

BILL

SECTION 61

1 **SECTION 61.** 11.26 (10) of the statutes is amended to read:

2 11.26 (10) No candidate for state office who files ~~a sworn statement and an~~
3 application to receive a grant from the Wisconsin election campaign fund and an
4 affidavit under s. 11.31 (2m) (a) may make contributions of more than 200% of the
5 amounts applicable amount specified in sub. (1) to the candidate's own campaign
6 from the candidate's personal funds or property or the personal funds or property
7 which are owned jointly or as marital property with the candidate's spouse, unless
8 the board determines that the candidate is not eligible to receive a grant, the
9 candidate withdraws his or her application under s. 11.50 (2) (h), or s. 11.31 (3n) or
10 11.50 (2) (i) applies to the candidate. For purposes of this subsection, any
11 contribution received by a candidate or his or her personal campaign committee from
12 a committee which is registered with the federal elections commission as the
13 authorized committee of the candidate under 2 USC 432 (e) shall be treated as a
14 contribution made by the candidate to his or her own campaign. The contribution
15 limit of sub. (4) applies to amounts contributed by such a candidate personally to the
16 candidate's own campaign and to other campaigns, except that a candidate may
17 exceed the limitation if authorized under this subsection to contribute more than the
18 amount specified to the candidate's own campaign, up to the amount of the
19 limitation.

20 **SECTION 62.** 11.26 (10a) of the statutes is created to read:

21 11.26 (10a) (a) In this subsection, "consumer price index" means the average
22 of the consumer price index over each 12-month period, all items, U.S. city average,
23 as determined by the bureau of labor statistics of the U.S. department of labor.

24 (b) The dollar amounts of the limitations under subs. (1), (1m), ⁽²⁾(4), and (8) are
25 subject to a quadrennial adjustment to be determined by rule of the board in

BILL

1 accordance with this subsection. To determine the adjustment, the board shall, in
 2 each year that the adjustment is made, calculate the percentage difference between
 3 the consumer price index for the 12-month period ending on December 31 of the
 4 preceding year and the consumer price index for calendar year ²⁰⁰¹ ~~2004~~. Beginning in
 5 2006 and every 4 years thereafter, the board shall multiply the amount of each
 6 limitation under subs. (1), (1m), ⁽²⁾ (4), and (8) by the percentage difference in the
 7 consumer price indices. The board shall adjust the amount of each limitation to
 8 substitute that result for the existing amount to the extent required to reflect any
 9 difference, rounded to the nearest multiple of \$5. The amount so determined shall
 10 then be in effect until a subsequent rule is promulgated under this subsection.
 11 Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), determinations under this
 12 subsection may be promulgated as an emergency rule under s. 227.24 without
 13 providing evidence that the emergency rule is necessary for the public peace, health,
 14 safety, or welfare and without a finding of emergency.

15 **SECTION 63.** 11.26 (15) of the statutes is amended to read:

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

21 **SECTION 64.** 11.26 (17) (a) of the statutes is amended to read:

22 ^(1m) 11.26 (17) (a) For purposes of application of the ~~limitations imposed in~~ subs.
 23 (1), ^{plain} ~~(2) (1m)~~, (9), ~~(9m)~~, and (10), the "campaign" of a candidate begins and ends at the
 24 times specified in this subsection.

25 **SECTION 65.** 11.263 of the statutes is created to read:

BILL

1 **11.263 Determination of population amounts.** (1) The board shall publish
2 in the Wisconsin administrative register the population of each county and the
3 population of each jurisdiction, district, or circuit to which s. 11.26 (1) (e) to (n), (1m)
4 (e) to (n), or (8) (ag) or 11.31 (1) (i) to (s) applies. The board shall base the population
5 figures on the results of the most recent federal decennial census of the population
6 and any special federal census covering the entire jurisdiction, district, or circuit.

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

11 (a) For each census block that is only partly within the jurisdiction, district, or
12 circuit, the board shall divide the area of that portion of the census block that is
13 outside of the jurisdiction, district, or circuit in square miles by the area of the entire
14 census block in square miles.

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

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

BILL

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

4 SECTION 66. 11.265 (2) of the statutes is repealed.

5 SECTION 67. 11.30 (4) of the statutes is amended to read:

6 11.30 (4) No owner or other person with a financial interest in a
7 communications medium may utilize such medium in support of or in opposition to
8 a candidate or referendum except as provided in this chapter.

9 (4m) This chapter shall not be construed to restrict fair coverage of bona fide
10 news stories, interviews with candidates and other politically active individuals,
11 editorial comment or endorsement. Such activities need not be reported as a
12 contribution or disbursement.

13 SECTION 68. 11.31 (1) (intro.) of the statutes is amended to read:

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

19 SECTION 69. 11.31 (1) (a) to (c) of the statutes are amended to read:

20 11.31 (1) (a) Candidates for governor, \$1,078,200 ^{\$2,750,000} ~~\$2,000,000~~.

21 (b) Candidates for lieutenant governor, \$323,475 ^{\$250,000} ~~\$400,000~~.

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

23 SECTION 70. 11.31 (1) ^{(cg) and (cr)} ~~(cm)~~ of the statutes ^{are} ~~is~~ created to read:

24 11.31 (1) ^(cg) ~~(cm)~~ Candidates for justice, \$400,000.

25 (cr) Candidates for state superintendent, \$350,000.
SECTION 71. 11.31 (1) (d) of the statutes is amended to read:

BILL

SECTION 71

strike comma
or

strike

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

11.31 (1) (d) Candidates for secretary of state, state treasurer, justice or state superintendent, \$215,625 ~~\$300,000~~ ^{\$380,000}.

SECTION 72. 11.31 (1) (dm) of the statutes is repealed.

SECTION 73. 11.31 (1) (e) and (f) of the statutes are amended to read:

11.31 (1) (e) Candidates for state senator, \$34,500 total in the primary and election, with disbursements not exceeding \$21,575 for either the primary or the election ~~\$125,000~~ ^{\$112,500}.

(f) Candidates for representative to the assembly, \$17,250 total in the primary and election, with disbursements not exceeding \$10,775 for either the primary or the election ~~\$50,000~~ ^{\$45,000}.

SECTION 74. 11.31 (1) (fm) to (h) of the statutes are repealed.

SECTION 75. 11.31 (1) (i) to (n) of the statutes are created to read:

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

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

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

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

BILL

1 (m) 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, \$67,500.

4 (n) 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, \$40,000.

7 **SECTION 76.** 11.31 (1) (p) to (s) of the statutes are created to read:

8 11.31 (1) (p) Candidates for circuit judge, district attorney, or local office in
9 jurisdictions, districts, or circuits that have a population of more than 15,000 but not
10 more than 30,000, as determined under s. 11.263, \$25,000.

11 (q) Candidates for circuit judge, district attorney, or local office in jurisdictions,
12 districts, or circuits that have a population of more than 5,000 but not more than
13 15,000, as determined under s. 11.263, \$10,000.

14 (r) Candidates for circuit judge, district attorney, or local office in jurisdictions,
15 districts, or circuits that have a population of more than 2,000 but not more than
16 5,000, as determined under s. 11.263, \$3,500.

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

20 **SECTION 77.** 11.31 (2) of the statutes is amended to read:

21 11.31 (2) **LIMITATION IMPOSED.** No candidate for state office at a spring or general
22 election who files ~~a sworn statement and~~ an application to receive a grant from the
23 Wisconsin election campaign fund and an affidavit under sub. (2m) (a) may make or
24 authorize total disbursements from the his or her campaign treasury in any
25 campaign to the extent of more than the amount prescribed in sub. (1), adjusted as

BILL**SECTION 77**

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

13 **SECTION 78.** 11.31 (2m) (title) of the statutes is amended to read:

14 11.31 (2m) (title) ~~VOLUNTARY LIMITATION AFFIDAVIT OF ADHERENCE TO LIMITATIONS.~~

15 **SECTION 79.** 11.31 (2m) of the statutes is renumbered 11.31 (2m) (b) and
16 amended to read:

17 11.31 (2m) (b) Any candidate to whom sub. (2) and s. 11.26 (10) do not apply
18 may file an affidavit with his or her filing officer affirming that he or she has adhered
19 and will adhere to the limitations imposed under sub. (2) and s. 11.26 (10) during the
20 entire campaign. These limitations apply unless the candidate withdraws the
21 affidavit by notifying his or her filing officer in writing no later than the 7th day after
22 the date of the primary in which the person filing the affidavit is a candidate, or the
23 7th day after the date that the primary would be held, if no primary is required, or
24 unless sub. (3n) or (3p) applies to that candidate.

25 **SECTION 80.** 11.31 (2m) (a) and (c) of the statutes are created to read:

BILL

1 **11.31 (2m)** (a) Each candidate who files an application to receive a grant from
2 the Wisconsin election campaign fund shall file an affidavit with the board affirming
3 that the candidate, and his or her authorized agents, have complied with the
4 limitations imposed under sub. (2) and s. 11.26 at all times during which the
5 limitations have applied to his or her candidacy and will continue to comply with the
6 limitations at all times during which the limitations apply to his or her candidacy,
7 unless the board determines that the candidate is not eligible to receive a grant from
8 the fund, the candidate withdraws his or her application for a grant under s. 11.50
9 (2) (h), or sub. (3n) or (3p) or s. 11.50 (2) (i) applies.

10 (c) For purposes of administering ss. 71.07 (5d), 71.28 (5d), and 71.47 (5d), the
11 board shall forward a copy of each affidavit filed under this subsection by a candidate
12 for state office to the department of revenue and shall notify the department of
13 revenue immediately if such a candidate is not subject to the limitations described
14 in the affidavit.

15 **SECTION 81.** 11.31 (3) of the statutes is amended to read:

16 **11.31 (3) GUBERNATORIAL CAMPAIGNS.** For purposes of compliance with the
17 limitations imposed under sub. (2), candidates for governor and lieutenant governor
18 of the same political party who both accept grants from the Wisconsin election
19 campaign fund may agree to combine disbursement levels under sub. (1) (a) and (b),
20 adjusted as provided under sub. (9), and reallocate the total level between them. The
21 candidates shall each inform the board of any such agreement.

22 **SECTION 82.** 11.31 (3m) of the statutes is repealed.

23 **SECTION 83.** 11.31 (3n) of the statutes is created to read:

24 **11.31 (3n) DISBURSEMENTS BY OPPOSING CANDIDATES; EXCEPTION.** If a candidate
25 for state office in any campaign determines that an opposing candidate who has not

BILL

SECTION 83

1 filed an affidavit under sub. (2m) has made disbursements exceeding the amount of
 2 the disbursement level applicable to that candidate under sub. (1), as adjusted under
 3 sub. (9), then that candidate and each of his or her opponents may make additional
 4 contributions to his or her own campaign exceeding the amount authorized under s.
 5 11.26 (10) and may make additional disbursements in that campaign exceeding the
 6 amount authorized under sub. (1), as adjusted under sub. (9), in an amount
 7 equivalent to the lesser of the total contributions made by the opposing candidate to
 8 his or her own campaign or the amount by which the total disbursements made by
 9 the opposing candidate exceed the disbursement level applicable to that candidate
 10 under sub. (1), as adjusted under sub. (9), as reported to the board by the opposing
 11 candidate or his or her personal campaign committee. In addition, contributions to
 12 that candidate and to each of his or her opponents may be made as authorized under
 13 s. 11.26 (9m).

14 **SECTION 84.** 11.31 (3p) of the statutes is created to read:

15 **11.31 (3p) INDEPENDENT EXPENDITURES; EXCEPTION.** If a candidate for state office

16 has filed an affidavit under sub. (2m) and each of the candidate's opponents whose
 17 names are certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot in
 18 opposition to the candidate have filed affidavits under sub. (2m), and the candidate

19 determines that one or more independent expenditures have been made for the
 20 *the candidate, Or in support of a candidate whose name is certified under s. 7.08(2)(a) or 8.50(1)*
 purpose of making one or more communications in opposition to ~~his or her candidacy~~ (d)

21 other than for the purpose of making a communication described in s. 11.29 or 11.30 *and one or more of the communications is likely to have an unfair impact on the election campaign,* (d)
 to appear

22 (4m), *the candidate may file a sworn statement to this effect with the board on a form*
 23 *The statement shall contain specific allegations indicating the reasons why any communication*
 prescribed by rule of the board for this purpose. The statement may be made by any

24 individual who has personal knowledge that an independent expenditure for the

25 purpose of making such a communication in opposition to the candidate has been

identified in the statement will have an unfair impact upon the election campaign in accordance with the criteria prescribed under par. (a).

JWS 50-15

The statement shall contain specific allegations indicating the reasons why any communication prescribed by rule of the board for this purpose. The statement may be made by any individual who has personal knowledge that an independent expenditure for the purpose of making such a communication in opposition to the candidate has been

BILL

1 made. Upon filing of this statement with the board in accordance with applicable
 2 requirements, the board shall, ^{no later than the end of the 3rd calendar day after} ~~within 24 hours of~~ receiving the statement, issue a
 3 determination that the candidate and each of his or her opponents are not bound by
 4 the limitation imposed under sub. (2) or by any limitation upon disbursements
 5 agreed to under sub. (2m), and that contributions to the candidate may be made as
 6 authorized under s. 11.26 (9m). The board shall immediately file a written copy of
 7 its determination with each of the candidates to whom the determination applies. L

✓
 5/5
 5/1-6

SECTION 85. 11.31 (4) of the statutes is repealed.

SECTION 86. 11.31 (9) of the statutes is created to read:

10 **11.31 (9) ADJUSTMENT OF DISBURSEMENT LEVELS.** (a) In this subsection,
 11 "consumer price index" means the average of the consumer price index over each
 12 12-month period, all items, U.S. city average, as determined by the bureau of labor
 13 statistics of the U.S. department of labor.

14 (b) The dollar amounts of all disbursement limitations specified in sub. (1) are
 15 subject to a cost-of-living adjustment to be determined by rule of the board in
 16 accordance with this subsection. To determine the adjustment, the board shall
 17 calculate the percentage difference between the consumer price index for the
 18 12-month period ending on December 31 of each odd-numbered year and the
 19 consumer price index for calendar year ²⁰⁰¹ ~~2003~~. For each biennium, the board shall
 20 adjust the disbursement limitations specified under sub. (1) by that percentage to the
 21 extent required to reflect any difference, rounded to the nearest multiple of \$25,
 22 which amount shall be in effect until a subsequent rule is promulgated under this
 23 subsection. Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), determinations under
 24 this subsection may be promulgated as an emergency rule under s. 227.24 without

BILL

1 providing evidence that the emergency rule is necessary for the public peace, health,
2 safety, or welfare, and without a finding of emergency.

3 **SECTION 87.** 11.38 (6) of the statutes is amended to read:

4 11.38 (6) Any individual or campaign treasurer who receives funds in violation
5 of this section shall promptly return such funds to the contributor or, donate the
6 funds to the common school fund or a charitable organization, or transfer the funds
7 to the board for deposit in the Wisconsin election campaign fund, at the treasurer's
8 option.

9 **SECTION 88.** 11.50 (1) (a) 1. (intro.) of the statutes is created to read:

10 11.50 (1) (a) 1. (intro.) For purposes of qualification for a grant from the general
11 account:

12 **SECTION 89.** 11.50 (1) (a) 1. of the statutes is renumbered 11.50 (1) (a) 1. a. and
13 amended to read:

14 11.50 (1) (a) 1. a. With respect to a spring or general election, any individual
15 who is certified under s. 7.08 (2) (a) as a candidate in the spring election for justice
16 or state superintendent, or ~~an~~ any individual who receives at least ~~6%~~ 2% of the vote
17 cast for all candidates on all ballots for any state office, except district attorney, for
18 which the individual is a candidate at the September primary and who is certified
19 under s. 7.08 (2) (a) as a candidate for that office in the general election, or an
20 individual who has been lawfully appointed and certified to replace either such
21 individual on the ballot at the spring or general election, and who has qualified for
22 a grant under sub. (2).

23 **SECTION 90.** 11.50 (1) (a) 2. of the statutes is renumbered 11.50 (1) (a) 1. b. and
24 amended to read:

BILL

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

21 **SECTION 91.** 11.50 (1) (a) 2m. of the statutes is created to read:

22 11.50 (1) (a) 2m. For purposes of qualification for a grant from a political party
23 account, an individual who is certified under s. 7.08 (2) (a) or 8.50 (1) (d) in the general
24 election or a special election as the candidate of an eligible political party for a state
25 office, other than district attorney, or an individual who has been lawfully appointed

BILL**SECTION 91**

1 and certified to replace such an individual on the ballot at the general or a special
2 election and who has qualified for a grant under sub. (2).

3 **SECTION 92.** 11.50 (1) (am) of the statutes is created to read:

4 11.50 (1) (am) "Eligible political party" means any of the following:

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

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

14 **SECTION 93.** 11.50 (1) (bm) and (cm) of the statutes are created to read:

15 11.50 (1) (bm) "General account" means the account in the fund created under
16 sub. (2w).

17 (cm) "Political party account" means an account in the fund created under sub.
18 (2s).

19 **SECTION 94.** 11.50 (2) (a) of the statutes is amended to read:

20 11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may
21 file an application with the board requesting approval to participate in the fund. The
22 application shall be filed no later than the applicable deadline for filing nomination
23 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.
24 on the 7th day after the primary or date on which the primary would be held if
25 required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day

BILL

1 after appointment in the case of candidates appointed to fill vacancies. The
2 application ~~shall contain a sworn statement that the candidate and his or her~~
3 ~~authorized agents have complied with the contribution limitations prescribed in s.~~
4 ~~11.26 and the disbursement limitations prescribed under s. 11.31 at all times to~~
5 ~~which such limitations have applied to his or her candidacy and will continue to~~
6 ~~comply with the limitations at all times to which the limitations apply to his or her~~
7 ~~candidacy for the office in contest, unless the board determines that the candidate~~
8 ~~is not eligible to receive a grant, the candidate withdraws his or her application~~
9 ~~under par. (h), or par. (i) applies~~ applicant shall provide, along with the application,
10 an affidavit under s. 11.31 (2m) (a).

11 SECTION 95. 11.50 (2) (b) 4. of the statutes is amended to read:

12 11.50 (2) (b) 4. The financial reports filed by or on behalf of the candidate as
13 of the date of the spring or September primary, or the date that the special primary
14 is or would be held, if required, indicate that his or her statement affidavit filed with
15 ~~the application under par. (a) s. 11.31 (2m) (a)~~ is true; and

16 SECTION 96. 11.50 (2) (b) 5. of the statutes is amended to read:

17 11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as
18 of the date of the spring or September primary, or the date that the special primary
19 is or would be held, if required, indicate that the candidate has received an amount
20 equal to at least the amount provided in this subdivision 5% of the applicable
21 authorized disbursement limitation, as determined under s. 11.31 (1) and adjusted
22 as provided under s. 11.31 (9), from contributions of money, other than loans, made
23 by individuals who reside in this state and, in the case of a candidate for other than
24 a statewide office, by individuals at least 50% of whom reside in a county having
25 territory within the district in which the candidate seeks office, which contributions

BILL

SECTION 96

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

18 SECTION 97. 11.50 (2) (f) of the statutes is amended to read:

19 11.50 (2) (f) The board shall inform each candidate in writing of the approval
20 or disapproval of the candidate's application, as promptly as possible after the date
21 of the spring primary, September primary, special primary, or date that the primary
22 would be held, if required. With respect to a candidate at a special election who
23 applies for a postelection grant under sub. (1) (a) ~~2. 1. b.~~, the board shall inform the
24 candidate in writing of the conditional approval or disapproval of the candidate's
25 application at the same time.

BILL

1 **SECTION 98.** 11.50 (2) (g) of the statutes is amended to read:

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

10 **SECTION 99.** 11.50 (2) (h) of the statutes is amended to read:

11 11.50 (2) (h) An eligible candidate who files an application under par. (a) may
12 file a written withdrawal of the application. A withdrawal of an application may be
13 filed with the board no later than the 7th day after the day of the primary in which
14 the person withdrawing the application is a candidate or the 7th day after the date
15 that the primary would be held, if required. If an application is withdrawn in
16 accordance with this paragraph, the person withdrawing the application is no longer
17 bound by the ~~statement~~ affidavit filed under ~~par. (a) s. 11.31 (2m) (a)~~ after the date
18 of the withdrawal.

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

20 11.50 (2) (i) Notwithstanding par. (g), if an eligible candidate at the spring
21 election or a special nonpartisan election who accepts a grant is opposed by one or
22 more candidates in the election, or if an eligible candidate at the general election or
23 a special partisan election who accepts a grant is opposed by one or more candidates
24 in the election who receive at least ^{2%} ~~6%~~ of the vote cast for all candidates for the same
25 office on all ballots at the September primary or a special partisan primary if a

BILL

1 primary was held, and in either case if any such opponent of the eligible candidate
2 does not accept a grant under this section in whole or in part, the eligible candidate
3 is not bound by the pledge made in his or her application to adhere to the contribution
4 limitations prescribed in s. 11.26 and the disbursement limitation prescribed under
5 s. 11.31 (2), unless each such opponent files an affidavit of voluntary compliance
6 under s. 11.31 (2m) (b) and s. 11.31 (3n) and (3p) do not apply to the candidate.

7 **SECTION 101.** 11.50 (2s) of the statutes is created to read:

8 11.50 (2s) POLITICAL PARTY ACCOUNTS. (a) The state chairperson of each eligible
9 political party may, by written request to the board, provide for the establishment
10 or discontinuance of an account within the fund for that political party. Each political
11 party account consists of all moneys designated by individuals for deposit in that
12 account under s. 71.10 (3) (a).

13 (b) From the account of each eligible political party, the board shall apportion
14 moneys to an account for each office in the same proportion that moneys are
15 apportioned under sub. (4). Within each account, the board shall apportion available
16 moneys to eligible candidates representing that party who qualify to receive grants.
17 If there are insufficient moneys available to finance payment of the full amount of
18 the grant for which a candidate for legislative office qualifies, the board shall prorate
19 available moneys within the account for each legislative office. Whenever an eligible
20 candidate representing an eligible political party receives a grant, the state
21 treasurer shall first make payment of the grant from the political party account of
22 that party, to the extent that sufficient moneys are available in that account to make
23 payment of the grant.

BILL

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

4 **SECTION 102.** 11.50 (2w) of the statutes is created to read:

5 11.50 (2w) GENERAL ACCOUNT. There is established a general account within
6 the fund consisting of all moneys designated by individuals for deposit in that
7 account under s. 71.10 (3) (a), all moneys transferred to that account under sub. (2s)
8 (c), and all moneys deposited in the fund under ss. 8.35 (4) (a), 11.07 (5), 11.12 (2),
9 11.16 (2), 11.19 (1), 11.23 (2), and 11.38 (6).

10 **SECTION 103.** 11.50 (3) (a) 1. of the statutes is renumbered 11.50 (3) (a) 2m. and
11 amended to read:

12 11.50 (3) (a) 2m. If After making any transfer required under subd. 1m. if an
13 election for state superintendent is scheduled in the following year, 8% of the fund
14 shall be placed in the state treasurer shall transfer an amount sufficient to finance
15 payment of the full amount of the grants authorized under sub. (9) (a) for candidates
16 for the office of state superintendent to a superintendency account. From this
17 account, an equal amount shall be disbursed to the campaign depository account of
18 each eligible candidate by the state treasurer. Any unencumbered balance in the
19 superintendency account after an election for the office of state superintendent is
20 held shall revert to the general account.

21 **SECTION 104.** 11.50 (3) (a) 2. of the statutes is renumbered 11.50 (3) (a) 1m. and
22 amended to read:

23 11.50 (3) (a) 1m. If an election for justice is scheduled in the following year, 8%
24 of the fund shall be placed in the state treasurer shall transfer an amount sufficient
25 to finance payment of the full amount of the grants authorized under sub. (9) (b) for

BILL**SECTION 104**

1 candidates for the office of justice to a supreme court account. From this account, an
2 equal amount shall be disbursed to the campaign depository account of each eligible
3 candidate by the state treasurer. Any unencumbered balance in the supreme court
4 account after an election for the office of justice is held shall revert to the general
5 account.

6 **SECTION 105.** 11.50 (3) (b) of the statutes is amended to read:

7 11.50 (3) (b) If a vacancy occurs in the office of justice after August 15 in any
8 year and an election is scheduled to fill the vacancy at the spring election in the
9 following year, the state treasurer shall transfer an amount sufficient to finance
10 payment of the full amount of the grants authorized under sub. (9) (b) for candidates
11 for the office of justice to the supreme court account. If a vacancy occurs in the office
12 of state superintendent or justice after August 15 in any year and an election is
13 scheduled to fill the vacancy at the spring election in the following year, the state
14 treasurer shall, after making any transfer that is required to be made to the supreme
15 court account, transfer an amount not exceeding 8% of the moneys transferred to the
16 fund on the preceding August 15 sufficient to finance payment of the full amount of
17 the grants authorized under sub. (9) (a) for candidates for the office of state
18 superintendent to the superintendency account for the office in which the vacancy
19 occurs, such, The moneys to shall be drawn transferred from any account within the
20 accounts created under sub. (4) in the amount or amounts specified by the board.

21 **SECTION 106.** 11.50 (3) (c) of the statutes is created to read:

22 11.50 (3) (c) If there are insufficient moneys in the fund to make any transfer
23 that is required to be made under par. (a) or (b), the state treasurer shall transfer the
24 balance in the fund to the account to which the transfer is required to be made.

25 **SECTION 107.** 11.50 (4m) of the statutes is created to read:

BILL

1 11.50 (4m) PAYMENT OF GRANT AMOUNTS. The state treasurer shall make
 2 payment of each grant to an eligible candidate from the political party account of that
 3 candidate's political party, if any, if there are sufficient moneys in that account to
 4 make full payment of the grant, and then from the general account. The amount of
 5 each grant is the amount specified in sub. (9), except as provided in sub. (10) and
 6 except that if there are insufficient moneys in the ~~appropriate~~ ^{for my office} account within the
 7 general account to make payment of the full amount of the grant for which a
 8 candidate qualifies, the board shall ^y prorate ^{any remaining} the ~~available~~ ^{that} moneys ~~in the appropriate~~
 9 account to all ^{eligible} candidates who qualify to receive a grant from that account.

10 **SECTION 108.** 11.50 (5) of the statutes is amended to read:

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

16 **SECTION 109.** 11.50 (6) of the statutes is amended to read:

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

21 **SECTION 110.** 11.50 (9) of the statutes is renumbered 11.50 (9) (a) and amended
 22 to read:

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

first allocate available moneys in that account to equalize payments of grants to all eligible candidates for each office for which any candidate has received payments from a political party account, and thereafter shall

BILL

PLAN

1 other than individuals, political party committees and legislative campaign
2 committees, is equal to ~~45%~~ ^{25%} of the disbursement level specified for the applicable
3 office under s. 11.31 (1), adjusted as provided under s. 11.31 (9).

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

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

9 SECTION 111. 11.50 (9) (b) to (d) of the statutes are created to read:

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

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

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

BILL

1 **SECTION 112.** 11.50 (10m) of the statutes is amended to read:

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

9 **SECTION 113.** 11.50 (11) (e) of the statutes is amended to read:

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

14 **SECTION 114.** 11.50 (14) of the statutes is created to read:

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

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

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

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

BILL

SECTION 115

1 **SECTION 115.** 11.51 of the statutes is created to read:

2 **11.51 Campaign financing by local governments.** Any county, city,
3 village, or town may, by ordinance, provide appropriations to pay for any lawful
4 disbursements made by a candidate for county, city, village, or town office,
5 respectively. The ordinance may impose reasonable qualifications for candidates to
6 receive funding from the county, city, village, or town. The ordinance shall require
7 any candidate, as a condition of receiving funding, to agree to make no
8 disbursements exceeding the aggregate amount specified under s. 11.31 (1) for the
9 applicable office, as adjusted under s. 11.31 (9), and to make no contributions to his
10 or her own campaign for office exceeding the aggregate amount specified under s.
11 11.26 (10). The ordinance may provide for a civil penalty for any violation of the
12 ordinance or an agreement entered into under the ordinance not exceeding the
13 penalty that would apply for the same offense under s. 11.60.

14 **SECTION 116.** 11.60 (1) and (2) of the statutes are amended to read:

15 **11.60 (1)** Any person, including any committee or group, who violates this
16 chapter may be required to forfeit not more than ~~\$500~~ \$1,500 for each violation.

17 **(2)** In addition to the penalty under sub. (1), any person, including any
18 committee or group, who is delinquent in filing a report required by this chapter may
19 be required to forfeit not more than ~~\$50~~ \$150 or ~~one percent~~ 3% of the annual salary
20 of the office for which the candidate is being supported or opposed, whichever is
21 greater, for each day of delinquency.

22 **SECTION 117.** 11.61 (1) of the statutes is amended to read:

23 **11.61 (1) (a)** Whoever intentionally violates s. 11.05 (1), (2), (2g) or (2r), 11.07
24 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or 11.24 (1) may be fined not more than ~~\$10,000~~
25 \$30,000 or imprisoned for not more than ~~4~~ 13 years and 6 months or both.

BILL

1 (b) Whoever intentionally violates s. 11.25, 11.26, 11.27 (1), 11.30 (1) or 11.38
2 where the intentional violation does not involve a specific figure, or where the
3 intentional violation concerns a figure which exceeds \$100 in amount or value may
4 be fined not more than ~~\$10,000~~ \$30,000 or imprisoned for not more than ~~4~~ 13 years
5 and 6 months or both.

6 (c) Whoever intentionally violates any provision of this chapter other than
7 those provided in par. (a) and whoever intentionally violates any provision under par.
8 (b) where the intentional violation concerns a specific figure which does not exceed
9 \$100 in amount or value may be fined not more than ~~\$1,000~~ \$3,000 or imprisoned for
10 not more than ~~6 months~~ one year in the county jail or both.

11 **SECTION 118.** 11.66 of the statutes is renumbered 11.66 (1) and amended to
12 read:

13 11.66 (1) Any elector may sue for injunctive relief to compel compliance with
14 this chapter. Before commencing any action concerning ~~a~~ an election for state office
15 or a statewide referendum, an elector shall file a verified complaint with the
16 executive director of the board under s. 5.066 (2) alleging such facts as are within his
17 or her knowledge to show probable cause to believe that a violation has occurred or
18 is proposed to occur. If The verified complaint shall include a notice that the elector
19 intends to seek relief under this section. Except as provided in sub. (2), if the
20 executive director of the board fails to commence an action order the relief that is
21 sought by the elector under s. 5.066 (5) within 10 days of the filing of the complaint
22 and the elector does not appeal the matter to the board under s. 5.066 (8) or the board,
23 after hearing the elector's appeal, does not order the relief sought by the elector
24 under s. 5.066 (9), the elector may commence an action.

BILL

1 **(3)** Separate from any other bond which may be required by the court, the
2 elector may be required to post a surety bond in an amount determined by the court
3 sufficient to cover the actual costs, including reasonable attorney fees, of both
4 parties. If the elector's action is not successful, he or she shall pay the costs of the
5 action.

6 **SECTION 119.** 11.66 (2) of the statutes is created to read:

7 11.66 (2) If the complaint relates to a matter specified in s. 5.066 (12) (a), the
8 elector may commence an action under sub. (1) upon compliance with sub. (1).

9 **SECTION 120.** 25.42 of the statutes is amended to read:

10 **25.42 Wisconsin election campaign fund.** All moneys appropriated under
11 s. 20.855 (4) (b) together with all moneys deposited under ss. 8.35 (4) (a), 11.07 (5),
12 11.12 (2), 11.16 (2), 11.19 (1), 11.23 (2), and 11.38 (6), all moneys reverting to the state
13 under s. 11.50 (8) and all gifts, bequests and devises received under s. 11.50 (13)
14 constitute the Wisconsin election campaign fund, to be expended for the purposes of
15 s. 11.50. All moneys in the fund not disbursed by the state treasurer shall continue
16 to accumulate indefinitely.

17 ~~**SECTION 121.** 71.05 (6) (a) 15. of the statutes is amended to read:~~

18 ~~71.05 (6) (a) 15. The amount of the credits computed under s. 71.07 (2dd), (2de),
19 (2di), (2dj), (2dL), (2dr), (2ds), (2dx) and, (3s) and (5d) and not passed through by a
20 partnership, limited liability company or tax-option corporation that has added that
21 amount to the partnership's, company's or tax-option corporation's income under s.
22 71.21 (4) or 71.34 (1) (g).~~

23 ~~**SECTION 122.** 71.07 (5d) of the statutes is created to read:~~

24 ~~71.07 (5d) CANDIDATE ACCESS CREDIT. (a) In this subsection:~~

BILL

1 1. "Access" means providing print space or broadcast time to a candidate alone,
2 without exercising editorial control over the content of the candidate's message and
3 without charging anyone for providing such print space or broadcast time.

4 2. "Candidate" means an individual whose name is certified under s. 7.08 (2)
5 (a) or 8.50 (1) (d) to appear as a candidate for state office on the ballot at a general,
6 spring, or special election.

7 3. "Claimant" means a sole proprietor, a partner, a member of a limited liability
8 company, or a shareholder of a tax option corporation who files a claim under this
9 subsection.

10 4. "Communications medium" means a newspaper, periodical, commercial
11 billboard, or radio or television station, including a community antenna television
12 station.

13 (b) A claimant may claim as a credit against the tax imposed under s. 71.02 an
14 amount equal to the amount the claimant paid or incurred in the taxable year to
15 grant a candidate who is subject to the limitations described in an affidavit filed
16 under s. 11.31 (2m) access to a communications medium that is located in this state
17 and controlled by the claimant, up to a maximum credit of \$10,000.

18 (c) The carry-over provisions of s. 71.28 (4) (e) and (f), as they apply to the credit
19 under s. 71.28 (4), apply to the credit under this subsection.

20 (d) Partnerships, limited liability companies, and tax-option corporations may
21 not claim the credit under this subsection, but the eligibility for, and the amount of,
22 the credit are based on the amount paid or incurred under par. (b). A partnership,
23 limited liability company, or tax-option corporation shall compute the amount of
24 credit that each of its partners, members, or shareholders may claim and shall
25 provide that information to each of them. Partners, members of limited liability

BILL

1 companies, and shareholders of tax-option corporations may claim the credit in
2 proportion to their ownership interest.

3 (e) Section 71.28 (4) (g) and (h), as it applies to the credit under s. 71.28 (4),
4 applies to the credit under this subsection.

5 SECTION 123. 71.07 (6s) of the statutes is created to read:

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

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

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

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

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

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

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

21 SECTION 124. 71.10 (3) (a) of the statutes is amended to read:

22 71.10 (3) (a) Every individual filing an income tax return who has a tax liability
23 or is entitled to a tax refund may designate ~~\$1~~ up to \$5 for transfer to the Wisconsin
24 election campaign fund for the use of eligible candidates under s. 11.50. If the
25 individuals filing a joint return have a tax liability or are entitled to a tax refund,

BILL

1 each individual may make a designation of \$1 up to \$5 under this subsection. Each
 2 individual making a designation shall indicate whether the amount designated by
 3 that individual shall be placed in the general account for the use of all eligible
 4 candidates for state office, or in the account of an eligible political party whose name
 5 is certified to the secretary of revenue under s. 11.50 (14). If an individual does not
 6 indicate that the amount of his or her designation shall be placed in the account of
 7 a particular eligible political party, that amount shall be placed in the general
 8 account.

9 **SECTION 125.** 71.10 (3) (b) of the statutes is amended to read:

10 71.10 (3) (b) The secretary of revenue shall provide a place for these
 11 designations under par. (a) on the face of the individual income tax return and shall
 12 provide next to that place a statement that a designation will ~~not~~ increase tax
 13 liability. ~~Annually on August 15~~ ^(Plain) and that the amount of a designation may be
 14 claimed as a credit under s. 71.07 (6s) ~~No later than 60 days after the completion~~
 15 ~~of each calendar quarter~~ ^{Annually on August 15} the secretary of revenue shall certify to the elections board,
 16 the department of administration and the state treasurer ~~under s. 11.50~~ the total
 17 amount of designations made on returns processed by the department of revenue
 18 during the preceding ~~fiscal year quarter~~ ^(Plain) and the amount of designations made
 19 during that quarter ^{fiscal year} for the general account and for the account of each eligible
 20 political party. If any individual designates an amount greater than the amount
 21 authorized under par. (a) or attempts to place any condition or restriction upon a
 22 designation not authorized under par. (a), that individual is deemed not to have made
 23 a designation on his or her tax return.

24 **SECTION 126.** 71.10 (4) (cs) of the statutes is created to read:

25 71.10 (4) (cs) The campaign fund tax credit under s. 71.07 (6s).

BILL

1 SECTION 127. 71.10 (4) (dw) of the statutes is created to read:

2 71.10 (4) (dw) Candidate access credit under s. 71.07 (5d).

3 SECTION 128. 71.21 (4) of the statutes is amended to read:

4 71.21 (4) Credits computed by a partnership under s. 71.07 (2dd), (2de), (2di),
5 (2dj), (2dL), (2ds), (2dx) and (3s), and (5d) and passed through to partners shall be
6 added to the partnership's income.

7 SECTION 129. 71.26 (2) (a) of the statutes is amended to read:

8 71.26 (2) (a) *Corporations in general.* The "net income" of a corporation means
9 the gross income as computed under the internal revenue code as modified under
10 sub. (3) minus the amount of recapture under s. 71.28 (1di) plus the amount of credit
11 computed under s. 71.28 (1) and (3) to (5) plus the amount of the credit computed
12 under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds) and (1dx), and (5d) and not passed
13 through by a partnership, limited liability company or tax-option corporation that
14 has added that amount to the partnership's, limited liability company's or tax-option
15 corporation's income under s. 71.21 (4) or 71.34 (1) (g) plus the amount of losses from
16 the sale or other disposition of assets the gain from which would be wholly exempt
17 income, as defined in sub. (3) (L), if the assets were sold or otherwise disposed of at
18 a gain and minus deductions, as computed under the internal revenue code as
19 modified under sub. (3), plus or minus, as appropriate, an amount equal to the
20 difference between the federal basis and Wisconsin basis of any asset sold,
21 exchanged, abandoned or otherwise disposed of in a taxable transaction during the
22 taxable year, except as provided in par. (b) and s. 71.45 (2) and (5).

23 SECTION 130. 71.28 (5d) of the statutes is created to read:

24 71.28 (5d) CANDIDATE ACCESS CREDIT. (a) In this subsection:

BILL

1 1. "Access" means providing print space or broadcast time to a candidate alone,
2 without exercising editorial control over the content of the candidate's message and
3 without charging anyone for providing such print space or broadcast time.

4 2. "Candidate" means an individual whose name is certified under s. 7.08 (2)
5 (a) or 8.50 (1) (d) to appear as a candidate for state office on the ballot at a general,
6 spring, or special election.

7 3. "Claimant" means a person who files a claim under this subsection.

8 4. "Communications medium" has the meaning given in s. 71.07 (5d) (a) 4.

9 (b) A claimant may claim as a credit against the tax imposed under s. 71.23 an
10 amount equal to the amount the claimant paid or incurred in the taxable year to
11 grant a candidate who is subject to the limitations described in an affidavit filed
12 under s. 11.31 (2m) access to a communications medium that is located in this state
13 and controlled by the claimant, up to a maximum credit of \$10,000.

14 (c) The carry-over provisions of sub. (4) (e) and (f), as they apply to the credit
15 under sub. (4), apply to the credit under this subsection.

16 (d) Partnerships, limited liability companies, and tax-option corporations may
17 not claim the credit under this subsection, but the eligibility for, and the amount of,
18 the credit are based on the amount paid or incurred under par. (b). A partnership,
19 limited liability company, or tax-option corporation shall compute the amount of
20 credit that each of its partners, members, or shareholders may claim and shall
21 provide that information to each of them. Partners, members of limited liability
22 companies, and shareholders of tax-option corporations may claim the credit in
23 proportion to their ownership interest.

24 (e) Subsection (4) (g) and (h), as it applies to the credit under sub. (4), applies
25 to the credit under this subsection.

BILL

1 SECTION 131. 71.30 (3) (dm) of the statutes is created to read:

2 71.30 (3) (dm) Candidate access credit under s. 71.28 (5d).

3 SECTION 132. 71.34 (1) (g) of the statutes is amended to read:

4 71.34 (1) (g) An addition shall be made for credits computed by a tax-option
5 corporation under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx) and, (3), and
6 (5d) passed through to shareholders.

7 SECTION 133. 71.45 (2) (a) 10. of the statutes is amended to read:

8 71.45 (2) (a) 10. By adding to federal taxable income the amount of credit
9 computed under s. 71.47 (1dd) to (1dx) and (5d) and not passed through by a
10 partnership, limited liability company or tax-option corporation that has added that
11 amount to the partnership's, limited liability company's or tax-option corporation's
12 income under s. 71.21 (4) or 71.34 (1) (g) and the amount of credit computed under
13 s. 71.47 (1), (3), (4) and (5).

14 SECTION 134. 71.47 (5d) of the statutes is created to read:

15 71.47 (5d) CANDIDATE ACCESS CREDIT. (a) In this subsection:

16 1. "Access" means providing print space or broadcast time to a candidate alone,
17 without exercising editorial control over the content of the candidate's message and
18 without charging anyone for providing such print space or broadcast time.

19 2. "Candidate" means an individual whose name is certified under s. 7.08 (2)
20 (a) or 8.50 (1) (d) to appear as a candidate for state office on the ballot at a general,
21 spring, or special election.

22 3. "Claimant" means a person who files a claim under this subsection.

23 4. "Communications medium" has the meaning given in s. 71.07 (5d) (a) 4.

24 (b) A claimant may claim as a credit against the tax imposed under s. 71.43 an
25 amount equal to the amount the claimant paid or incurred in the taxable year to

BILL

1 grant a candidate who is subject to the limitations described in an affidavit filed
2 under s. 11.31 (2m) access to a communications medium that is located in this state
3 and controlled by the claimant, up to a maximum credit of \$10,000.

4 (c) The carry-over provisions of s. 71.28 (4) (e) and (f), as they apply to the credit
5 under s. 71.28 (4), apply to the credit under this subsection.

6 (d) Partnerships, limited liability companies, and tax-option corporations may
7 not claim the credit under this subsection, but the eligibility for, and the amount of,
8 the credit are based on the amount paid or incurred under par. (b). A partnership,
9 limited liability company, or tax-option corporation shall compute the amount of
10 credit that each of its partners, members, or shareholders may claim and shall
11 provide that information to each of them. Partners, members of limited liability
12 companies, and shareholders of tax-option corporations may claim the credit in
13 proportion to their ownership interest.

14 (e) Section 71.28 (4) (g) and (h), as it applies to the credit under s. 71.28 (4),
15 applies to the credit under this subsection.

16 **SECTION 135.** 71.49 (1) (dm) of the statutes is created to read:

17 71.49 (1) (dm) Candidate access credit under s. 71.47 (5d).

18 **SECTION 136.** 77.92 (4) of the statutes is amended to read:

19 77.92 (4) "Net business income", with respect to a partnership, means taxable
20 income as calculated under section 703 of the Internal Revenue Code; plus the items
21 of income and gain under section 702 of the Internal Revenue Code, including taxable
22 state and municipal bond interest and excluding nontaxable interest income or
23 dividend income from federal government obligations; minus the items of loss and
24 deduction under section 702 of the Internal Revenue Code, except items that are not
25 deductible under s. 71.21; plus guaranteed payments to partners under section 707

BILL

1 (c) of the Internal Revenue Code, plus the credits claimed under s. 71.07 (2dd), (2de),
 2 (2di), (2dj), (2dL), (2dr), (2ds), (2dx) and (3s), and (5d); and plus or minus, as
 3 appropriate, transitional adjustments, depreciation differences and basis
 4 differences under s. 71.05 (13), (15), (16), (17) and (19); but excluding income, gain,
 5 loss and deductions from farming. "Net business income", with respect to a natural
 6 person, estate or trust, means profit from a trade or business for federal income tax
 7 purposes and includes net income derived as an employee as defined in section 3121
 8 (d) (3) of the Internal Revenue Code.

SECTION 137. 227.03 (6m) of the statutes is created to read:

227.03 (6m) Cases before the executive director of the elections board under
s. 5.066 are not subject to ss. 227.42 and 227.44 to 227.50.

SECTION 138. 227.52 (8) of the statutes is created to read:

227.52 (8) The decisions of the executive director of the elections board under
s. 5.066.

SECTION 139. Nonstatutory provisions.

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

SECTION 140. Initial applicability.

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

(2) COST OF LIVING ADJUSTMENTS.

INSERT 74-19 MDK ✓

BILL

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

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

5 (3) CAMPAIGN FUND TAX CREDIT. The treatment of sections 71.07 (6s) and 71.10
6 (3) (a) and (b) and (4) (cs) of the statutes first applies to the taxable year beginning
7 on January 1, 2002.

8 ~~(4) CANDIDATE ACCESS CREDIT. The treatment of sections 71.05 (6) (a) 15., 71.07~~
9 ~~(5d), 71.10 (4) (dw), 71.21 (4), 71.26 (2) (a), 71.28 (5d), 71.30 (3) (dm), 71.34 (1) (g),~~
10 ~~71.45 (2) (a) 10., 71.47 (5d), 71.49 (1) (dm), and 77.92 (4) of the statutes first applies~~
11 ~~to taxable years beginning on January 1 of the year in which this subsection takes~~
12 ~~effect, except that if this subsection takes effect after July 31 the treatment of~~
13 ~~sections 71.05 (6) (a) 15., 71.07 (5d), 71.10 (4) (dw), 71.21 (4), 71.26 (2) (a), 71.28 (5d),~~
14 ~~71.30 (3) (dm), 71.34 (1) (g), 71.45 (2) (a) 10., 71.47 (5d), 71.49 (1) (dm), and 77.92 (4)~~
15 ~~of the statutes first applies to taxable years beginning on January 1 of the year after~~
16 ~~the or year in which this subsection takes effect.~~

17

(END)

JWS 21-12:1

1 exceeding 8% of the moneys transferred to the fund on the preceding August 15 to
2 the superintendency account for the office in which the vacancy occurs, such moneys
3 to be drawn from any account within the accounts created under sub. (4) in the
4 amount or amounts specified by the board

5 (SECTION 18. 11.501 to 11.518 of the statutes are created to read:

6 **11.501 Definitions.** In ss. 11.501 to 11.518:

7 (1) "Business day" means every day except Saturday, Sunday, and a holiday
8 designated in s. 230.35 (4) (a).

9 (2) "Campaign" has the meaning given in s. 11.26 (17).

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

15 (3) "Election campaign period" means the period beginning on the day after the
16 spring primary election or the day on which a primary election would be held, if
17 required, and ending on the day of the succeeding spring election.

18 (4) "Eligible candidate" means a candidate for the office of justice who:

19 (a) Has an opponent who has qualified to have his or her name certified for
20 placement on the ballot at the spring primary or election.

21 (b) Qualifies for a public financing benefit by collecting the required number
22 of qualifying contributions, making all required reports and disclosures, and being
23 certified by the board as being in compliance with ss. 11.502 to 11.518.

ANS 21-12:2

1 (7) "Exploratory period" means the period that begins after the date of a spring
2 election and ends on the first day of the public financing qualifying period for the next
3 election for justice.

4 (9) "Immediate family," when used with reference to a candidate, includes the
5 candidate's spouse and children.

6 (11m) (10) "Independent expenditure" means an expenditure made for the purpose
7 of making a communication that is made during the 30-day period preceding ^a ~~any~~
8 ~~spring primary for the office of justice~~ ^{election for an office to be filled at a general, special, or spring election - that primary} and the date of ~~the spring~~ ^{a general, special, or spring} election, or ~~the~~
9 ~~primary is held~~ ^{primary} during the 60-day period preceding ~~the spring election~~ ^{the spring election} that
10 contains a reference to a clearly identified candidate for ~~the office of justice~~ ^{an} at that
11 election; that is made without cooperation or consultation with such a candidate, or ^{to be filled} which
12 any authorized committee or agent of such a candidate; and that is not made in ^{the} office
13 concert with, or at the request or suggestion of, such a candidate, or any authorized ^{is} filled
14 committee or agent of such a candidate. ^{and} date of that
15 ^{election}

16 (12) "Nonparticipating candidate" means a candidate for the office of justice
17 who does not apply for a public financing benefit or who otherwise is ineligible or fails
18 to qualify for a public financing benefit under ss. 11.502 to 11.518.

19 (13) "Personal funds" means funds contributed by a candidate or a member of
20 a candidate's immediate family.

21 (14) "Primary election campaign period" means the period beginning on the
22 day after the last day prescribed by law for filing nomination papers for the office of
23 justice and ending on the day of the spring primary election for that office or the day
on which the primary election would be held, if required.

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2872/linsJTK
JTK & RJM.....

INS 16-1: ✓

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

5.05 (1) (e) Delegate to its executive director the authority to issue a subpoena under par. (b), apply for a search warrant under par. (b), commence an action under par. (d), intervene in an action or proceeding under sub. (9), issue an order under s. 5.06, exempt a polling place from accessibility requirements under s. 5.25 (4) (a), exempt a municipality from the requirement to use voting machines or an electronic voting system under s. 5.40 (5m), approve an electronic data recording system for maintaining poll lists under s. 6.79, ~~or~~ authorize nonappointment of an individual who is nominated to serve as an election official under s. 7.30 (4) (e), or issue a determination under s. 11.31 (3p) (b), subject to such limitations as the board deems appropriate.

History: 1973 c. 334; 1975 c. 85, 93, 199; 1977 c. 29; 1977 c. 196 s. 131; 1977 c. 418, 427, 447; 1979 c. 32 s. 92 (8); 1979 c. 89, 154, 328; 1983 a. 27, 484, 524, 538; 1985 a. 303; 1985 a. 304 ss. 3, 155; 1989 a. 31, 192; 1999 a. 182.

INS 37-16: ✓

SECTION 2. 11.26 (2) (intro.) of the statutes is amended to read: ✓

11.26 (2) (intro.) ~~No~~ Subject to sub. (10a) and except as provided in sub. (9m), no committee other than a political party committee or legislative campaign committee may make any contribution or contributions to a candidate for election or nomination to any of the following offices and to any individual or committee under s. 11.06 (7) acting solely in support of such a candidate or solely in opposition to the candidate's opponent to the extent of more than a total of the amounts specified per candidate:

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

✓
SECTION 3. 11.26 (2) (a) of the statutes is amended to read:

11.26 (2) (a) Candidates for governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent or justice, 4% of the value of the disbursement level specified in the schedule under s. 11.31 (1) \$43,128.

5

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

SECTION 4. 11.26 (2) (ae), (am) and (as) of the statutes are created to read:

11.26 (2) (ae) Candidates for lieutenant governor, \$12,939.

(am) Candidates for attorney general, \$21,560.

AS (ae) Candidates for secretary of state, state treasurer, state superintendent or justice, \$8,625.

✓
INS 40-6:

(ah) For purposes of par. (ag), a "local political party committee" includes a congressional district committee and any other political party committee except a state or national political party committee or a state or national subunit or state or national affiliate of such a committee that is organized on a state or national basis.

✓
INS 50-15:

(a) The board shall, by rule, prescribe standards for determining whether a communication that is financed by means of an independent expenditure is likely to have an unfair impact on an election campaign based upon:

1. For a communication made by means of a broadcast communications medium, the percentage of the voting age population in the contested jurisdiction

reached by the communication, as determined from the relevant ratings received by the communications medium.

2. For a mass mailing, the number of pieces of material that were directed to residents of the contested jurisdiction.

3. For any other communication, the cost of the communication.

(b)

INS 51-6:

(c) For the purpose of making a determination under par. (b), the board may request any broadcast communications medium to verify whether and when a particular communication was made.

(d)

INSERT 74-19MDK:

1
2 ~~(X)~~ RULES FOR PUBLIC ACCESS CHANNELS AND PUBLIC TELEVISION STATIONS.

3 (a) Using the procedure under section 227.24 of the statutes, the elections
4 board may promulgate the rules required under section 11.21 (18) of the statutes, as
5 created by this act, for the period before the effective date of the permanent rules, but
6 not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.
7 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the elections
8 board is not required to provide evidence that promulgating rules under this
9 paragraph as emergency rules is necessary for the preservation of the public peace,
10 health, safety, or welfare and is not required to provide a finding of emergency for any
11 rule promulgated under this paragraph.

12 (b) The elections board shall submit in proposed form the rules required under
13 section 11.21 (18) of the statutes, as created by this act, to the legislative council
14 staff under section 227.15 (1) of the statutes no later than the first day of the 10th
15 month beginning after the effective date of this subsection.

paragraph

**2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2872/linsJTK
JTK & RJM.....

~~INS 40-6:~~

~~(ah) For purposes of par. (ag), a "local political party committee" includes a congressional district committee and any other political party committee except a state or national political party committee or a state or national subunit or state or national affiliate of such a committee that is organized on a state or national basis.~~

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2872/2dn
JTK & RJM:J:...

JTK
JS

Representative Duff:

1. Please review the text of proposed s. 11.31 (3p) and the corresponding analysis on page 9 relating to the exemption from disbursement and certain contribution limitations to ensure that it conforms to your intent. We have modified the description of the concept by Bob Conlin slightly to accommodate the revised definitions in proposed s. 11.01 (4m) and (11m). Specifically, the text of proposed s. 11.31 (3p) addresses all potential "communications" envisioned under the definition. ✓

2. Per the instructions, this draft empowers the elections board to request information from a broadcast communications medium, but it does not require the medium to respond to the request. Also, the draft only empowers the board to ask whether or when a communication was broadcast because the board would presumably be aware of the boundaries of the contested jurisdiction and whether the broadcast would have reached it. ✓

3. You may wish to review whether you want to specifically deal with nonbroadcast television communications (e.g., cable television communications). ✓

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

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2872/2dn
JTK&RJM:cjs:jf

October 22, 2001

Representative Duff:

1. Please review the text of proposed s. 11.31 (3p) and the corresponding analysis on page 9 relating to the exemption from disbursement and certain contribution limitations to ensure that it conforms to your intent. We have modified the description of the concept by Bob Conlin slightly to accommodate the revised definitions in proposed s. 11.01 (4m) and (11m). Specifically, the text of proposed s. 11.31 (3p) addresses all potential "communications" envisioned under the definition.
2. Per the instructions, this draft empowers the elections board to request information from a broadcast communications medium, but it does not require the medium to respond to the request. Also, the draft only empowers the board to ask whether or when a communication was broadcast because the board would presumably be aware of the boundaries of the contested jurisdiction and whether the broadcast would have reached it.
3. You may wish to review whether you want to specifically deal with nonbroadcast television communications (e.g., cable television communications).

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

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