

2001 ASSEMBLY BILL 726

January 16, 2002 - Introduced by Representatives JENSEN, FOTI, FREESE, LOEFFELHOLZ, WALKER, VRAKAS, MUSSER, LADWIG, WARD, JOHNSRUD, GUNDRUM, STARZYK, DUFF, M. LEHMAN, OLSEN, RHOADES, HAHN, HUNDEBTMARK, URBAN, KEDZIE, GUNDERSON, MONTGOMERY, LIPPERT, STONE, SKINDRUD, LEIBHAM, KRAWCZYK, NASS, KESTELL, MCCORMICK, JESKEWITZ, KAUFERT, ALBERS and BIES, cosponsored by Senators PANZER, HARSDORF, ROSENZWEIG, KANAVAS, WELCH, DARLING, ROESSLER and HUELSMAN. Referred to Committee on Campaigns and Elections.

1 AN ACT to repeal 11.01 (12s), 11.05 (3) (o) and 11.265; and to amend 5.02 (13),
2 11.05 (3) (c), 11.05 (9) (b), 11.06 (2), 11.06 (7m) (a), 11.06 (7m) (c), 11.16 (5), 11.26
3 (2) (intro.), 11.26 (4), 11.26 (8), 11.26 (9) (a) and (b) and 11.50 (9) of the statutes;
4 relating to: limits on certain contributions received by political parties and
5 elimination of legislative campaign committees.

~~SUB~~

(SUB)

TREATMENT OF LEGISLATIVE CAMPAIGN COMMITTEES

Analysis by the Legislative Reference Bureau

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

This bill eliminates the special treatment of legislative campaign committees under the statutes, thus causing them to be treated in the same manner as other special interest committees for the purpose of contribution limitations. The bill does not preclude a committee from utilizing any name it wishes.

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ANALYSIS 8A



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Currently, a political party may accept up to \$150,000 in contributions from all committees during any biennium. This bill increases that amount to \$500,000.

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

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

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

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SECTION 2. 11.01 (12s) of the statutes is repealed.

(12v),

9- SEC #. CR; 11.01(13), (14), (17), (17) and (20) : P

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

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

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SECTION 4. 11.05 (3) (o) of the statutes is repealed.

SECTION 5. 11.05 (9) (b) of the statutes is amended to read:

11.05 (9) (b) An individual who or a committee or group which receives a contribution of money and transfers the contribution to another individual, committee, or group while acting as a conduit is not subject to registration under this section unless the individual, committee, or group transfers the contribution to a candidate or a personal campaign, ~~legislative campaign~~, political party, or support committee.

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AMENDED
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SECTION 6. 11.06 (2) of the statutes is amended to read:

11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding sub. (1), if a disbursement is made or obligation incurred by an individual other than a candidate or by a committee or group which is not primarily organized for political purposes, and the disbursement does not constitute a contribution to any candidate or other individual, committee, or group, the disbursement or obligation is required to be reported only if the purpose is to expressly advocate the election or defeat of a clearly identified candidate or the adoption or rejection of a referendum. The exemption provided by this subsection shall in no case be construed to apply to a political party, legislative campaign, personal campaign, or support committee.

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

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

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

3 **SECTION 8.** 11.06 (7m) (c) of the statutes is amended to read:

4 11.06 (7m) (c) A committee filing an oath under sub. (7) which desires to change
5 its status to a political party committee ~~or legislative campaign committee~~ may do
6 so as of December 31 of any even-numbered year. Section 11.26 does not apply to
7 contributions received by such a committee prior to the date of the change. Such a
8 committee may change its status at other times only by filing a termination
9 statement under s. 11.19 (1) and reregistering as a newly organized committee under
10 s. 11.05.

11 **SECTION 9.** 11.16 (5) of the statutes is amended to read:

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

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1 for the effort or program, and shall transmit a copy of the schedule to each candidate
2 who receives any of the proceeds within the period prescribed in s. 11.06 (4) (c). ^{2 end} _{ins 265 22}

3 SECTION 10. 11.26 (2) (intro.) of the statutes is amended to read:

4 11.26 (2) (intro.) No committee other than a political party committee or
5 legislative campaign committee may make any contribution or contributions to a
6 candidate for election or nomination to any of the following offices and to any
7 individual or committee under s. 11.06 (7) acting solely in support of such a candidate
8 or solely in opposition to the candidate's opponent to the extent of more than a total
9 of the amounts specified per candidate:

10 SECTION 11. 11.26 (4) of the statutes is amended to read:

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

16 SECTION 12. 11.26 (8) of the statutes is amended to read:

17 11.26 (8) (a) No political party as defined in s. 5.02 (13) may receive more than
18 a total of ~~\$150,000~~ \$500,000 in value of its contributions in any biennium from all
19 other committees, excluding contributions from legislative campaign committees
20 and transfers between party committees of the party. In this paragraph, a biennium
21 commences with January 1 of each odd-numbered year and ends with December 31
22 of each even-numbered year.

23 (b) No such political party may receive more than a total of \$6,000 in value of
24 its contributions in any calendar year from any specific committee or its subunits or
25 affiliates, excluding legislative campaign and political party committees.

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1 (c) No committee, other than a political party or legislative campaign
2 committee, may make any contribution or contributions, directly or indirectly, to a
3 political party under s. 5.02 (13) in a calendar year exceeding a total value of \$6,000.

4 **SECTION 13.** 11.26 (9) (a) and (b) of the statutes are amended to read:

5 11.26 (9) (a) No individual who is a candidate for state or local office may receive
6 and accept more than 65% of the value of the total disbursement level determined
7 under s. 11.31 for the office for which he or she is a candidate during any primary and
8 election campaign combined from all committees subject to a filing requirement,
9 including political party and legislative campaign committees.

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

15 **SECTION 14.** 11.265 of the statutes is repealed.

16 **SECTION 15.** 11.50 (9) of the statutes is amended to read:

17 11.50 (9) LIMITATION ON GRANTS. The total grant available to an eligible
18 candidate may not exceed that amount which, when added to all other contributions
19 accepted from sources other than individuals, and political party committees and
20 legislative campaign committees, is equal to 45% of the disbursement level specified
21 for the applicable office under s. 11.31. The board shall scrutinize accounts and
22 reports and records kept under this chapter to assure that applicable limitations
23 under ss. 11.26 (9) and 11.31 are not exceeded and any violation is reported. No

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

3 (END)

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1 been granted a suspension under s. 11.19 (2). Whenever any notice of the filing
2 requirements under this chapter is sent to a candidate's campaign treasurer, the
3 filing officer shall also send a notice to the candidate if he or she has appointed a
4 separate treasurer. Failure to receive any form or notice does not exempt a registrant
5 from compliance with this chapter.

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

7 11.23 (1) Any group or individual may promote or oppose a particular vote at
8 any referendum in this state. Before making disbursements, receiving contributions
9 or incurring obligations in excess of \$25 \$100 in the aggregate in a calendar year for
10 such purposes, the group or individual shall file a registration statement under s.
11 11.05 (1) ~~or (2)~~ ~~or (2r)~~ In the case of a group the name and mailing address of each
12 of its officers shall be given in the statement. Every group and every individual
13 under this section shall designate a campaign depository account under s. 11.14.
14 Every group shall appoint a treasurer, who may delegate authority but is jointly
15 responsible for the actions of his or her authorized designee for purposes of civil
16 liability under this chapter. The appropriate filing officer shall be notified by a group
17 of any change in its treasurer within 10 days of the change under s. 11.05 (5). The
18 treasurer of a group shall certify the correctness of each statement or report
19 submitted by it under this chapter.

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

21 11.23 (2) Any anonymous contribution exceeding \$10 received by an individual
22 or group treasurer may not be used or expended. The contribution shall be donated
23 to the common school fund or to any charitable organization or transferred to the
24 board for deposit in the Wisconsin election campaign fund, at the option of the
25 treasurer.

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(end 175)

Section #. 11.26 (1) (b) and (c) of the statutes are amended to read:

11.26 (1) (b) Candidates for state senator, ~~\$1,000~~

↓
\$1,500

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.

(c) Candidates for representative to the assembly, ~~\$500~~

↓
\$750

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.

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(av) Candidates for secretary of state or state treasurer, \$8650.

SECTION 1. 11.26 (2) (b) and (c) of the statutes are amended to read:

→ 11.26 (2) (b) Candidates for state senator, \$1,000 \$1,500.

~~History 1973 c. 334; 1975 s. 93 ss. 89 to 95, 119 (1); 1975 c. 200; 1977 c. 107, 187; 1977 c. 277 s. 132; 1979 c. 263, 328; 1979 c. 355 s. 32; 1983 a. 183, 188; 1985 a. 303 ss. 44 to 55m, 86; 1987 a. 27, 270; 1989 a. 61, 192; 1993 a. 27 s. 9145 (1); 1995 a. 219, 225; 1999 a. 32.~~

→ (c) Candidates for representative to the assembly, \$500 \$750.

~~History 1973 c. 334; 1975 c. 93 ss. 89 to 95, 119 (1); 1975 c. 200; 1977 c. 107, 187; 1977 c. 277 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, 270; 1989 a. 31, 192; 1995 a. 27 s. 9145 (1); 1995 a. 219, 225; 1999 a. 32.~~



11.26 (1) (p) Candidates for local office, an amount equal to the greater of the following:

1. Two hundred fifty dollars

2. One cent times the number of inhabitants of the jurisdiction or district, according to the latest federal census or the census information on which the jurisdiction or district is based, as certified by the appropriate filing officer, but not more than \$3,000.

INSERT 36-24

(p) Candidates for local office, an amount equal to the greater of the following:

1. One hundred twenty-five dollars

2. One cent times one-half the number of inhabitants of the jurisdiction or district, according to the latest federal census or the census information on which the jurisdiction or district is based, as certified by the appropriate filing officer, but not more than \$1,500.

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(bm) Subject to sub. (10a), no local political party committee may receive more than a total of \$6,000 in value of its contributions in any calendar year from any specific committee or that specific committee's subunits or affiliates, excluding transfers within the local political party committee and transfers between the local political party committee and a state political party committee or another local political party committee.

(cm) Subject to sub. (10a), no committee, other than a state political party committee or local political party committee, may make any contribution or

contributions, directly or indirectly, to a local political party committee in a calendar year exceeding a total value of \$6,000. ✓

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(t) In any jurisdiction or district, other than a judicial district or circuit, with a population of 500,000 or more according to the most recent federal census covering the entire jurisdiction or district:

1. For the following countywide offices:

a. Candidates for county executive, \$269,500.

b. Candidates for county supervisor, \$17,250.

2. Candidates for any countywide elective office other than court of appeals judge, circuit judge, district attorney, or an office specified in subd. 1., \$107,825.

3. For the following offices in cities of the 1st class:

a. Candidates for mayor, \$269,550.

b. Candidates for city attorney, \$161,725.

c. Candidates for any other city-wide office, \$107,825.

d. Candidates for alderperson, \$17,250.

(11) Candidates for any local office, who are elected from a jurisdiction or district with less than 500,000 inhabitants according to the most recent federal census covering the entire jurisdiction or district, as certified by the appropriate filing officer, an amount equal to the greater of the following:

1. \$1,075.

2. 53.91% of the annual salary for the office sought, rounded to the nearest multiple of \$25.

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This bill creates separate contribution limits applicable to state political party committees, together with their state subunits and state affiliates, (state political parties), and any other political party committees, together with their subunits and affiliates (local political parties). Under ~~the~~ ^a bill, a state political party may receive up to \$600,000 in contributions from all committees, including contributions from ^a local political party committee, but excluding transfers within the state political party itself. In addition, a state political party may annually accept up to \$20,000 from any particular committee, other than a political party committee. The bill also authorizes such a committee to make contributions up to that authorized amount. Under the bill, no limit applies to contributions from a particular political party committee to a state political party, except the limit on aggregate contributions received from all committees.

In addition, the bill limits the amount of contributions that ^{a state} local political party may receive from all committees, including contributions from ^{a state} political party committees, but excluding transfers within the local political party itself. 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. Also, under the bill, a local political party may annually accept up to \$6,000 from any particular committee, other than a political party committee. The bill also authorizes such a committee to make contributions up to that authorized amount. Under the bill, no limit applies to contributions from a particular political party committee to a local political party, except the limit on aggregate contributions received from all committees.

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11.01 (12v) "Local political party committee" means a congressional district committee and any other political party committee, together with its subunits and affiliates, except a state political party committee or a national political party committee, together with its national subunits and national affiliates.

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(20) "State political party committee" means a state political party committee registered under s. 11.05, together with its state subunits and state affiliates.

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

3. 32.35 cents per inhabitant of the jurisdiction or district, but in no event more than \$43,125. ✓

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INS 9B:

① If the board determines that an independent expenditure has been made for a mass communication that is likely to have an unfair impact upon the election campaign,

INS 9C:

Similarly, the bill provides that if a candidate for a state or local office for which campaign grants are not available has filed an affidavit of voluntary compliance with disbursement and self-contribution limitations and each of the candidate's opponents have filed such affidavits, the candidate may file a sworn statement with the appropriate filing officer to the effect that one or more independent expenditures have been made for the purpose of making certain mass communications opposing his or her candidacy or supporting his or her opponent, together with allegations supporting the conclusion that at least one such communication is likely to have an unfair impact upon the election campaign. If the filing officer determines that an independent expenditure has been made for a mass communication that is likely to have an unfair impact upon the election campaign, then: 1) all candidates for the office that the candidate seeks are not bound by their agreements to accept 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 the disbursement level applicable to candidates for the office that they seek from political party committees, in addition to contributions accepted by the candidates from other committees.

INS 9D:

Similarly, the bill provides that if a candidate for a state or local office for which campaign grants are not available has filed an affidavit of voluntary compliance with disbursement and self-contribution limitations and that candidate determines that an opposing candidate who has not filed such an affidavit has made disbursements exceeding the amount of the level applicable to candidates for that office, then all candidates for that office are not bound by any agreements they have made to adhere to self-contribution limitations and may make additional disbursements exceeding the disbursement level 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

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appropriate filing officer by the opposing candidate. In addition, limitations upon contributions made by individuals to those candidates (as affected by the bill) are doubled and ~~that~~ candidates may accept aggregate contributions equal to not more than 65% of their disbursement levels from political party committees, in addition to contributions accepted by the candidates from other committees.

INS 11A:

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for a candidate to qualify for a grant from the general account, the candidate must receive at least 6% of the total vote cast for all candidates for the office that the candidate seeks at the September primary or any partisan primary, as currently provided. For a candidate to qualify for a grant from a political party account, a candidate need not meet this requirement. If

INS 51-6:

SECTION 1. 11.31 (3p) of the statutes is created to read:

11.31 (3p) DISBURSEMENTS BY OPPOSING CANDIDATES FOR OTHER OFFICES. If a candidate for an office specified in sub. (1) (i) to (u) in any campaign determines that an opposing candidate who has not filed an affidavit under sub. (2m) (b) has made disbursements exceeding the amount of the disbursement level applicable to that candidate under sub. (1), as adjusted under sub. (9), then that candidate and each of his or her opponents may make additional contributions to his or her own campaign exceeding the amount agreed to by the candidate and may make additional disbursements in that campaign exceeding the amount agreed to by the candidate 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 the total disbursements made by the opposing candidate exceed the disbursement level that was agreed to by any of the candidates, as reported to the appropriate filing officer by the opposing candidate or his or her personal campaign committee. In addition,

contributions to that candidate and his or her opponents may be made as authorized under s. 11.26 (9m).



INS 52-20:

SECTION 2. 11.31 (3s) of the statutes is created to read:

11.31 (3s) INDEPENDENT EXPENDITURES; CANDIDATES FOR OTHER OFFICES. (a) 1. If a candidate for an office specified in sub. (1) (i) to (u) in any campaign has filed an affidavit under sub. (2m) (b) and each of the candidate's opponents whose names are certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot in opposition to the candidate have filed affidavits under sub. (2m) (b), and the candidate determines that one or more independent expenditures have been made for the purpose of making one or more communications in opposition to the candidate, or in support of a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot in opposition to the candidate, other than for the purpose of making a communication described in s. 11.29 or 11.30 (4m), and one or more of the communications is likely to have an unfair impact on the election campaign, the candidate may file a sworn statement to this effect with the candidate's filing officer on a form prescribed by the board for this purpose. The statement shall contain specific allegations indicating the reasons why any communication identified in the statement will have an unfair impact upon the election campaign in accordance with the criteria prescribed by the board under sub. (3r) (a). The statement may be made by any individual who has personal knowledge that an independent expenditure for the purpose of making such a communication has been made.

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2. Upon filing of this statement with the filing officer in accordance with applicable requirements, the filing officer shall examine the statement. If the filing officer determines that the statement is complete, that a communication described in the statement has been made in opposition to the candidate or in support of a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot in opposition to the candidate, other than for the purpose of making a communication described in s. 11.29 or 11.30 (4m), that an independent expenditure was made to finance the communication and that the independent expenditure is likely to have an unfair impact upon the election campaign, the filing officer shall, no later than the end of the 3rd calendar day after receiving the statement, issue a determination that the candidate and each of his or her opponents are not bound by any limitation upon disbursements agreed to under sub. (2m) and that contributions to the candidate may be made as authorized under s.11.26 (9m).

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

(c) The filing officer shall immediately file a written copy of its determination with each of the candidates to whom the determination applies.

and when

the filing officer's

INS 52-11:

examine the statement. If the board determines that the statement is complete, that a communication described in the statement has been made in opposition to the candidate or in support of a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot in opposition to the candidate, other than for

the purpose of making a communication described in s. 11.29 or 11.30 (4m), that an independent expenditure was made to finance the communication, and that the independent expenditure is likely to have an unfair impact upon the election campaign, the board shall

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1 ~~11.26(10a)~~ (a) In this subsection, "consumer price index" means the average
2 of the consumer price index over each 12-month period, all items, U.S. city average,
3 as determined by the bureau of labor statistics of the U.S. department of labor.

4 (b) The dollar amounts of the limitations under sub. ~~11.26~~ are subject to a
5 quadrennial adjustment to be determined by rule of the board in accordance with this
6 subsection. To determine the adjustment, the board shall, in each year that the
7 adjustment is made, calculate the percentage difference between the consumer price
8 index for the 12-month period ending on December 31 of the preceding year and the
9 consumer price index for calendar year 2001. Beginning in 2006 and every 4 years
10 thereafter, the board shall multiply the amount of each limitation under sub. ~~11.26~~
11 by the percentage difference in the consumer price indices. The board shall adjust the
12 amount of each limitation to substitute that result for the existing amount to the
13 extent required to reflect any difference, rounded to the nearest multiple of \$5. The
14 amount so determined shall then be in effect until a subsequent rule is promulgated
15 under this subsection. Notwithstanding s. 227.24 (1) (a), (2) (b), and (3),
16 determinations under this subsection may be promulgated as an emergency rule
17 under s. 227.24 without providing evidence that the emergency rule is necessary for
18 the public peace, health, safety, or welfare and without a finding of emergency.

19 **7.** Page 7, line 2: after that line insert:

20 **"SECTION 15t. Initial applicability.**

21 (1) COST OF LIVING ADJUSTMENTS. The treatment of section 11.26 (10a) of the
22 statutes first applies to adjustments for the 4-year period beginning on January 1,
23 2006."

24 (END)

JWS 67-13:1

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

9 SECTION ~~2.~~ 19.42 (3m), (4g), ~~(4r)~~ and (7p) of the statutes are created to read:

10 19.42 (3m) "Candidate," except as otherwise provided, has the meaning given
 11 in s. 11.01 (1).

12 (4g) "Clearly identified," when used in reference to a communication
 13 containing a reference to a person, means one of the following:

- 14 (a) The person's name appears.
- 15 (b) A photograph or drawing of the person appears.
- 16 (c) The identity of the person is apparent by unambiguous reference.

17 (4r) "Communication" means a message transmitted by means of a printed
 18 advertisement, billboard, handbill, sample ballot, radio or television advertisement,
 19 telephone call, or any medium that may be utilized for the purpose of disseminating
 20 or broadcasting a message, but not including a poll conducted solely for the purpose
 21 of identifying or collecting data concerning the attitudes or preferences of electors.

→ (9) (7p) "Independent expenditure" has the meaning given in s. 11.01 (11m). ✓

22 SECTION ~~3.~~ 19.45 (13) of the statutes is created to read:

23 19.45 (13) No state public official holding an elective office may, directly or by
 24 means of an agent, give, or offer or promise to give, or withhold, or offer or promise
 25 to withhold, his or her vote or influence, or promise to take or refrain from taking

3
JWS 67-13:2

1 official action with respect to any proposed or pending matter in consideration of, or
 2 upon condition that, any other person make or refrain from making a political
 3 contribution, or provide or refrain from providing any service or other thing of value,
 4 to or for the benefit of a candidate, a political party, any other person who is subject
 5 to a registration requirement under s. 11.05, or any person *who makes an independent*
 6 that contains a reference to a ~~clearly identified state public official holding an~~ *expenditure*
 7 ~~elective office or to a~~ candidate for state public office. *for the purpose of*

8 SECTION ^A4. 19.49 (1m) of the statutes is created to read:

9 19.49 (1m) No complaint alleging a violation of s. 19.45 (13) may be filed during
 10 the period beginning 120 days before a general or spring election, or during the
 11 period commencing on the date of the order of a special election under s. 8.50, and
 12 ending on the date of that election, against a candidate who files a declaration of
 13 candidacy to have his or her name appear on the ballot at that election.

14 SECTION [#]5. 19.49 (5) of the statutes is renumbered 19.49 (5) (a) and amended
15 to read:

16 19.49 (5) (a) ~~No~~ Except as provided in par. (b), no action may be taken on any
 17 complaint ~~which~~ that is filed later than 3 years after a violation of this subchapter
 18 or subch. III of ch. 13 is alleged to have occurred.

19 SECTION [#]6. 19.49 (5) (b) of the statutes is created to read:

20 19.49 (5) (b) The period of limitation under par. (a) is tolled for a complaint
 21 alleging a violation of s. 19.45 (13) or 19.59 (1) (br) for the period during which such
 22 a complaint may not be filed under s. 19.49 (1m) or 19.59 (8) (cm).

23 SECTION ^A7. 19.53 (6) of the statutes is amended to read:

24 19.53 (6) An order requiring the accused to forfeit not more than \$500 for each
 25 violation of s. 19.43, 19.44, or 19.56 (2) or not more than \$5,000 for each violation of

DWS 67-13:3

1 any other provision of this subchapter, or not more than the applicable amount
 2 specified in s. 13.69 for each violation of subch. III of ch. 13; ~~and, if~~ If the board
 3 determines that the accused has realized economic gain as a result of the violation,
 4 an the board may, in addition, order requiring the accused to forfeit the amount
 5 gained as a result of the violation. In addition, if the board determines that a state
 6 public official has violated s. 19.45 (13), the board may order the official to forfeit an
 7 amount equal to the amount or value of any political contribution, service, or other
 8 thing of value that was wrongfully obtained. If the board determines that a state
 9 public official has violated s. 19.45 (13) and ~~nothing~~ ^{political contributions, services or other} of value was obtained by the
 10 ~~official~~ the board may order the official to forfeit an amount equal to the maximum
 11 contribution authorized under s. 11.26 (1) for the office held or sought by the official,
 12 whichever amount is greater. The attorney general, when so requested by the board,
 13 shall institute proceedings to recover any forfeiture incurred under this section or s.
 14 19.545 which is not paid by the person against whom it is assessed.

15 **SECTION 8.** 19.535 of the statutes is created to read:

16 **19.535 Direct enforcement.** If the board refuses or otherwise fails to
 17 authorize an investigation under s. 19.49 (3) with respect to a violation of s. 19.45 (13)
 18 within 30 days after receiving a verified complaint alleging a violation of s. 19.45 (13),
 19 the person making the complaint may bring an action to recover the forfeiture under
 20 s. 19.53 (6) on his or her relation in the name, and on behalf, of the state. In such
 21 actions, the court may award actual and necessary costs of prosecution, including
 22 reasonable attorney fees, to the relator if he or she prevails, but any forfeiture
 23 recovered shall be paid to the state. If the court finds in any such action that the
 24 cause of action was frivolous as provided in s. 814.025, the court shall award costs
 25 and fees to the defendant under that section.

5
2NS 67-13:4

1 SECTION 9. 19.59 (1) (br) of the statutes is created to read:

2 19.59 (1) (br) No local public official holding an elective office may, directly or
3 by means of an agent, give, or offer or promise to give, or withhold, or offer or promise
4 to withhold, his or her vote or influence, or promise to take or refrain from taking
5 official action with respect to any proposed or pending matter in consideration of, or
6 upon condition that, any other person make or refrain from making a political
7 contribution, or provide or refrain from providing any service or other thing of value,
8 to or for the benefit of a candidate, a political party, any other person who is subject
9 to a registration requirement under s. 11.05, or any person *who makes an independent*
10 that contains a reference to a ~~clearly identified local public official holding an elective~~
11 ~~office or to a~~ candidate for local public office. *expenditure for the purpose of*

12 SECTION 10. 19.59 (7) of the statutes is renumbered 19.59 (7) (a) and amended
13 to read:

14 19.59 (7) (a) Any person who violates sub. (1) may be required to forfeit not
15 more than \$1,000 for each violation, and, if the court determines that the accused has
16 violated sub. (1) (br), the court may, in addition, order the accused to forfeit an
17 amount equal to the amount or value of any political contribution, service, or other
18 thing of value that was wrongfully obtained.

19 SECTION 11. 19.59 (7) (b) of the statutes is created to read:

20 19.59 (7) (b) Any person who violates sub. (1) may be required to forfeit not
21 more than \$1,000 for each violation, and, if the court determines that a local public
22 official has violated sub. (1) (br) and *political contribution, service, or other* ~~nothing of value was obtained~~
23 the court may, in addition, order the accused to forfeit an amount equal to the *keep comma*
24 maximum contribution authorized under s. 11.26 (1) for the office held or sought by
25 the official, whichever amount is greater.

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INS 21-8:

(7) (b) 6. Any payment for the purpose of making a communication that has not
been made.

INS 26-3:

SECTION 1. 11.10 (6) of the statutes is created to read:

11.10 (6) (a) No personal campaign committee of or support committee
authorized under s. 11.05 (3) (p) by a candidate for state office may become the
personal campaign committee of or support committee authorized under s. 11.05 (3)
(p) by a candidate for local office.

(b) No personal campaign committee of or support committee authorized under
s. 11.05 (3) (p) by a candidate for local office may become the personal campaign
committee of or support committee authorized under s. 11.05 (3) (p) by a candidate
for state office.

INS 26-13:

SECTION 2. 11.12 (6) of the statutes is amended to read:

11.12 (6) If any ~~disbursement of more than \$20~~ individual or committee incurs
one or more obligations or makes one or more disbursements in an amount exceeding
\$250 ~~cumulatively is made for the purpose of making one or more communications~~
to advocate the election or defeat of a clearly identified candidate by an individual
or committee later than ~~15~~ 21 days prior to a primary or election in which the

candidate's name appears on the ballot without cooperation or consultation with a candidate or agent or authorized committee of a candidate who is supported or opposed, and not in concert with or at the request or suggestion of such a candidate, agent or committee, the individual or treasurer of the committee shall, within 24 hours of after making the disbursement each communication not identified in a previous report filed under this subsection, inform the appropriate filing officer of The report shall include the information required under s. 11.06 (1) and shall be made in such manner as the board may prescribe. The information shall also be included in the next regular report of the individual or committee under s. 11.20. For purposes of this subsection, obligations and disbursements cumulate beginning with the 20th day after the last date covered on the preprimary or preelection report before the election and ending with the day before the primary or election and disbursements made for the purpose of payment of obligations that were previously reported are not included in determining the cumulative amount of obligations and disbursements. Upon receipt of a report identifying any obligation or disbursement under this subsection, the filing officer shall, within 24 hours of receipt, mail a copy of the report to all candidates for any office in support of or opposition to one of whom an obligation is incurred or a disbursement identified in the report is made.

History: 1973 c. 334; 1975 c. 93 ss. 59, 60, 119 (2); 1975 c. 199; 1979 c. 328 ss. 53, 69 to 71, 146; 1985 a. 303; 1987 a. 370.

INS 53-15:

SECTION 3. 11.385 of the statutes is created to read:

11.385 Certain contributions prohibited. (1) In this section, "floorperiod" means a floorperiod of the legislature, as scheduled by joint resolution, for a regular legislative session.

(2) Except as provided in subs. (3) to (5), no member of the legislature or personal campaign committee of a member may make any contribution in conjunction with a fund-raising social event held in Dane County during a floorperiod or a special or extraordinary session if the event is held to benefit a member or member's personal campaign committee.

(3) Subsection (2) does not apply to a contribution made in connection with a fund-raising social event that is held by a member of the legislature or his or her personal campaign committee during the period between the first day authorized for filing nomination papers for an office for which the member is a candidate and the date of the election for that office, if the event is held within the jurisdiction or district served by the office for which the member is a candidate.

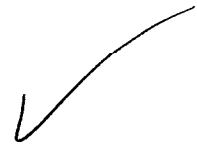
(4) Subsection (2) does not apply to a contribution made in connection with a fund-raising social event that is held by a member of the legislature or his or her personal campaign committee during the period between the first day authorized for filing nomination papers for any office other than member of the house of the legislature in which a member serves and the date of the election for that office.

(5) Subsection (2) does not apply to a contribution made in connection with a fund-raising social event held during a special or extraordinary session by a member of the legislature or his or her personal campaign committee if the member serves a district that is wholly or partly contained within Dane County, the event is held within the boundaries of that district and invitations to the event are sent before the special or extraordinary session is called.

INS 70-17:

(1) NONRESIDENT REGISTRANT REPORTING. The treatment of sections 11.06 (1) (intro.) and (3) (b) (intro.) and 11.12 (4) of the statutes first applies to with respect to reporting periods which begin on or after the effective date of this subsection.

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1 no instruction, by the former candidate's next of kin ~~if the former candidate is~~
2 deceased; or

3 **SECTION 6.** 11.01 (4m), (7) (b) 6. and (11m) of the statutes are created to read:

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

10 (7) (b) 6. Any payment for the purpose of making a communication that has not
11 been made. *on the closing date for submittal of a report under this chapter*

12 (11m) "Independent expenditure" means an expenditure made for the purpose
13 of making a communication that is made during the 30-day period preceding a
14 primary election for an office to be filled at a general, special, or spring election and
15 the date of that primary election, or during the 60-day period preceding a general,
16 special, or spring election at which the office is filled and the date of that election; that
17 contains a reference to a clearly identified candidate for an office to be filled at that
18 election; that is made without cooperation or consultation with such a candidate, or
19 any authorized committee or agent of such a candidate; and that is not made in
20 concert with, or at the request or suggestion of, such a candidate, or any authorized
21 committee or agent of such a candidate.

22 **SECTION 7.** 11.01 (12s) of the statutes is repealed.

23 **SECTION 8.** 11.01 (12v), (13), (14), (17g), (17r) and (20) of the statutes are created
24 to read:

BILL

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

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

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


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

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

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

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

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



BILL

1 (n) Candidates for circuit judge or district attorney in jurisdictions, districts,
2 or circuits that have a population of not more than 2,000, as determined under s.
3 11.263, \$125.

4 **SECTION 56.** 11.26 (1) (p) of the statutes is created to read:

5 11.26 (1) (p) Candidates for local office, an amount equal to the greater of the
6 following:

7 1. Two hundred fifty dollars.

8 2. One cent times the number of inhabitants of the jurisdiction or district,
9 according to the latest federal census or the census information on which the
10 jurisdiction or district is based, as certified by the appropriate filing officer, but not
11 more than \$3,000.

12 **SECTION 57.** 11.26 (1m) of the statutes is created to read:

13 11.26 (1m) Subject to sub. (10a) and except as provided under subs. (1t) and
14 (9m), no individual may make any contribution or contributions to a candidate for
15 election or nomination to any of the following offices who has not filed an affidavit
16 under s. 11.31 (2m) and to any individual or committee under s. 11.06 (7) acting solely
17 in support of such a candidate or solely in opposition to the candidate's opponent to
18 the extent of more than a total of the amounts specified per candidate:

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

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

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

23 (b) Candidates for state senator, \$750.

24 (c) Candidates for representative to the assembly, \$375.

BILL

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

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

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


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

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

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

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

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



BILL

1 (m) Candidates for circuit judge or district attorney in jurisdictions, districts,
2 or circuits that have a population of more than 2,000 but not more than 5,000, as
3 determined under s. 11.263, §75.

4 (n) Candidates for circuit judge or district attorney in jurisdictions, districts,
5 or circuits that have a population of not more than 2,000, as determined under s.
6 11.263, §62.50.

7 (p) Candidates for local office, an amount equal to the greater of the following:
8 1. One hundred twenty-five dollars.
9 2. One cent times one-half the number of inhabitants of the jurisdiction or
10 district, according to the latest federal census or the census information on which the
11 jurisdiction or district is based, as certified by the appropriate filing officer, but not
12 more than \$1,500.

13 **SECTION 58.** 11.26 (1t) of the statutes is created to read:

14 11.26 (1t) The limitations under sub. (1m) apply to any candidate who files an
15 affidavit under s. 11.31 (2m) (a) but who the board determines is ineligible to receive
16 a grant from the Wisconsin election campaign fund, who withdraws his or her
17 application for a grant under s. 11.50 (2) (h), or to whom s. 11.50 (2) (i) applies, unless
18 the candidate subsequently files an affidavit under s. 11.31 (2m) (b). If a candidate
19 files an affidavit under s. 11.31 (2m) (b), the limitations under sub. (1) apply to that
20 candidate beginning on the date that the affidavit is filed. Contributions made before
21 the date on which a limitation changes under this subsection are lawful if the
22 contributions were lawful at the time they were made.

23 **SECTION 59.** 11.26 (2) (intro.) of the statutes is amended to read:

24 11.26 (2) (intro.) No Subject to sub. (10a) and except as provided in sub. (9m),
25 no committee other than a political party committee or legislative campaign

BILL

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

4 **SECTION 85.** 11.31 (1) (fm) to (h) of the statutes are repealed.

5 **SECTION 86.** 11.31 (1) (i) to (n) of the statutes are created to read:

6 11.31 (1) (i) Candidates for court of appeals judge and candidates for circuit
7 judge or district attorney in jurisdictions, districts, or circuits that have a population
8 of more than 500,000, as determined under s. 11.263, \$400,000.

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


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

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

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

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

24 **SECTION 87.** 11.31 (1) (p) to (u) of the statutes are created to read:



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1 11.31 (1) (p) Candidates for circuit judge or district attorney in jurisdictions,
2 districts, or circuits that have a population of more than 15,000 but not more than
3 30,000, as determined under s. 11.263, \$25,000.

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

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

10 (s) Candidates for circuit judge or district attorney in jurisdictions, districts,
11 or circuits that have a population of not more than 2,000, as determined under s.
12 11.263, \$1,500.

13 (t) In any jurisdiction or district, other than a judicial district or circuit, with
14 a population of 500,000 or more according to the most recent federal census covering
15 the entire jurisdiction or district:

16 1. For the following countywide offices:

17 a. Candidates for county executive, \$269,500.

18 b. Candidates for county supervisor, \$17,250.

19 2. Candidates for any countywide elective office other than court of appeals
20 judge, circuit judge, district attorney, or an office specified in subd. 1., \$107,825.

21 3. For the following offices in cities of the 1st class:

22 a. Candidates for mayor, \$269,550.

23 b. Candidates for city attorney, \$161,725.

24 c. Candidates for any other city-wide office, \$107,825.

25 d. Candidates for alderperson, \$17,250.

BILL

1 eligible to receive a grant, the candidate withdraws his or her application under s.
2 11.50 (2) (h), s. 11.31 (3n) or 11.50 (2) (i) applies to that candidate, or the board issues
3 a determination under sub. (3r) applicable to the candidate.

4 **SECTION 89.** 11.31 (2m) (title) of the statutes is amended to read:

5 11.31 (2m) (title) ~~VOLUNTARY LIMITATION~~ AFFIDAVIT OF ADHERENCE TO LIMITATIONS.

6 **SECTION 90.** 11.31 (2m) of the statutes is renumbered 11.31 (2m) (b) and
7 amended to read:

8 11.31 (2m) (b) Any candidate to whom sub. (2) and s. 11.26 (10) do not apply
9 may file an affidavit with his or her filing officer affirming that he or she has adhered
10 and will adhere to the limitations imposed under sub. (2) and s. 11.26 (10) during the
11 entire campaign. These limitations apply unless the candidate withdraws the
12 affidavit by notifying his or her filing officer in writing no later than the 7th day after
13 the date of the primary in which the person filing the affidavit is a candidate, or the
14 7th day after the date that the primary would be held, if no primary is required, or

15 unless sub. (3p) or ~~(3s)~~ applies to that candidate.

or the filing officer
issues a determination
under sub. (3s) applicable
to the
candidate

16 **SECTION 91.** 11.31 (2m) (a) and (c) of the statutes are ~~created to read:~~

17 11.31 (2m) (a) Each candidate who files an application to receive a grant from
18 the Wisconsin election campaign fund shall file an affidavit with the board affirming
19 that the candidate, and his or her authorized agents, have complied with the
20 limitations imposed under sub. (2) and s. 11.26 at all times during which the
21 limitations have applied to his or her candidacy and will continue to comply with the
22 limitations at all times during which the limitations apply to his or her candidacy,
23 unless the board determines that the candidate is not eligible to receive a grant from
24 the fund, the candidate withdraws his or her application for a grant under s. 11.50

BILL

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

7
8 ~~(10)~~

8 SECTION 95. 11.31 (3p) of the statutes is created to read:

9 11.31 (3p) DISBURSEMENTS BY OPPOSING CANDIDATES FOR OTHER OFFICES. If a
10 candidate for an office specified in sub. (1) (i) to (u) in any campaign determines that
11 an opposing candidate who has not filed an affidavit under sub. (2m) (b) has made
12 disbursements exceeding the amount of the disbursement level applicable to that
13 candidate under sub. (1), as adjusted under sub. (9), then that candidate and each
14 of his or her opponents may make additional contributions to his or her own
15 campaign exceeding the amount agreed to by the candidate and may make additional
16 disbursements in that campaign exceeding the amount agreed to by the candidate
17 in an amount equivalent to the lesser of the total contributions made by the opposing
18 candidate to his or her own campaign or the amount by which the total
19 disbursements made by the opposing candidate exceed the disbursement level that
20 was agreed to by any of the candidates, as reported to the appropriate filing officer
21 by the opposing candidate or his or her personal campaign committee. In addition,
22 contributions to that candidate and his or her opponents may be made as authorized
23 under s. 11.26 (9m).

24 SECTION 96. 11.31 (3r) of the statutes is created to read:

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1 statement may be made by any individual who has personal knowledge that an
2 independent expenditure for the purpose of making such a communication has been
3 made.

4 2. Upon filing of this statement with the board in accordance with applicable
5 requirements, the board shall examine the statement. If the board determines that
6 the statement is complete, that a communication described in the statement has
7 been made in opposition to the candidate or in support of a candidate whose name
8 is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot in opposition to
9 the candidate, other than for the purpose of making a communication described in
10 s. 11.29 or 11.30 (4m), that an independent expenditure was made to finance the
11 communication, and that the independent expenditure is likely to have an unfair
12 impact upon the election campaign, the board shall, no later than the end of the 3rd
13 calendar day after receiving the statement, issue a determination that the candidate
14 and each of his or her opponents are not bound by the limitation imposed under sub.
15 (2) or by any limitation upon disbursements agreed to under sub. (2m), and that
16 contributions to the candidate may be made as authorized under s. 11.26 (9m).

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

20 (b) The board shall immediately file a written copy of its determination with
21 each of the candidates to whom the determination applies.

22 **SECTION 97.** 11.31 (3s) of the statutes is created to read:

23 11.31 (3s) INDEPENDENT EXPENDITURES; CANDIDATES FOR OTHER OFFICES. (a) 1. If
24 a candidate for an office specified in sub. (1) (i) to (u) in any campaign has filed an
25 affidavit under sub. (2m) (b) and each of the candidate's opponents whose names are

BILL

1 determination that the candidate and each of his or her opponents are not bound by
2 any limitation upon disbursements agreed to under sub. (2m) and that contributions
3 to the candidate may be made as authorized under s.11.26 (9m).

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

7 (b) The filing officer shall immediately file a written copy of the filing officer's
8 determination with each of the candidates to whom the determination applies.

9 **SECTION 98.** 11.31 (4) of the statutes is repealed.

10 **SECTION 99.** 11.31 (9) of the statutes is created to read:

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

15 (b) The dollar amounts of the limitations under sub. (1) are subject to a
16 quadrennial adjustment to be determined by rule of the board in accordance with this
17 subsection. To determine the adjustment, the board shall, in each year that the
18 adjustment is made, calculate the percentage difference between the consumer price
19 index for the 12-month period ending on December 31 of the preceding year and the
20 consumer price index for calendar year 2001. Beginning in 2006 and every 4 years
21 thereafter, the board shall multiply the amount of each limitation under sub. (1) by
22 the percentage difference in the consumer price indices. The board shall adjust the
23 amount of each limitation to substitute that result for the existing amount to the
24 extent required to reflect any difference, rounded to the nearest multiple of \$5. The
25 amount so determined shall then be in effect until a subsequent rule is promulgated

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2872/3dn
JTK & RJM

[Handwritten signature]
CS

Representative Duff:

1. Concerning your E-mail of 1/2/02, this draft deletes all of the material that appeared in the analysis of the /2 draft under "Registration and reporting by certain federal and nonresident registrants" and replaces it with AB-184 as passed by the assembly. If you intended to retain any of the material that we deleted, please let us know.

2. Per your instructions, this draft, in proposed s. 11.06 (7) (b) 6., eliminates all reporting of disbursements for the purpose of making communications that have not been made. It does not, however, eliminate reporting of obligations incurred to make those disbursements, except in late reports by individuals and committees making independent communications under s. 11.12 (6), stats. If you intended to treat this differently, please let us know.

3. Concerning the treatment of s. 11.12 (6), stats., relating to special reports of certain independent obligations and disbursements, you may wish to consider allowing a registrant the option to report communications before they are made. If an obligation were incurred for ~~100~~ radio spots, for example, under this language ~~100~~ reports would be triggered. The registrant may prefer to file one report instead. See, for example, proposed s. 11.513 (1) (b) in SB-115. (20)

4. In your E-mail of 1/2/02, you asked to increase the referendum disbursement limit to \$100. We have included an amendment to s. 11.23 (1), stats., which increases to \$100 the amount of disbursements, contributions, or obligations relating to a question at a referendum that a person must make, receive, or incur before registration and reporting are triggered. This provision was also in SSA1 to ~~SB-184~~ ^{and related provisions}. Please let us know if we have misunderstood your intent. (SB-104)

5. Please review proposed s. 11.26 (8) (cm), regarding local party contribution limits, to ensure that it satisfies your intent.

6. Per Rob Marchant's E-mail to you on 1/23/02, this draft does not include any changes to proposed s. 11.31 (3p) (b). You had requested a change with regard to the determination on page 52, line 11 of the "2" version, that disbursement limits must be increased. We will redraft the bill to incorporate any desired changes to this provision upon further instruction from you in response to the 1/23 E-mail.

7. Concerning proposed s. 11.385, which is based upon Assembly Rule 98, relating to fund-raising social events:

JWS
DIA
JWS
D2A

8.

a. Since this will no longer be an assembly rule, we applied it to all members of the legislature.

b. In conformity with other similar proposals in recent years, we have worded this prohibition to focus on contributions made in conjunction with fund-raising social events so as not to prohibit events from being held or to prohibit members from attending events (which might impact freedom of assembly). Because the current assembly rule serves as a code of conduct and is not applied in a criminal context, this is not a concern currently.

c. The language does not prohibit making contributions in conjunction with nonsocial fund-raising events such as auctions.

d. In recent years, some special sessions have extended for more than a year, although meeting days have been infrequent. The effect of this practice may be to prohibit contributions from being made during interim periods when the legislature is not meeting in regular, special, or extraordinary session. If the legislature recesses a special or extraordinary session to a date on or after the date of the next floor period, you may wish to consider permitting contributions to be made.



385

e. In proposed s. 11.385 (3) and (4), you may wish to consider making the exemptions available to a member after any primary is held only if the member wins the primary.

f. There is some overlap between proposed s. 11.335 (3) and (4). Subsection (3) applies only if an event is held within the jurisdiction or district served by the office for which the member is a candidate, while sub. (4) does not contain this limitation but applies only if the member is a candidate for an office other than member of the house in which the member serves.

9. You requested that we include AB-682. This draft includes ASA 1 to AB-682, as affected by AA1 and AA2. AA1 and AA2 were technical amendments. ^{The draft, however,} ~~AA1~~ modifies the treatment of proposed ss. 19.45 (13) and 19.59 (1) (br) to utilize the definition of "independent expenditure" in proposed s. 11.01 (11m). Please let us know if you would like to see a different treatment of this subject.

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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-2872/3dnRMZ

RJM:.....

1. 11.31 (3p)

2

Please review proposed s. 11.31 (3p), relating to increasing the disbursement limits as a result of certain independent expenditures. We have drafted this provision to require the board (or the executive director of the board, if delegated to him or her) to examine the sworn statement required under the provision to ensure that it is complete and to determine whether the allegations in the statement, if true, would indicate that the communications identified in the statement will have an unfair impact upon the election campaign. Please let us know if we have misunderstood your intent. Also, please note that this provision may be susceptible to challenge under the 1st Amendment due to the potentially chilling effect it may have on independent expenditures. There would arguably be less of a chilling effect if the board did not review the allegations regarding unfairness, but then you would risk granting an exemption from disbursement limits as a result of potentially every independent expenditure.

*tw's
DIA*

5.

Please review proposed ss. 11.26 (1) ~~and (1m)~~ and 11.31 (1), to ensure that we have accomplished your intent with regard to individual contribution and disbursement limits for candidates for local office. Except for circuit judge and district attorney, the treatment in proposed ss. 11.26 (1) and 11.31 (1) is now the same as provided under current law. In keeping with the current pattern in the draft, the amount provided for these local offices under proposed s. 11.26 (1m) is one-half of the amount under proposed s. 11.26 (1). Please let us know if we have misunderstood your intent.

, stats., and proposed s. 11.26 (1m)

These changes leave intact the cost-of-living adjustment to the contribution and disbursement limitations for local offices under proposed ss. 11.26 (10a) and 11.31 (9).

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changes to

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2872/3dni
JTK & RJM.....

IWS D2A

6 The opponents are also permitted to make additional disbursements and to accept additional contributions.

opponents

6. ~~Concerning~~ proposed s. 11.31 (3n) and (3p) ~~which~~ allow a candidate ~~who is opposed~~ ~~by~~ one or more ~~candidates~~ who do not agree to accept disbursement and self-contribution limitations ~~and~~ who determine that an opponent has exceeded the applicable disbursement limit or level ~~and each of his or her opponents~~ to make certain additional disbursements and accept certain additional contributions, you may wish to require any candidate who makes this self-determination to immediately file a certificate with the appropriate filing officer indicating that he or she has made the determination so that opposing candidates may be aware of it. Also, is there any remedy if an opposing candidate who is accused of exceeding a limit or level claims that the determination is wrong?

7. ~~Concerning~~ proposed s. 11.31 (3r) and (3s) ~~which~~ allow a candidate who has filed an affidavit of compliance with disbursement and self-contribution limitations and who determines that an independent expenditure has been made to finance a mass communication opposing his or her candidacy or supporting his or her opponent to file a statement with the appropriate filing officer and obtain a determination permitting the candidate and each of his or her opponents to exceed disbursement limitations or levels and to receive certain additional contributions, we understand that you have not finally decided whether the filing officer should attempt to verify the statement before issuing a determination. Under this draft, the filing officer must do so. Please let us know if you decide otherwise.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2872/3dn
JTK&RJM:es:kjf

February 13, 2002

Representative Duff:

1. Concerning your e-mail of 1/2/02, this draft deletes all of the material that appeared in the analysis of the /2 draft under "Registration and reporting by certain federal and nonresident registrants" and replaces it with AB-184 as passed by the assembly. If you intended to retain any of the material that we deleted, please let us know.

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5. Please review the proposed changes to ss. 11.26 (1) and 11.31 (1), stats., and proposed s. 11.26 (1m) to ensure that we have accomplished your intent with regard to individual contribution and disbursement limits for candidates for local office. Except for circuit judge and district attorney, the treatment in the proposed changes to ss. 11.26 (1) and 11.31 (1), stats., is now the same as provided under current law. In keeping with the current pattern in the draft, the amount provided for these local offices under proposed s. 11.26 (1m) is one-half of the amount under the proposed s. 11.26 (1), stats. These changes leave in tact the cost-of-living adjustment to the contribution and disbursement limitations for local offices under proposed ss. 11.26 (10a) and 11.31 (9).

6. Proposed s. 11.31 (3n) and (3p) allow a candidate with one or more opponents who do not agree to accept disbursement and self-contribution limitations who determines that an opponent has exceeded the applicable disbursement limit or level to make certain additional disbursements and accept certain additional contributions. The opponents are also permitted to make additional disbursements and to accept additional contributions. You may wish to require any candidate who makes this self-determination to immediately file a certificate with the appropriate filing officer indicating that he or she has made the determination so that opposing candidates may be aware of it. Also, is there any remedy if an opposing candidate who is accused of exceeding a limit or level claims that the determination is wrong?

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~~#~~ 1/30
4:50 PM

PIA's —

Rep. Duff wants a PDF
copy in word format of the
following draft: LRB-2872/2
- 2872/2dn

Please send early Thurs AM
to Rep. Duff's e mail.

Jeff

Barman, Mike

From: Barman, Mike
Sent: Thursday, January 31, 2002 8:17 AM
To: Rep.Duff
Subject: 01-2872/2 (PDF attached) (from JTK)



01-2872/2



01-2872/2dn

Mike Barman

Mike Barman - Senior Program Assi. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

Barman, Mike

From: Barman, Mike
Sent: Friday, February 15, 2002 2:52 PM
To: Rep.Duff
Subject: 01-2872/3 (attached)



01-2872/3



01-2872/3dn

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
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