial census of the population and any special census covering the  
18 entire jurisdiction, district, or circuit. The board shall use the result determined  
19 under this paragraph as the population of that portion of the census block that is  
20 within the jurisdiction, district, or circuit, in determining the applicable population  
21 figure under sub. (1).

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

25 SECTION 45. 11.265 (2) of the statutes is repealed.

1           **SECTION 46.** 11.30 (4) of the statutes is amended to read:

2           11.30 (4) No owner or other person with a financial interest in a  
3 communications medium may utilize such medium in support of or in opposition to  
4 a candidate or referendum except as provided in this chapter.

5           **(4m)** This chapter shall not be construed to restrict fair coverage of bona fide  
6 news stories, interviews with candidates and other politically active individuals,  
7 editorial comment or endorsement. Such activities need not be reported as a  
8 contribution or disbursement.

9           **SECTION 47.** 11.31 (1) (intro.) of the statutes is amended to read:

10           11.31 (1) SCHEDULE. (intro.) The following levels of disbursements are  
11 established with reference to the candidates listed below. The levels are subject to  
12 adjustment under sub. (9). Except as provided in sub. (2), such levels do not operate  
13 to restrict the total amount of disbursements which are made or authorized to be  
14 made by any candidate in any primary or other election.

15           **SECTION 48.** 11.31 (1) (a) to (c) of the statutes are amended to read:

16           11.31 (1) (a) Candidates for governor, ~~\$1,078,200~~ \$3,000,000.

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

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

19           **SECTION 49.** 11.31 (1) (cm) of the statutes is created to read:

20           11.31 (1) (cm) Candidates for justice, \$400,000.

21           **SECTION 50.** 11.31 (1) (d) of the statutes is amended to read:

22           11.31 (1) (d) Candidates for secretary of state, state treasurer, justice or state  
23 superintendent, ~~\$215,625~~ \$350,000.

24           **SECTION 51.** 11.31 (1) (dm) of the statutes is repealed.

25           **SECTION 52.** 11.31 (1) (e) and (f) of the statutes are amended to read:

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

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

7           **SECTION 53.** 11.31 (1) (fm) to (h) of the statutes are repealed.

8           **SECTION 54.** 11.31 (1) (i) to (n) of the statutes are created to read:

9           11.31 (1) (i) Candidates for court of appeals judge and candidates for circuit  
10 judge, district attorney, or local office in jurisdictions, districts, or circuits that have  
11 a population of more than 500,000, as determined under s. 11.263, \$400,000.

12           (j) Candidates for circuit judge, district attorney, or local office in jurisdictions,  
13 districts, or circuits that have a population of more than 300,000 but not more than  
14 500,000, as determined under s. 11.263, \$300,000.

15           (k) Candidates for circuit judge, district attorney, or local office in jurisdictions,  
16 districts, or circuits that have a population of more than 150,000 but not more than  
17 300,000, as determined under s. 11.263, \$200,000.

18           (L) Candidates for circuit judge, district attorney, or local office in jurisdictions,  
19 districts, or circuits that have a population of more than 75,000 but not more than  
20 150,000, as determined under s. 11.263, \$115,000.

21           (m) Candidates for circuit judge, district attorney, or local office in jurisdictions,  
22 districts, or circuits that have a population of more than 50,000 but not more than  
23 75,000, as determined under s. 11.263, \$67,500.

1 (n) Candidates for circuit judge, district attorney, or local office in jurisdictions,  
2 districts, or circuits that have a population of more than 30,000 but not more than  
3 50,000, as determined under s. 11.263, \$40,000.

4 SECTION 55. 11.31 (1) (p) to (s) of the statutes are created to read:

5 11.31 (1) (p) Candidates for circuit judge, district attorney, or local office in  
6 jurisdictions, districts, or circuits that have a population of more than 15,000 but not  
7 more than 30,000, as determined under s. 11.263, \$25,000.

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

11 (r) Candidates for circuit judge, district attorney, or local office in jurisdictions,  
12 districts, or circuits that have a population of more than 2,000 but not more than  
13 5,000, as determined under s. 11.263, \$3,500.

14 (s) Candidates for circuit judge, district attorney, or local office in jurisdictions,  
15 districts, or circuits that have a population of not more than 2,000, as determined  
16 under s. 11.263, \$1,500.

17 SECTION 56. 11.31 (2) of the statutes is amended to read:

18 11.31 (2) LIMITATION IMPOSED. No candidate for state office at a spring or general  
19 election who files ~~a sworn statement and~~ an application to receive a grant from the  
20 Wisconsin election campaign fund and an affidavit under sub. (2m) (a) may make or  
21 authorize total disbursements from ~~the~~ his or her campaign treasury in any  
22 campaign to the extent of more than the amount prescribed in sub. (1), adjusted as  
23 provided under sub. (9), unless the board determines that the candidate is not  
24 eligible to receive a grant, the candidate withdraws his or her application under s.  
25 11.50 (2) (h), or sub. (3n) or (3p) or s. 11.50 (2) (i) applies to that candidate. No

1 candidate for state office at a special election who files a sworn statement and an  
2 application to receive a grant from the Wisconsin election campaign fund and an  
3 affidavit under sub. (2m) (a) may make or authorize total disbursements from the his  
4 or her campaign treasury in any campaign to the extent of more than the amount  
5 prescribed under sub. (1), adjusted as provided under sub. (9), for the preceding  
6 spring or general election for the same office, unless the board determines that the  
7 candidate is not eligible to receive a grant, the candidate withdraws his or her  
8 application under s. 11.50 (2) (h), or s. 11.31 (3n) or (3p) or 11.50 (2) (i) applies to that  
9 candidate.

10 SECTION 57. 11.31 (2m) (title) of the statutes is amended to read:

11 11.31 (2m) (title) ~~VOLUNTARY LIMITATION~~ AFFIDAVIT OF ADHERENCE TO LIMITATIONS.

12 SECTION 58. 11.31 (2m) of the statutes is renumbered 11.31 (2m) (b) and  
13 amended to read:

14 11.31 (2m) (b) Any candidate to whom sub. (2) and s. 11.26 (10) do not apply  
15 may file an affidavit with his or her filing officer affirming that he or she has adhered  
16 and will adhere to the limitations imposed under sub. (2) and s. 11.26 (10) during the  
17 entire campaign. These limitations apply unless the candidate withdraws the  
18 affidavit by notifying his or her filing officer in writing no later than the 7th day after  
19 the date of the primary in which the person filing the affidavit is a candidate, or the  
20 7th day after the date that the primary would be held, if no primary is required, or  
21 unless sub. (3n) or (3p) applies to that candidate.

22 SECTION 59. 11.31 (2m) (a) of the statutes is created to read:

23 11.31 (2m) (a) Each candidate who files an application to receive a grant from  
24 the Wisconsin election campaign fund shall file an affidavit with the board affirming  
25 that the candidate, and his or her authorized agents, have complied with the



1 limitations imposed under sub. (2) and s. 11.26 at all times during which the  
2 limitations have applied to his or her candidacy and will continue to comply with the  
3 limitations at all times during which the limitations apply to his or her candidacy,  
4 unless the board determines that the candidate is not eligible to receive a grant from  
5 the fund, the candidate withdraws his or her application for a grant under s. 11.50  
6 (2) (h), or sub. (3n) or (3p) or s. 11.50 (2) (i) applies.

7 **SECTION 60.** 11.31 (3) of the statutes is amended to read:

8 11.31 (3) GUBERNATORIAL CAMPAIGNS. For purposes of compliance with the  
9 limitations imposed under sub. (2), candidates for governor and lieutenant governor  
10 of the same political party who both accept grants from the Wisconsin election  
11 campaign fund may agree to combine disbursement levels under sub. (1) (a) and (b),  
12 adjusted as provided under sub. (9), and reallocate the total level between them. The  
13 candidates shall each inform the board of any such agreement.

14 **SECTION 61.** 11.31 (3m) of the statutes is repealed.

15 **SECTION 62.** 11.31 (3n) of the statutes is created to read:

16 11.31 (3n) DISBURSEMENTS BY OPPOSING CANDIDATES; EXCEPTION. If a candidate  
17 for state office in any campaign determines that an opposing candidate who has not  
18 filed an affidavit under sub. (2m) has made disbursements exceeding the amount of  
19 the disbursement level applicable to that candidate under sub. (1), as adjusted under  
20 sub. (9), then that candidate and each of his or her opponents may make additional  
21 contributions to his or her own campaign exceeding the amount authorized under s.  
22 11.26 (10) and may make additional disbursements in that campaign exceeding the  
23 amount authorized under sub. (1), as adjusted under sub. (9), in an amount  
24 equivalent to the lesser of the total contributions made by the opposing candidate to  
25 his or her own campaign or the amount by which the total disbursements made by

1 the opposing candidate exceed the disbursement level applicable to that candidate  
2 under sub. (1), as adjusted under sub. (9), as reported to the board by the opposing  
3 candidate or his or her personal campaign committee. In addition, contributions to  
4 that candidate and to each of his or her opponents may be made as authorized under  
5 s. 11.26 (9m).

6 SECTION 63. 11.31 (3p) of the statutes is created to read:

7 11.31 (3p) INDEPENDENT EXPENDITURES; EXCEPTION. If a candidate for state office  
8 determines that one or more independent expenditures have been made for the  
9 purpose of making one or more communications in opposition to his or her candidacy,  
10 other than for the purpose of making a communication described in s. 11.29 or 11.30  
11 (4m), the candidate may file a sworn statement to this effect with the board on a form  
12 prescribed by rule of the board for this purpose. The statement may be made by any  
13 individual who has personal knowledge that an independent expenditure for the  
14 purpose of making such a communication in opposition to the candidate has been  
15 made. Upon filing of this statement with the board in accordance with applicable  
16 requirements, the board shall, within 24 hours of receiving the statement, issue a  
17 determination that the candidate and each of his or her opponents are not bound by  
18 the limitation imposed under sub. (2) or by any limitation upon disbursements  
19 agreed to under sub. (2m), and that contributions to the candidate may be made as  
20 authorized under s. 11.26 (9m). The board shall immediately file a written copy of  
21 its determination with each of the candidates to whom the determination applies.

*opponents  
whose  
names  
are  
certified  
under  
5.7.08(2)  
or  
8.50(1)d  
to  
appear  
on  
the  
ballot  
in  
opposition  
to the  
candidate  
have  
filed  
affidavits  
under  
sub. (2m)  
and  
the  
candidate*

22 SECTION 64. 11.31 (4) of the statutes is repealed.

23 SECTION 65. 11.31 (9) of the statutes is created to read:

24 11.31 (9) ADJUSTMENT OF DISBURSEMENT LEVELS. (a) In this subsection,  
25 "consumer price index" means the average of the consumer price index over each

1 12-month period, all items, U.S. city average, as determined by the bureau of labor  
2 statistics of the U.S. department of labor.

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

16 SECTION 66. 11.38 (6) of the statutes is amended to read:

17 11.38 (6) Any individual or campaign treasurer who receives funds in violation  
18 of this section shall promptly return such funds to the contributor or, donate the  
19 funds to the common school fund or a charitable organization, or transfer the funds  
20 to the board for deposit in the Wisconsin election campaign fund, at the treasurer's  
21 option.

22 SECTION 67. 11.50 (1) (a) 1. (intro.) of the statutes is created to read:

23 11.50 (1) (a) 1. (intro.) For purposes of qualification for a grant from the general  
24 account:

25 SECTION 68. 11.50 (1) (a) 1. of the statutes is renumbered 11.50 (1) (a) 1. a.

1           **SECTION 69.** 11.50 (1) (a) 2. of the statutes is renumbered 11.50 (1) (a) 1. b. and  
2 amended to read:

3           11.50 (1) (a) 1. b. With respect to a special election, an individual who is certified  
4 under s. 8.50 (1) (d) as a candidate in a special election for state superintendent, or  
5 an individual who is certified under s. 8.50 (1) (d) as a candidate in a special election  
6 for any state office, except district attorney, on the ballot or column of a party whose  
7 candidate for the same office at the preceding general election received at least 6%  
8 of the vote cast for all candidates on all ballots for the office, or an individual who has  
9 been lawfully appointed and certified to replace either such individual on the ballot  
10 at a special election, or an individual who receives at least 6% of the vote cast for all  
11 candidates on all ballots for any state office, except district attorney, at a partisan  
12 special election; and who qualifies for a grant under sub. (2). Where the boundaries  
13 of a district in which an individual seeks office have been changed since the preceding  
14 general election such that it is not possible to calculate the exact number of votes that  
15 are needed by that individual to qualify as an eligible candidate prior to an election  
16 ~~under this subdivision~~, the number of votes cast for all candidates for the office at the  
17 preceding general election in each ward, combination of wards or municipality which  
18 is wholly contained within the boundaries of the newly formed district shall be  
19 calculated. If the candidate of the political party on whose ballot or column the  
20 individual appears in the newly formed district obtained at least 6% of the number  
21 of votes calculated, the individual is deemed to qualify as an eligible candidate prior  
22 to the election ~~under this subdivision~~.

23           **SECTION 70.** 11.50 (1) (a) 2m. of the statutes is created to read:

24           11.50 (1) (a) 2m. For purposes of qualification for a grant from a political party  
25 account, an individual who is certified under s. 7.08 (2) (a) or 8.50 (1) (d) in the general

1 election or a special election as the candidate of an eligible political party for a state  
2 office, other than district attorney, or an individual who has been lawfully appointed  
3 and certified to replace such an individual on the ballot at the general or a special  
4 election and who has qualified for a grant under sub. (2).

5 **SECTION 71.** 11.50 (1) (am) of the statutes is created to read:

6 11.50 (1) (am) "Eligible political party" means any of the following:

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

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

16 **SECTION 72.** 11.50 (1) (bm) and (cm) of the statutes are created to read:

17 11.50 (1) (bm) "General account" means the account in the fund created under  
18 sub. (2w).

19 (cm) "Political party account" means an account in the fund created under sub.  
20 (2s).

21 **SECTION 73.** 11.50 (2) (a) of the statutes is amended to read:

22 11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may  
23 file an application with the board requesting approval to participate in the fund. The  
24 application shall be filed no later than the applicable deadline for filing nomination  
25 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.

1 on the 7th day after the primary or date on which the primary would be held if  
2 required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day  
3 after appointment in the case of candidates appointed to fill vacancies. The  
4 application shall contain a sworn statement that the candidate and his or her  
5 authorized agents have complied with the contribution limitations prescribed in s.  
6 11.26 and the disbursement limitations prescribed under s. 11.31 at all times to  
7 which such limitations have applied to his or her candidacy and will continue to  
8 comply with the limitations at all times to which the limitations apply to his or her  
9 candidacy for the office in contest, unless the board determines that the candidate  
10 is not eligible to receive a grant, the candidate withdraws his or her application  
11 under par. (h), or par. (i) applicant shall provide, along with the application,  
12 an affidavit under s. 11.31 (2m) (a).

13 SECTION 74. 11.50 (2) (b) 4. of the statutes is amended to read:

14 11.50 (2) (b) 4. The financial reports filed by or on behalf of the candidate as  
15 of the date of the spring or September primary, or the date that the special primary  
16 is or would be held, if required, indicate that his or her statement affidavit filed with  
17 the application under par. (a) s. 11.31 (2m) (a) is true; and

18 SECTION 75. 11.50 (2) (b) 5. of the statutes is amended to read:

19 11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as  
20 of the date of the spring or September primary, or the date that the special primary  
21 is or would be held, if required, indicate that the candidate has received an amount  
22 equal to at least the amount provided in this subdivision 5% of the applicable  
23 authorized disbursement limitation, as determined under s. 11.31 (1) and adjusted  
24 as provided under s. 11.31 (9), from contributions of money, other than loans, made  
25 by individuals who reside in this state and, in the case of a candidate for other than

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

20 **SECTION 76.** 11.50 (2) (f) of the statutes is amended to read:

21 11.50 (2) (f) The board shall inform each candidate in writing of the approval  
22 or disapproval of the candidate's application, as promptly as possible after the date  
23 of the spring primary, September primary, special primary, or date that the primary  
24 would be held, if required. With respect to a candidate at a special election who  
25 applies for a postelection grant under sub. (1) (a) ~~2.~~ 1. b., the board shall inform the

1 candidate in writing of the conditional approval or disapproval of the candidate's  
2 application at the same time.

3 **SECTION 77.** 11.50 (2) (g) of the statutes is amended to read:

4 11.50 (2) (g) A candidate who voluntarily files an application to receive a grant  
5 in accordance with this subsection accepts and agrees to comply with the  
6 contribution limitations prescribed in s. 11.26 and the disbursement limitations  
7 imposed under s. 11.31 (2) as binding upon himself or herself and his or her agents  
8 during the campaign as defined in s. 11.31 (7), as a precondition to receipt of a grant  
9 under this section, unless the board determines that the candidate is not eligible to  
10 receive a grant, the candidate withdraws the application under par. (h), or par. (i) or  
11 s. 11.31 (3n) or (3p) applies to the candidate.

12 **SECTION 78.** 11.50 (2) (h) of the statutes is amended to read:

13 11.50 (2) (h) An eligible candidate who files an application under par. (a) may  
14 file a written withdrawal of the application. A withdrawal of an application may be  
15 filed with the board no later than the 7th day after the day of the primary in which  
16 the person withdrawing the application is a candidate or the 7th day after the date  
17 that the primary would be held, if required. If an application is withdrawn in  
18 accordance with this paragraph, the person withdrawing the application is no longer  
19 bound by the ~~statement affidavit~~ affidavit filed under ~~par. (a) s. 11.31 (2m) (a)~~ after the date  
20 of the withdrawal.

21 **SECTION 79.** 11.50 (2) (i) of the statutes is amended to read:

22 11.50 (2) (i) Notwithstanding par. (g), if an eligible candidate at the spring  
23 election or a special nonpartisan election who accepts a grant is opposed by one or  
24 more candidates in the election, or if an eligible candidate at the general election or  
25 a special partisan election who accepts a grant is opposed by one or more candidates



1 in the election who receive at least 6% of the vote cast for all candidates for the same  
2 office on all ballots at the September primary or a special partisan primary if a  
3 primary was held, and in either case if any such opponent of the eligible candidate  
4 does not accept a grant under this section in whole or in part, the eligible candidate  
5 is not bound by the pledge made in his or her application to adhere to the contribution  
6 limitations prescribed in s. 11.26 and the disbursement limitation prescribed under  
7 s. 11.31 (2), unless each such opponent files an affidavit of ~~voluntary compliance~~  
8 under s. 11.31 (2m) (b) and s. 11.31 (3n) and (3p) do not apply to the candidate.

9 SECTION 80. 11.50 (2s) of the statutes is created to read:

10 11.50 (2s) POLITICAL PARTY ACCOUNTS. (a) The state chairperson of each eligible  
11 political party may, by written request to the board, provide for the establishment  
12 or discontinuance of an account within the fund for that political party. Each political  
13 party account consists of all moneys designated by individuals for deposit in that  
14 account under s. 71.10 (3) (a).

15 (b) From the account of each eligible political party, the board shall apportion  
16 ~~moneys to eligible candidates representing that party who qualify to receive grants.~~

17 Whenever an eligible candidate representing an eligible political party receives a  
18 grant, the state treasurer shall first make payment of the grant from the political  
19 party account of that party, to the extent that sufficient moneys are available in that  
20 account to make payment of the grant.

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

24 SECTION 81. 11.50 (2w) of the statutes is created to read:

*the*  
amount of grant for which a candidate  
for legislative office qualifies, the board  
shall prorate available moneys within  
the account for each legislative office.

*an account for each office in the same proportion that moneys are apportioned under sub. (4).  
If there are insufficient moneys available to finance payment of the full grant, the board shall apportion available moneys to*

1 11.50 (2w) GENERAL ACCOUNT. There is established a general account within  
 2 the fund consisting of all moneys designated by individuals for deposit in that  
 3 account under s. 71.10 (3) (a), all moneys transferred to that account under sub. (2s)  
 4 (c), and all moneys deposited in the fund under ss. 8.35 (4) (a), 11.07 (5), 11.12 (2),  
 5 11.16 (2), 11.19 (1), 11.23 (2), and 11.38 (6).

*and amended to read:*

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*42-6*

SECTION 82. 11.50 (3) (a) 1. of the statutes is renumbered 11.50 (3) (a) 2m.

SECTION 83. 11.50 (3) (a) 2. of the statutes is renumbered 11.50 (3) (a) 1m. and

amended to read:

9 11.50 (3) (a) 1m. If an election for justice is scheduled in the following year, 8%  
 10 of the fund an amount sufficient to finance payment of the full amount of the grants  
 11 authorized under sub. (9) (b) for candidates for the office of justice shall be placed in  
 12 a supreme court account. From this account, an equal amount shall be disbursed to  
 13 the campaign depository account of each eligible candidate by the state treasurer.

14 *no 8* Any unencumbered balance in the Supreme Court account after an  
 SECTION 84. 11.50 (3) (b) of the statutes is amended to read: *election for the*

15 11.50 (3) (b) If a vacancy occurs in the office of justice after August 15 in any  
 16 year and an election is scheduled to fill the vacancy at the spring election in the  
 17 following year, the state treasurer shall transfer an amount sufficient to finance  
 18 payment of the full amount of the grants authorized under sub. (9) (b) for candidates  
 19 for the office of justice to the supreme court account. If a vacancy occurs in the office  
 20 of state superintendent ~~or justice~~ after August 15 in any year and an election is  
 21 scheduled to fill the vacancy at the spring election in the following year, the state  
 22 treasurer shall transfer an amount not exceeding 8% of the moneys transferred to  
 23 the fund on the preceding August 15 to the superintendency account for the office in  
 24 which the vacancy occurs, such. The moneys to shall be drawn transferred from any

*office of justice*  
*is held*  
*shall*  
*revert*  
*to the*  
*General*  
*account.*

1 account within the accounts created under sub. (4) in the amount or amounts  
2 specified by the board.

3 SECTION 85. 11.50 (4m) of the statutes is created to read:

4 11.50 (4m) PAYMENT OF GRANT AMOUNTS. The state treasurer shall make  
5 payment of each grant to an eligible candidate from the political party account of that  
6 candidate's political party, if any, if there are sufficient moneys in that account to  
7 make full payment of the grant, and then from the general account.

*except as provided in sub. (10) and except that*

8 ~~provided in sub. (9)~~ the amount of each grant is the amount specified in sub. (9)

9 SECTION 86. 11.50 (5) of the statutes is amended to read:

10 11.50 (5) TIME OF DISBURSEMENT. The state treasurer shall make the  
11 disbursements of grants under sub. (9) to the campaign depository account of each  
12 eligible candidate under subs. (3) and (4) by the end of the 3rd business day following the  
13 notice from the board under s. 7.08 (2) (c) or (cm). Eligible candidates for governor  
14 and lieutenant governor of the same political party may combine accounts if desired.

*to make payment of the full amount of the grant for which a candidate qualifies*  
*board*

15 SECTION 87. 11.50 (6) of the statutes is amended to read:

16 11.50 (6) EXCESS MONEYS. If the amounts which are to be apportioned to each  
17 eligible candidate under subs. (3) and (4) are more than the amount which a  
18 candidate may accept under sub. (9), or more than the amount which a candidate  
19 elects to accept under sub. (10), the excess moneys shall be retained in the fund.

*shall provide the available moneys in the appropriate account to all candidates who qualify to receive*

20 SECTION 88. 11.50 (9) of the statutes is renumbered 11.50 (9) (a) and amended  
21 to read:

22 11.50 (9) (a) ~~The~~ Except as provided in pars. (c) and (d), the total grant available  
23 to an eligible candidate for an office other than the office of justice may not exceed  
24 that amount which, when added to all other contributions accepted from sources  
25 other than individuals, political party committees and legislative campaign

*grant from that account*

1 committees, is equal to ~~45%~~ 25% of the disbursement level specified for the applicable  
2 office under s. 11.31 (1), adjusted as provided under s. 11.31 (9).

3 (e) The board shall scrutinize accounts and reports and records kept under this  
4 chapter to assure that applicable limitations under ss. 11.26 (9) and 11.31 are not  
5 exceeded and any violation is reported.

6 (f) No candidate or campaign treasurer may accept grants exceeding the  
7 amount authorized by this subsection.

8 **SECTION 89.** 11.50 (9) (b) to (d) of the statutes are created to read:

9 11.50 (9) (b) Except as provided in pars. (c) and (d), the total grant available  
10 to an eligible candidate for the office of justice may not exceed that amount which,  
11 when added to all other contributions accepted from sources other than individuals,  
12 political party committees, and legislative campaign committees, is equal to 65% of  
13 the disbursement level specified for that office under s. 11.31 (1), as adjusted under  
14 s. 11.31 (9).

15 (c) If, at the time that the board transmits notice of grant eligibility to the state  
16 treasurer under s. 7.08 (2) (c) or (cm), an eligible candidate has a balance in his or  
17 her campaign depository account that exceeds 50% of the disbursement level  
18 specified under s. 11.31 (1), as adjusted under s. 11.31 (9), for the office that the  
19 candidate seeks, the amount of the grant payable to the candidate is 50% of the  
20 amount otherwise payable under par. (a) or (b).

21 (d) If an eligible candidate does not have an opponent whose application to  
22 receive a grant has been approved by the board, the amount of the grant payable to  
23 the candidate is 50% of the amount otherwise payable under par. (a) or (b), unless  
24 the amount of the grant is subject to reduction under par. (c).

25 **SECTION 90.** 11.50 (10m) of the statutes is amended to read:

1           **11.50 (10m) RETURN OF GRANTS.** An individual who receives a grant prior to an  
2 election in which he or she is a candidate and who desires to return any portion of  
3 the grant shall return that portion no later than the 2nd Tuesday in October  
4 preceding a general election, the 4th Tuesday preceding a spring election or the 3rd  
5 Tuesday preceding a special election. A candidate who returns all or any portion of  
6 a grant under this subsection remains bound by the candidate's statement affidavit  
7 filed under sub. ~~(2) (a)~~ s. 11.31 (2m) (a).

8           **SECTION 91.** 11.50 (11) (e) of the statutes is amended to read:

9           11.50 (11) (e) No candidate may expend, authorize the expenditure of or incur  
10 any obligation to expend any grant if he or she violates the pledge affidavit required  
11 under sub. (2) (a) as a precondition to receipt of a grant, ~~except as authorized in sub.~~  
12 ~~(2) (h) or (i)~~.

13           **SECTION 92.** 11.50 (14) of the statutes is created to read:

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

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

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

23           (b) In each certification under this subsection, the board shall specify the  
24 expiration date of the certification.

25           **SECTION 93.** 25.42 of the statutes is amended to read:

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1           **25.42 Wisconsin election campaign fund.** All moneys appropriated under  
 2 s. 20.855 (4) (b) together with all moneys deposited under ss. 8.35 (4) (a), 11.07 (5),  
 3 11.12 (2), 11.16 (2), 11.19 (1), 11.23 (2), and 11.38 (6), all moneys reverting to the state  
 4 under s. 11.50 (8) and all gifts, bequests and devises received under s. 11.50 (13)  
 5 constitute the Wisconsin election campaign fund, to be expended for the purposes of  
 6 s. 11.50. All moneys in the fund not disbursed by the state treasurer shall continue  
 7 to accumulate indefinitely.

8           **SECTION 94.** 71.07 (6s) of the statutes is created to read:

9           **71.07 (6s) CAMPAIGN FUND TAX CREDIT.** (a) *Definitions.* In this subsection:

- 10           1. "Claimant" means an individual who makes a designation.  
 11           2. "Designation" means an amount designated under s. 71.10 (3) (a).

12           (b) *Filing claims.* Subject to the limitations and conditions provided in this  
 13 subsection, a claimant may claim as a credit against the tax imposed under s. 71.02,  
 14 up to the amount of those taxes, for the taxable year to which the income tax return  
 15 relates, an amount equal to the claimant's designation.

16           (c) *Limitations and conditions.* 1. No credit may be allowed under this  
 17 subsection unless it is claimed within the time period under s. 71.75 (2).

18           2. Part-year residents and nonresidents of this state are not eligible for the  
 19 credit under this subsection.

20           3. If both spouses of a married couple meet the definition of claimant under par.  
 21 (a) 1., each spouse may claim the credit under this subsection.

22           (d) *Administration.* Subsection (9e) (d), to the extent that it applies to the credit  
 23 under that subsection, applies to the credit under this subsection.

24           **SECTION 95.** 71.10 (3) (a) of the statutes is amended to read:

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

13           SECTION 96. 71.10 (3) (b) of the statutes is amended to read:

14           71.10 (3) (b) The secretary of revenue shall provide a place for these  
15 designations under par. (a) on the face of the individual income tax return and shall  
16 provide next to that place a statement that a designation will not increase tax  
17 liability. Annually on August 15, and that the amount of a designation may be  
18 claimed as a credit under s. 71.07 (6s). No later than 60 days after the completion  
19 of each calendar quarter, the secretary of revenue shall certify to the elections board,  
20 the department of administration and the state treasurer under s. 11.50 the total  
21 amount of designations made on returns processed by the department of revenue  
22 during the preceding fiscal year quarter and the amount of designations made  
23 during that quarter for the general account and for the account of each eligible  
24 political party. If any individual designates an amount greater than the amount  
25 authorized under par. (a) or attempts to place any condition or restriction upon a

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

3 **SECTION 97.** 71.10 (4) (cs) of the statutes is created to read:

4 71.10 (4) (cs) The campaign fund tax credit under s. 71.07 (6s).

5 **SECTION 98. Nonstatutory provisions.**

*(5)*  
*BALANCE TRANSFER*

6 (1) WISCONSIN ELECTION CAMPAIGN FUND. The balance in the Wisconsin election  
7 campaign fund on the effective date of this subsection is credited to the general  
8 account of the Wisconsin election campaign fund established under section 11.50  
9 (2w) of the statutes, as created by this act.

10 **SECTION 99. Initial applicability.**

11 *(2)* ~~CONTRIBUTIONS TRANSFERRED BY CONDUITS.~~ The treatment of section 11.06 (1)  
12 (dm) and (11) (bm) of the statutes first applies to reporting periods for continuing  
13 reports under section 11.20 (4) of the statutes that begin on the effective date of this  
14 subsection.

15 *(3)* ~~COST OF LIVING ADJUSTMENTS.~~

16 (a) The treatment of section 11.26 (10a) of the statutes first applies to  
17 adjustments for the 4-year period beginning on January 1, 2006.

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

20 *(4)* ~~CAMPAIGN FUND TAX CREDIT.~~ The treatment of sections 71.07 (6s) and 71.10  
21 (3) (a) and (b) and (4) (cs) of the statutes first applies to taxable years beginning on  
22 January 1 of the year in which this subsection takes effect, except that if this  
23 subsection takes effect after July 31, the treatment of sections 71.07 (6s) and 71.10

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1 (3) (a) and (b) and (4) (cs) of the statutes first applies to taxable years beginning on  
2 January 1 of the year following the year in which this subsection takes effect.

3

(END)

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