



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-2872/4

JTK/RM/MS/MK:cs:pg

Monday 2-18  
or TUES AM at latest

Stays DNOTE

SAV

2001 BILL

(regenerate)

1 AN ACT ~~to repeal~~ 11.01 (12s), 11.05 (3) (o), 11.26 (1) (a), 11.26 (1) (cc) to (d), 11.265,  
2 11.31 (1) (dm), 11.31 (1) (fm) to (h), 11.31 (3m) and 11.31 (4); **to renumber** 11.50  
3 (1) (a) 1.; **to renumber and amend** 11.05 (1), 11.05 (2), 11.31 (2m), 11.50 (1)  
4 (a) 2., 11.50 (3) (a) 1., 11.50 (3) (a) 2., 11.50 (9), 11.66, 19.49 (5) and 19.59 (7); **to**  
5 **amend** 5.02 (13), 5.05 (1) (e), 7.08 (2) (cm), 8.35 (4) (a) 1. a. and b., 11.05 (3) (c),  
6 11.05 (7), 11.05 (9) (b), 11.05 (12) (b), 11.06 (1) (intro.), 11.06 (2), 11.06 (3) (b)  
7 (intro.), 11.06 (7m) (a), 11.06 (7m) (b), 11.06 (7m) (c), 11.07 (1), 11.07 (5), 11.09  
8 (3), 11.12 (2), 11.12 (4), 11.12 (6), 11.16 (2), 11.16 (5), 11.19 (1), 11.20 (2), (3) (a)  
9 and (b), 11.20 (8) (intro.), 11.20 (8) (a), 11.21 (15), 11.23 (1), 11.23 (2), 11.25 (2)  
10 (b), 11.26 (1) (intro.), 11.26 (1) (b) and (c), 11.26 (2) (intro.), 11.26 (2) (a), 11.26  
11 (2) (b) and (c), 11.26 (3), 11.26 (4), 11.26 (5), 11.26 (6), 11.26 (8), 11.26 (9) (a), 11.26  
12 (9) (b), 11.26 (10), 11.26 (15), 11.26 (17) (a), 11.30 (4), 11.31 (1) (intro.), 11.31 (1)  
13 (a) to (c), 11.31 (1) (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (2m) (title), 11.31 (3),  
14 11.38 (6), 11.50 (2) (a), 11.50 (2) (b) 4., 11.50 (2) (b) 5., 11.50 (2) (f), 11.50 (2) (g),

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1 11.50 (2) (h), 11.50 (2) (i), 11.50 (3) (b), 11.50 (5), 11.50 (6), 11.50 (10m), 11.50 (11)  
 2 (e), 11.60 (1) and (2), 11.61 (1), 19.53 (6), 19.59 (8) (c), 25.42, 71.10 (3) (a) and  
 3 71.10 (3) (b); and *to create* 5.066, 11.01 (4m), (7) (b) 6. and (11m), 11.01 (12v),  
 4 (13), (14), (17g), (17r) and (20), 11.05 (1) (b), 11.05 (2) (b), 11.05 (3) (q), 11.06 (1)  
 5 (dm), 11.06 (11) (bm), 11.10 (6), 11.20 (3) (be), 11.20 (8) (am), 11.21 (17), 11.24  
 6 (1s), 11.24 (1w), 11.25 (2) (am), 11.26 (1) (ab), (ag) and (ar), 11.26 (1) (e) to (n),  
 7 11.26 (1) (p), 11.26 (1m), 11.26 (1t), 11.26 (2) (ae), (am), (as) and (av), 11.26 (8)  
 8 (ag), (bm) and (cm), 11.26 (9m), 11.26 (10a), 11.263, 11.31 (1) (cg) and (cr), 11.31  
 9 (1) (i) to (n), 11.31 (1) (p) to (u), 11.31 (2m) (a) and (c), 11.31 (3n), 11.31 (3p), 11.31  
 10 (3r), 11.31 (3s), 11.31 (9), 11.385, 11.50 (1) (a) 1. (intro.), 11.50 (1) (a) 2m., 11.50  
 11 (1) (am), 11.50 (1) (bm) and (cm), 11.50 (2s), 11.50 (2w), 11.50 (3) (c), 11.50 (4m),  
 12 11.50 (9) (b) to (d), 11.50 (14), 11.66 (2), 19.42 (3m), (4g), (4r) and (7p), 19.45 (13),  
 13 19.49 (1m), 19.49 (5) (b), 19.535, 19.59 (1) (br), 19.59 (7) (b), 19.59 (8) (em) and  
 14 (cn), 71.07 (6s), 71.10 (4) (cs), 227.03 (6m) and 227.52 (8) of the statutes;  
 15 **relating to:** campaign financing, the procedure for enforcement of the election  
 16 laws, nonrefundable income tax credits for certain donations to the Wisconsin  
 17 election campaign fund, candidate time on public broadcasting television  
 18 stations and public access channels, official action in return for providing or  
 19 withholding political contributions, services, or other things of value, providing  
 20 exemptions from certain emergency rule procedures, granting rule-making  
 21 authority, and providing penalties.

***Analysis by the Legislative Reference Bureau***

This bill makes numerous changes in the campaign financing law and also makes certain changes to tax laws relating to campaign financing and provision of free media access to candidates for state office. The bill also requires free time for candidates for state office on public broadcasting television stations and public

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access channels. In addition, the bill changes the procedure for enforcement of the election laws. Significant provisions include:

**FILING OF CAMPAIGN FINANCE REPORTS*****Required frequency of certain reports***

Currently, with limited exceptions, a candidate at any primary or other election must file preprimary and preelection reports no later than eight days before each primary or other election at which the candidate participates.

This bill provides, in addition, that if such a candidate, as of the end of any week before a primary or other election at which the candidate seeks office, has received contributions or other income in a total amount exceeding 20% of the disbursement level provided for the office that the candidate seeks, the candidate or his or her personal campaign committee must file weekly preprimary or preelection reports for each week preceding the primary or other election at which the candidate seeks office.

***Reporting of disbursements for communications***

Currently, if a person makes a payment to make a communication for the purpose of influencing an election, the payment is potentially reportable as a disbursement (expenditure), even if the communication is made after the time of the disbursement. Under this bill, a payment made for such a purpose is not reportable until the communication is made.

***Reporting of late independent obligations and disbursements***

Under current law, an individual or committee making disbursements independently of a candidate in support of or in opposition to a candidate for state or local office must inform the appropriate filing officer within 24 hours of making such a disbursement, if the cumulative amount of such disbursements made by the individual or committee later than 15 days before a primary or election exceeds \$20.

This bill extends this 24-hour reporting requirement to cover obligations incurred for communications made. Also, the bill requires 24-hour reporting only if the cumulative amount of obligations incurred or disbursements made by the individual or committee later than ~~20~~ <sup>15</sup> days before a primary or election exceeds \$250.

***Reports relating to referenda***

Currently, any individual who accepts contributions, makes disbursements, or incurs obligations, and any group that makes or accepts contributions, makes disbursements, or incurs obligations, in connection with one or more referenda exceeding \$25 cumulatively within a calendar year is potentially subject to requirements to register with the appropriate filing officer and to file campaign finance reports.

This bill provides instead that the individual or group is potentially subject to registration and reporting requirements only if contributions, disbursements, or obligations exceed \$100 cumulatively within a calendar year.

***Reporting by nonresident registrants***

Currently, with certain exceptions, registrants under the campaign finance law are required to file regular reports with the appropriate filing officer or agency. The reports must identify contributors of more than \$20 cumulatively within a calendar

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year; the occupation and principal place of employment, if any, of each contributor whose cumulative contributions within a calendar year exceed \$100; the registrants from whom or to whom funds are transferred; other income exceeding \$20; contributions donated to a charitable organization or the common school fund; loans exceeding \$20, together with the identity of the lenders and guarantors, if any; disbursements (expenditures) and obligations exceeding \$20; and certain information from registrants making disbursements independently of candidates. However, if a registrant does not maintain an office or street address within this state, the registrant need only identify contributions, transfers, loans, and other income received from sources in this state and disbursements and obligations incurred with respect to elections for state or local office in this state.

This bill deletes the exception for registrants who or which do not maintain an office or street address within this state, so that these registrants are required to report the same information as other registrants. The bill does not affect reporting by authorized committees of candidates for the office of U.S. senator or representative in congress, national political party committees, and federally registered committees of state political parties that make no contributions to individuals or committees that are subject to a state registration requirement.

***Reporting of contributions transferred by conduits***

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

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

***Duplicate filing requirements***

Currently, certain registrants whose filing officer is the elections board and who or which make disbursements in connection with elections affecting only one county or a portion thereof must file duplicate originals of their campaign finance reports with the county clerk or board of election commissioners of every county in which such elections are held. This bill requires, instead, that these registrants file duplicate originals of these reports with the filing officer of each jurisdiction in which such elections are held.

**BILL****DISBURSEMENT LEVELS AND LIMITATIONS**

Under current law, disbursement (expenditure) levels are specified for candidates for various state and local offices. These levels become a binding limitation upon any candidate for state office who accepts a state grant from the Wisconsin election campaign fund or who agrees to be bound by the limitation, unless the candidate is opposed by a major opponent who could have qualified for a grant but declines to accept one.

This bill:

1. Revises the current disbursement levels and limitations applicable to candidates for the offices shown below as follows:

| <i>Office</i>                        | <i>Current Level</i> | <i>Proposed Level or Limitation</i> |
|--------------------------------------|----------------------|-------------------------------------|
| Governor                             | \$1,078,200          | \$2,750,000                         |
| Lieutenant governor                  | 323,475              | 400,000                             |
| Attorney general                     | 539,000              | 750,000                             |
| Secretary of state                   | 215,625              | 300,000                             |
| State treasurer                      | 215,625              | 300,000                             |
| Supreme court justice                | 215,625              | 400,000                             |
| Superintendent of public instruction | 215,625              | 400,000                             |
| State senator                        | 34,500               | 112,500                             |
| Representative to the assembly       | 17,250               | 45,000                              |

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

| <i>Population of Jurisdiction, District, or Circuit</i> | <i>Proposed Level</i> |
|---|-----------------------|
| Greater than 500,000                                    | \$400,000             |
| 300,001 to 500,000                                      | 300,000               |
| 150,001 to 300,000                                      | 200,000               |
| 75,001 to 150,000                                       | 115,000               |
| 50,001 to 75,000  | 67,500                |
| 30,001 to 50,000  | 40,000                |
| 15,001 to 30,000  | 25,000                |
| 5,001 to 15,000   | 10,000                |
| 2,001 to 5,000  | 3,500                 |
| 0 to 2,000  | 1,500                 |

3. Creates a quadrennial cost-of-living adjustment that causes the statutory disbursement levels to be adjusted every 4 years, beginning in 2006, in accordance

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with a formula tied to the "consumer price index" determined by the U.S. department of labor.

**CONTRIBUTION LIMITATIONS**

**Individual contributions**

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

This bill:

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

| Office                               | Current Limit | Proposed Limit: Candidates Subject to Disbursement and Self-Contribution Limitations | Proposed Limit: Candidates Not Subject to Disbursement and Self-Contribution Limitations |
|--------------------------------------|---------------|--|--|
| Governor                             | \$10,000      | \$10,000   | \$5,000  |
| Lieutenant governor                  | 10,000        | 5,000  | 2,500  |
| Attorney general                     | 10,000        | 7,500  | 3,750  |
| Secretary of state                   | 10,000        | 5,000  | 2,500  |
| State treasurers                     | 10,000        | 5,000  | 2,500  |
| Supreme court justice                | 10,000        | 5,000  | 2,500  |
| Superintendent of public instruction | 10,000        | 5,000  | 2,500  |
| State senator                        | 1,000         | 1,500  | 750  |
| Representative to the assembly       | 500           | 750  | 375  |

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

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| <i>Population</i>    | <i>Proposed Limit:<br/>Candidates Subject<br/>to Disbursement<br/>and Self-Contribution<br/>Limitations</i> | <i>Proposed Limit:<br/>Candidates Not<br/>Subject to Dis-<br/>bursement and<br/>Self-Contribution<br/>Limitations</i> |
|----------------------|---|---|
| Greater than 500,000 | \$3,000   | \$1,500   |
| 300,001 to 500,000   | 2,000   | 1,000   |
| 150,001 to 300,000   | 1,000   | 500   |
| 75,001 to 150,000    | 750   | 375   |
| 50,001 to 75,000     | 500   | 250   |
| 30,001 to 50,000     | 400   | 200   |
| 15,001 to 30,000     | 300   | 150   |
| 5,001 to 15,000      | 200   | 100   |
| 2,001 to 5,000       | 150   | 75  |
| 0 to 2,000           | 125   | 62.50   |

2. 3. Creates a cost-of-living adjustment that causes the statutory limits on individual contributions to be adjusted quadrennially, beginning in 2006, in accordance with a formula tied to the "consumer price index" determined by the U.S. department of labor.

**Committee contributions**

Under current law, committees other than political party committees and legislative campaign committees are subject to limitations on the amount of contributions made cumulatively to a particular candidate. In the case of committees making contributions to candidates for statewide offices, this limitation is 4% of the candidate's disbursement level or limitation. This bill replaces this percentage limitation with a dollar amount which represents a change in the amount of the limitation, and changes the current limitations <sup>upon</sup> contributions to legislative candidates as follows:

| <i>Office</i>                           | <i>Current<br/>Level</i> | <i>Proposed<br/>Limit</i> |
|---|--------------------------|---------------------------|
| Governor                                | \$43,128                 | \$43,500                  |
| Lieutenant governor                     | 12,999                   | 12,000                    |
| Attorney general                        | 21,560                   | 22,000                    |
| Secretary of state                      | 8,625                    | 8,650                     |
| State treasurer                         | 8,625                    | 8,650                     |
| Supreme court<br>justice                | 8,625                    | 12,000                    |
| Superintendent<br>of public instruction | 8,625                    | 12,000                    |

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|                                |       |       |
|--------------------------------|-------|-------|
| State senator                  | 1,000 | 1,500 |
| Representative to the assembly | 500   | 750   |

Current law also limits the cumulative amount of contributions that a committee other than a political party or legislative campaign committee may make annually to a particular political party, limits the cumulative amount of contributions that a political party may accept annually from a particular committee other than a political party or legislative campaign committee, and its subunits or affiliates, and limits the aggregate total of contributions that a political party may accept during any biennium from all committees other than political party and legislative campaign committees. Currently, a committee other than a political party or legislative campaign committee may annually contribute up to \$6,000 to a particular political party, a political party or a legislative campaign committee may annually accept up to \$6,000 from a particular committee other than a political party or legislative campaign committee, and its subunits and affiliates, and a political party or legislative campaign committee may accept up to \$150,000 in contributions from all committees other than a political party or legislative campaign committee during any biennium.

*increase these*

~~This bill ~~increases~~ contribution limits applicable to state political party committees, together with their state subunits and state affiliates, state political party committees, together with their subunits and affiliates, and state political parties.~~

*other than*

*\$450,000*

Under the bill, a ~~state~~ political party may receive up to ~~1,000,000~~ in contributions from all committees, ~~(including contributions from a political party committee and excluding transfers within the state political party).~~ In addition, a ~~state~~ 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.

*\$18,000*

~~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 local political party may receive from all committees, including contributions from a state political party committee 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.~~

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



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*In addition, such a candidate may not accept contributions from all committees, together with grants from the Wisconsin election campaign fund, but not including contributions from political party committees, in an aggregate amount exceeding 45% of the applicable disbursement level or limit.*

**TREATMENT OF LEGISLATIVE CAMPAIGN COMMITTEES**

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.

**EXEMPTION FROM DISBURSEMENT AND CERTAIN CONTRIBUTION LIMITATIONS**

Currently, if a candidate for a state office accepts a grant and has an opponent who also could have qualified to receive a grant but declines to accept one, the candidate is not bound by his or her disbursement or self-contribution limitation. However, if each opponent who declines to accept a grant files with the elections board an affidavit of voluntary compliance with the disbursement and self-contribution limitation applicable to candidates for the office that the candidate seeks, the disbursement and self-contribution limitation for the candidate who accepts a grant continues to apply. Currently, a candidate for state or local office may not accept contributions from all committees, together with grants from the Wisconsin election campaign fund, in an aggregate amount exceeding 65% of the candidate's applicable disbursement level or limit.

*INSEAT 9A*

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

*may make additional disbursements in excess of the amount of the disbursement limitation in an amount exceeding the amount of the disbursement limitation*

*How to limit of all independent contributions received from these opponents may not exceed 65% total disbursement level*

*to report to the board*

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*for state office other than court of appeals  
judge, circuit judge, or district attorney*

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.

The bill also provides that if a candidate for a state office who accepts a grant from the Wisconsin election campaign fund or a candidate who has filed an affidavit of voluntary compliance with disbursement and self-contribution limitations determines that an opposing candidate who has not applied for a grant and who has not filed an affidavit has made disbursements exceeding the amount of the disbursement limitation applicable to candidates for that office, then all candidates for that office may make additional contributions to their own campaigns exceeding the self-contribution limitation applicable to candidates for that office and may make additional disbursements exceeding the disbursement limitation applicable to candidates for that office in an amount equivalent to the lesser of the total contributions made by the opposing candidate to his or her own campaign or the amount by which total disbursements made by the opposing candidate exceed the applicable disbursement limitation, as reported to the board by the opposing candidate. In addition, limitations upon contributions made by individuals to those candidates (as affected by the bill) are doubled and those candidates may accept aggregate contributions equal to not more than 65% of their disbursement limitation from political party committees, in addition to contributions accepted by the candidates from other committees and any grants accepted by the candidates from the Wisconsin election campaign fund.

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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

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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 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 those 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.

**CONTRIBUTION RESTRICTIONS*****Personal campaign committee contributions to certain federal registrants***

Currently, a committee that is subject to a registration requirement under state law may make a contribution to be used in connection with a campaign for national office if that contribution is lawful under federal law. This bill prohibits a personal campaign committee of a candidate for state or local office in this state from making a contribution to a committee that is registered with the federal election commission, other than an authorized committee of a candidate for national office or a national or state political party committee.

***Contributions made in connection with certain fund-raising events***

This bill provides that no member of the legislature or personal campaign committee of a member may make <sup>or receive</sup> any contribution in connection with a fund-raising social event held in Dane County during a legislative floor period or a special or extraordinary session if the event is held to benefit a member or member's personal campaign committee. The prohibition does not apply if an event is held between the first day authorized for filing nomination papers for an office for which a 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 or if the member is a candidate for an office other than member of the house in which the member serves. The prohibition is also inapplicable to an event that is held during a special or extraordinary session by a member or his or her personal campaign committee if the member serves a district that is at least 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.

Violators of the prohibition are subject to a forfeiture (civil penalty) of not more than \$500 for each violation. Intentional violators are guilty of a misdemeanor and are subject to a fine of not more than \$1,000 or imprisonment for not more than six months, or both.

Currently, there is no such prohibition.

**TRANSFER OF CAMPAIGN SURPLUSES FOR USE IN CAMPAIGNS FOR DIFFERENT OFFICES**

Currently, a candidate, personal campaign committee of a candidate, former candidate, or former personal campaign committee may make a contribution or disbursement for any political purpose not prohibited by law, and specifically may transfer money or property to another candidate or personal campaign committee, subject to applicable contribution limitations. If a candidate for one office becomes

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~~a candidate for a second office, that candidate or his or her personal campaign committee may use money or property received on his or her behalf when the candidate was a candidate for the first office, without limitation. In addition, if the personal campaign committee of a former candidate files an oath affirming its independence from any candidate, the committee may make disbursements in an unlimited amount to advocate the election or defeat of any candidate. However, with certain limited exceptions, a candidate or committee may not use property or funds that were accepted for the purpose of influencing an election for any purpose other than for the purpose of influencing an election.~~

This bill prohibits any authorized campaign committee of a candidate for national office from making a contribution or disbursement with respect to an election for state or local office. *Currently, such contributions or disbursements may be permitted if the committee registers and makes certain disclosures under state law.*

WISCONSIN ELECTION CAMPAIGN FUND

**Sources and uses of funds**

Under current law, the Wisconsin election campaign fund is financed through an individual income tax "checkoff." Every individual filing a state income tax return who has a tax liability or is entitled to a tax refund may direct that \$1 of general purpose revenue be transferred to the fund. Individuals filing a joint return may separately choose whether to direct that the \$1 transfer be made. All moneys transferred to the fund are placed in accounts for specified state offices, and candidates for those offices may qualify for grants from the fund to be used for specified campaign expenses.

This bill deletes the current checkoff for the Wisconsin election campaign fund but permits an individual to pay an additional amount not exceeding \$5 to be transferred to the fund, effective for tax returns filed for taxable years beginning on or after January 1 following the day on which the bill becomes law. Under the bill, individuals filing a joint return may separately choose whether to make an additional payment. The bill permits an individual to claim a credit against his or her individual income tax liability for the amount of the additional payment. Individuals filing a joint return may claim a credit for their combined payments. The bill also permits individuals to determine whether to designate their payments for a "general account," which is potentially available for distribution to all candidates who qualify for a grant, or for the account of an eligible political party, which is distributed to all candidates representing that party who qualify for a grant. Under the bill, 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 a candidate of an eligible political party qualifies for a grant, that candidate receives any available moneys in the account of his or her political party. Thereafter, all candidates receive any amounts available from the general account, with those amounts first allocated to equalize grants received by candidates for each office for which any candidate has received payments from a political party account, and thereafter prorated within each office if

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insufficient moneys are available to finance payment of the full amount of the grants for which candidates qualify.

***Grant eligibility requirements and amounts***

Under current law, public financing from the Wisconsin election campaign fund is available to eligible candidates for the offices of state senator, representative to the assembly, governor, lieutenant governor, attorney general, state treasurer, secretary of state, justice of the supreme court, and superintendent of public instruction. To receive a grant, a candidate must file an application with the state elections board no later than the deadline for filing nomination papers. Following the primary election or the date on which a primary would be held, if required, the board determines whether a candidate who applies is eligible for a grant. Among other things, in order to be eligible for a grant, the candidate must receive, during a specified time period, a specified amount of contributions from individuals of \$100 or less. For a candidate for the office of governor, lieutenant governor, secretary of state, state treasurer, attorney general, justice of the supreme court, or superintendent of public instruction, the amount is 5% of the authorized disbursement level for the office which the candidate seeks. For a candidate for the office of state senator or representative to the assembly, the amount is 10% of the authorized disbursement level for the office which the candidate seeks.

Under current law, a candidate for any office who accepts a grant must comply with statutorily prescribed contribution and disbursement limitations, unless at least one of the candidate's opponents who received at least 6% of the votes cast for all candidates for that office at a partisan primary, if a primary was held, does not accept a grant and does not voluntarily agree to comply with the contribution and disbursement limitations for that office.

Currently, the maximum grant that a candidate may receive from the Wisconsin election campaign fund is that amount which, when added to all other contributions accepted from sources other than individuals, political party committees, and legislative campaign committees, is equal to 45% of the authorized disbursement level for the office that the candidate seeks, if there are sufficient moneys in the fund to finance the full amount of grants for which candidates qualify. In each year prior to a year in which an election for the office of justice of the supreme court is scheduled, 8% of the moneys designated by taxpayers to be transferred to the fund for that year is set aside to finance payment of grants to candidates for the office of justice. In each year prior to a year in which an election for the office of state superintendent of public instruction is scheduled, 8% of the moneys designated by taxpayers to be transferred to the fund for that year is set aside to finance payment of grants to candidates for the office of superintendent. Whether these amounts are sufficient to finance payment of the full amounts for which candidates qualify depends upon the total amount of taxpayer designations for that year.

This bill:

1. Increases the maximum potential grant payable to a candidate for the office of justice of the supreme court to 65% of the authorized disbursement level for that office.

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2. Provides that if a candidate has a balance in his or her campaign depository account that exceeds 50% of the authorized disbursement level for the office that the candidate seeks at the time that grant payments are made, the amount of the grant payable to that candidate is 50% of the amount that would otherwise be payable.

3. Provides that if a candidate does not have an opponent whose application for a grant is approved by the board, the amount of the grant payable to that candidate is 50% of the amount that would otherwise be payable, unless the grant has already been reduced as a result of the balance in the candidate's campaign depository account.

4. Provides that in each year prior to a year in which an election for the office of justice of the supreme court is scheduled, an amount must be set aside from taxpayer donations to the general account sufficient to finance payment of the full amount of grants for which candidates for the office of justice qualify, and in each year prior to a year in which an election for the office of state superintendent of public instruction is scheduled, an amount must be set aside from taxpayer donations to the general account, after any set aside for the office of justice is made, sufficient to finance the full amount of grants for which candidates for the office of superintendent qualify. These amounts must be set aside before amounts are made available from the general account to finance the payment of grants to candidates for any other offices. Under the bill, if the balance in the fund is insufficient to set aside the required amounts, the entire balance in the fund is set aside.

5. Provides that a candidate for the office of state senator or representative to the assembly must receive contributions equal to only 7% of the authorized disbursement level for the office which the candidate seeks in order to qualify for a grant. The bill also provides that the contributions of \$100 or less from individuals used by a candidate for any state office to determine eligibility for a grant must be made by individuals who reside in this state and, in the case of a candidate for legislative office, by individuals at least 50% of whom reside in a county having territory within the district in which the candidate seeks office.

***Disposition of residual or excess funds***

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

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

**ENFORCEMENT*****Enforcement and complaint procedure***

Currently, any interested person may petition the elections board under the state administrative procedure act for a "declaratory ruling" concerning the applicability to any person, property, or facts of any election law or rule of the board. The board may issue the ruling and is thereafter bound by its decision if the facts are as stated in the petition. The declaratory ruling may be reviewed in court. In

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addition, currently, any elector of a jurisdiction may contest before the elections board the decision of any election official of that jurisdiction with respect to certain specified matters or the board may, on its own motion, investigate and determine whether an election official is acting in conformity with the law concerning one of those specified matters. The decision of the board may be reviewed in court. Also, the elections board currently may bring civil actions in circuit court to enforce the campaign finance law. In addition, district attorneys may bring civil actions to enforce that law.

This bill creates an additional procedure for enforcement of the election laws. Under the bill, any person may file a sworn complaint with the executive director of the board alleging a violation of the elections laws. The executive director must investigate the complaint unless the executive director finds the complaint to be without merit. The bill also permits the executive director to investigate any violation of the election laws on his or her own initiative or upon direction of the board. The executive director may order an election official or private person to act in conformity with the election laws or rules of the board. The decision of the executive director may be appealed to the board. In deciding the appeal, the board is not bound by any findings of fact or conclusions of law made by the executive director with respect to the matter. If the decision of the executive director is not appealed or if the board does not modify or reverse a decision of the executive director after hearing an appeal, the decision of the executive director becomes the decision of the board. Any decision of the board is subject to judicial review in circuit court. The procedure does not apply to any alleged violation of the election laws by the board or executive director, nor to any matter arising in connection with a recount. The bill also directs the elections board to periodically examine and review decisions issued under the procedure with a view to clarifying and improving the administration of the election laws.

***Injunctive relief***

Currently, the elections board or any elector may sue for injunctive relief (a court order) requiring compliance with the elections laws. Before bringing a suit concerning a state office or statewide referendum, an elector must file a sworn complaint with the board alleging such facts as are within his or her knowledge to show probable cause that a violation has occurred or is proposed to occur. If the board does not sue for injunctive relief within ten days after filing the complaint, the elector may then file suit. This bill requires, instead, that an elector who proposes to bring suit for injunctive relief with respect to an alleged violation concerning an election for state office or a statewide referendum first must file a sworn complaint with the executive director of the board (unless the alleged violation relates to the board or executive director). If the executive director does not order the relief sought by the elector within ten days after the complaint is filed and the elector does not appeal the matter to the board or the board, after hearing the elector's appeal, does not order the relief sought by the elector, the elector may then sue for injunctive relief.

***Penalties for violations***

Currently, any person who violates any provision of the campaign finance law, except a contribution prohibition, is subject to a forfeiture (civil penalty) of not more

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than \$500 for each violation. This bill increases this amount to \$1,500. In addition, currently, any person who is delinquent in filing a report is subject to a forfeiture of not more than \$50 or 1% of the annual salary of the office for which a candidate is being supported or opposed, whichever is greater, for each day of delinquency. This bill increases these amounts to a maximum of \$150 or 3% of the annual salary, whichever is greater.

Currently, whoever intentionally violates certain provisions of the campaign finance law, such as registration requirements, contribution limitations, the prohibition against making contributions in the name of another person, the prohibition against using contributions for most nonpolitical purposes, and the prohibition against filing false reports and statements may be fined not more than \$1,000 or imprisoned for not more than six months, or both, if the violation does not exceed \$100 in amount or value, and may be fined not more than \$10,000 or imprisoned for not more than four years and six months, or both, if the violation exceeds \$100 in amount or value. This bill increases these amounts to a maximum fine of \$3,000 or imprisonment for not more than one year, or both, if the violation does not exceed \$100 in amount or value, and a maximum fine of \$30,000 or imprisonment for not more than nine years, or both, if the violation exceeds \$100 in amount or value.

**PUBLIC BROADCASTING TELEVISION STATIONS AND PUBLIC ACCESS CHANNELS**

This bill requires free time on public broadcasting television stations and public access channels for candidates for state office. Under current law, the Federal Communications Commission grants licenses for the operation of public broadcasting television stations. Also under current law, a city, village, or town is authorized to grant a franchise to a person that allows that person to operate a cable television system in the city, village, or town. Under the franchise, the person may be required to provide cable television channels that the city, village, or town may use for public, educational, or governmental purposes. A channel that is used exclusively for public, rather than educational or governmental purposes, is commonly referred to as a public access channel. A city, village, or town may operate a public access channel, or a city, village, or town may allow another person to operate the channel.



This bill requires the elections board to promulgate rules that require licensees of public broadcasting stations and operators of public access channels to provide a minimum amount of free time to candidates for state office at general, spring, and special elections. The rules must require the same amount of time for each candidate for a particular state office, but may require different amounts of time for different offices.

**OFFICIAL ACTION IN RETURN FOR PROVIDING OR WITHHOLDING THINGS OF VALUE**

Currently, no person may offer or give to a state public official, including a member of the legislature, directly or indirectly, and no state public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the state public official's vote, official actions, or judgment, or could reasonably be considered a reward for any official action or inaction on the part of the state public official.



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This bill provides, in addition, that no state or local public official holding an elective office may, directly or by means of an agent, give, or offer or promise to give, or withhold, or offer or promise to withhold, his or her vote or influence, or promise to take or refrain from taking official action with respect to any proposed or pending matter in consideration of or upon condition that any other person make or refrain from making a political contribution, or provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, any other person who is subject to a registration requirement under the campaign finance law or any person who makes an expenditure independently of a candidate for the purpose of making certain communications containing a reference to a candidate for state or local ~~official~~ public office.  

Violators are subject to a forfeiture (civil penalty) of not more than \$5,000 for each violation, and are also subject to a forfeiture in an amount equal to the amount or value of any political contribution, service, or other thing of value that was wrongfully obtained, or if no political contribution, service, or other thing of value was obtained, an amount equal to the maximum contribution that an individual is permitted to make a candidate for the office sought or held by the official, whichever amount is greater. Intentional violators are guilty of a misdemeanor and are subject to a fine of not less than \$100 nor more than \$5,000 or imprisonment in the county jail for not more than one year or both.

The bill also provides that, if the ethics board refuses or otherwise fails to authorize an investigation or a district attorney fails to initiate a prosecution with respect to any violation of the prohibition created by the bill within 30 days after receiving a verified complaint alleging such a violation, the person making the complaint may bring a lawsuit to recover a forfeiture on behalf of the state. If the person making the complaint prevails, the bill provides that the court may require the defendant to pay the complainant's attorney fees and costs, but any forfeiture recovered must be paid to the state. If the court finds that a lawsuit was frivolous, the court must award fees and costs to the defendant. The bill provides that no complaint alleging a violation of the prohibition created by the bill may be filed during the period beginning 120 days before a general or spring election or the date that a special election is ordered and ending on the date of that election against a candidate who files a declaration of candidacy to have his or her name appear on the ballot at that election.

This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill.

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

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*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:

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1           5.02 (13) "Political party" or "party" means a state committee registered under  
2 s. 11.05 and organized exclusively for political purposes under whose name  
3 candidates appear on a ballot at any election, and all county, congressional,  
4 legislative, local, and other affiliated committees authorized to operate under the  
5 same name. For purposes of ch. 11, the term does not include ~~a legislative campaign~~  
6 ~~committee or a committee filing an oath under s. 11.06 (7).~~

7           **SECTION 2.** 5.05 (1) (e) of the statutes is amended to read:

8           5.05 (1) (e) Delegate to its executive director the authority to issue a subpoena  
9 under par. (b), apply for a search warrant under par. (b), commence an action under  
10 par. (d), intervene in an action or proceeding under sub. (9), issue an order under s.  
11 5.06, exempt a polling place from accessibility requirements under s. 5.25 (4) (a),  
12 exempt a municipality from the requirement to use voting machines or an electronic  
13 voting system under s. 5.40 (5m), approve an electronic data recording system for  
14 maintaining poll lists under s. 6.79, ~~or~~ authorize nonappointment of an individual  
15 who is nominated to serve as an election official under s. 7.30 (4) (e), ~~or issue a~~  
16 ~~determination under s. 11.31 (3) (b)~~ subject to such limitations as the board deems  
17 appropriate. or make a determination under s. 11.065 (3).

18           **SECTION 3.** 5.066 of the statutes is created to read:

19           **5.066 Complaints and decision-making procedure.** (1) In this section:

20           (a) "Election official" includes any board of election commissioners under s. 7.20  
21 or governing body of a local governmental unit that has the responsibility to  
22 administer the election laws.

23           (b) "Local governmental unit" has the meaning given under s. 16.97 (7).

24           (c) "Working day" has the meaning given in s. 227.01 (14).

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1           (2) Any person may file a verified complaint with the executive director of the  
2 board alleging a violation of the election laws. The executive director shall  
3 investigate the complaint unless the executive director finds the complaint to be  
4 clearly without merit. The executive director may, on his or her own motion or upon  
5 direction of the board, investigate any potential violation of the election laws  
6 whenever the executive director has probable cause to believe that a violation has  
7 occurred.

8           (3) If the complaint concerns a question as to whether an election official or a  
9 private person is acting in conformity with the law or rules of the board, the person  
10 filing the complaint shall serve a copy of the complaint upon that official or private  
11 person and that official or private person shall be a party to the case. An election  
12 official or private person may move to dismiss a complaint if it is clearly without  
13 merit. If the executive director finds, in response to a motion, that a complaint is  
14 clearly without merit, the executive director shall dismiss the complaint.

15           (4) If the executive director does not dismiss a complaint, the executive director  
16 shall issue a proposed decision, which shall include findings of fact and conclusions  
17 of law and may include an order under sub. (5).

18           (5) The executive director may order an election official or a private person to  
19 act in conformity with the election laws or rules of the board.

20           (6) The executive director may, in the discharge of his or her functions under  
21 this section and upon notice to any party being investigated, subpoena and bring  
22 before him or her any person in the state and require the production of any papers,  
23 books, or other records relevant to an investigation. A circuit court may by order  
24 permit the inspection and copying of the accounts and the depositor's and loan  
25 records at any financial institution as defined in s. 705.01 (3) doing business in the

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1 state to obtain evidence of any violation of ch. 11 upon showing by the executive  
2 director of probable cause to believe there is a violation and that such accounts and  
3 records may have a substantial relation to the violation. In the discharge of his or  
4 her functions under this section, the executive director may cause the deposition of  
5 witnesses to be taken in the manner prescribed for taking depositions in civil actions  
6 in circuit court.

7 (7) If the executive director issues a decision under sub. (4) that contains an  
8 order under sub. (5), the order is effective upon service of the order notwithstanding  
9 any appeal to the board under sub. (8), except that the executive director may stay  
10 such an order pending an appeal to the board.

11 (8) Any party aggrieved by a proposed decision under sub. (4) may appeal the  
12 proposed decision to the board within 20 days after service of a copy of the decision  
13 upon the party. If no appeal is filed within 20 days of service of a copy of a proposed  
14 decision upon each party to the case in which the decision is made, the decision is  
15 final and becomes the decision of the board. In appealing a decision of the executive  
16 director, the appellant shall indicate in its appeal whether the appellant contests any  
17 finding of fact made by the executive director. If an appellant does not contest a  
18 finding of fact, that finding is conclusive against the appellant, unless the finding of  
19 fact is modified by the board.

20 (9) If a proposed decision of the executive director is appealed to the board, the  
21 board shall hear the appeal at its next meeting occurring at least 3 working days after  
22 the appeal is received by the board. In reviewing the decision of the executive  
23 director, the board is not bound by any finding of fact or conclusion of law made by  
24 the executive director. After hearing the appeal, the board may issue a decision,  
25 which shall include findings of fact and conclusions of law. In its decision, the board

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1 may affirm, modify or reverse an order issued by the executive director under sub.  
2 (5), and may order an election official or a private person to act in conformity with  
3 the election laws or rules of the board. If the board does not modify or reverse a  
4 decision of the executive director at the meeting at which an appeal of a decision is  
5 heard, the decision is affirmed.

6 (10) If a person aggrieved by a decision issued under sub. (4) that contains an  
7 order under sub. (5) appeals the decision to the board and the board modifies the  
8 order, the modified order is effective upon service, except that the executive director  
9 may stay such an order pending judicial review under s. 227.57.

10 (11) The decision of the board in any contested case arising under this section  
11 is subject to review as provided in s. 227.57. In seeking judicial review of a decision  
12 of the board, the appellant shall indicate in its petition for review whether the  
13 appellant contests any finding of fact made by the executive director or the board that  
14 is not conclusive against the appellant. If the appellant does not contest any finding  
15 of fact made by the board, that finding is conclusive against the appellant.

16 (12) (a) This section does not apply to any complaint brought by an election  
17 official or private person in which the board or the executive director is alleged to  
18 have violated the law.

19 (b) This section does not apply to any matter arising in connection with a  
20 recount under s. 9.01.

21 (13) The board shall periodically examine and review decisions of the executive  
22 director and the board under this section with a view to clarifying and improving the  
23 administration of the election laws of this state.

24 **SECTION 4.** 7.08 (2) (cm) of the statutes is amended to read:

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## SECTION 4

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

12           SECTION 5. 8.35 (4) (a) 1. a. and b. of the statutes are amended to read:

13           8.35 (4) (a) 1. a. ~~Donated to the former candidate's local or state political party~~  
14 ~~if~~ If the former candidate was a partisan candidate or, donated to the former  
15 candidate's local or state political party, donated to the a charitable organization of  
16 the former candidate's choice or the charitable organization chosen, or transferred  
17 to the board for deposit in the Wisconsin election campaign fund, as instructed by the  
18 former candidate or, if the former candidate left no instruction, by the former  
19 candidate's next of kin if the former candidate is deceased, or if no choice is made  
20 returned to the donors on a proportional basis; or

21           b. ~~If the former candidate was a nonpartisan candidate, donated to the a~~  
22 ~~charitable organization of the former candidate's choice or the charitable~~  
23 ~~organization chosen~~ or transferred to the board for deposit in the Wisconsin election  
24 campaign fund, as instructed by the former candidate or, if the former candidate left

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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 ~~60-day period~~ <sup>period beginning on the 30<sup>th</sup></sup> preceding a <sup>day</sup>

14 primary election for an office to be filled at a general, special, or spring election and  
15 <sup>general, special, or spring</sup> the date of that ~~primary~~ <sup>election</sup>, or during the ~~60-day~~ <sup>period</sup> preceding a general,

16 special, or spring election at which the office is filled and the date of that election; that  
17 <sup>specified in S. 11.31 (1) (a) (d), (e), or (f)</sup> 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) <sup>and</sup> (17r) and (20) of the statutes are created  
24 to read:

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1 <sup>109</sup> 11.01 (12v) "Local political party committee" means a congressional district  
2 committee and any other political party committee, together with its subunits and  
3 affiliates, except a state political party committee or a national political party  
4 committee, together with its national subunits and national affiliates.

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

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

9 (17g) "Public access channel" means a channel that is required under a  
10 franchise granted under s. 66.0419 (3) (b) by a city, village, or town to a cable operator,  
11 as defined in s. 66.0419 (2) (b), and that is used for public access purposes, but does  
12 not include a channel that is used for governmental or educational purposes.

13 (17r) "Public access channel operator" means a person designated by a city,  
14 village, or town as responsible for the operation of a public access channel.

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

17 SECTION 9. 11.05 (1) of the statutes is renumbered 11.05 (1) (a) and amended  
18 to read:

19 11.05 (1) (a) Except as provided in s. 9.10 (2) (d), every committee, other than  
20 a personal campaign committee, and ~~every political group subject to registration~~  
21 ~~under s. 11.23 which~~ that makes or accepts contributions, incurs obligations or  
22 makes disbursements in a calendar year in an aggregate amount in excess of \$25  
23 shall file a statement with the appropriate filing officer giving the information  
24 required by sub. (3). In the case of any committee other than a personal campaign



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1 committee, the statement shall be filed by the treasurer. A personal campaign  
2 committee shall register under sub. (2g) or (2r).

3 **SECTION 10.** 11.05 (1) (b) of the statutes is created to read:

4 11.05 (1) (b) Every political group subject to registration under s. 11.23 which  
5 makes or accepts contributions, incurs obligations, or makes disbursements in a  
6 calendar year in an aggregate amount in excess of \$100 shall file a statement with  
7 the appropriate filing officer giving the information required by sub. (3).

8 **SECTION 11.** 11.05 (2) of the statutes is renumbered 11.05 (2) (a) and amended  
9 to read:

10 11.05 (2) (a) Except as provided in s. 9.10 (2) (d), every individual, other than  
11 a candidate or agent of a candidate, who accepts contributions, incurs obligations,  
12 or makes disbursements with respect to one or more elections for state or local office  
13 in a calendar year in an aggregate amount in excess of \$25 shall file a statement with  
14 the appropriate filing officer giving the information required by sub. (3). An  
15 individual who guarantees a loan on which an individual, committee or group subject  
16 to a registration requirement defaults is not subject to registration under this  
17 subsection solely as a result of such default.

18 **SECTION 12.** 11.05 (2) (b) of the statutes is created to read:

19 11.05 (2)(b) Every individual who accepts contributions, incurs obligations, or  
20 makes disbursements with respect to one or more referenda in a calendar year in an  
21 aggregate amount in excess of \$100 shall file a statement with the appropriate filing  
22 officer giving the information required by sub. (3).

23 **SECTION 13.** 11.05 (3) (c) of the statutes is amended to read:

24 11.05 (3) (c) In the case of a committee, a statement as to whether the  
25 committee is a personal campaign committee, a political party committee, -a

**BILL****SECTION 13**

1 ~~legislative campaign committee~~, a support committee, or a special interest  
2 committee.

3 **SECTION 14.** 11.05 (3) (o) of the statutes is repealed.

4 **SECTION 15.** 11.05 (3) (q) of the statutes is created to read:

5 11.05 (3) (q) In the case of a political party committee, an indication of whether  
6 the committee is a state or national political party committee, or a state or national  
7 subunit or state or national affiliate of such a committee.

8 **SECTION 16.** 11.05 (7) of the statutes is amended to read:

9 11.05 (7) ~~Notwithstanding sub. (6), any~~ Any individual or organization who or  
10 which has received property or funds which were not intended for political purposes  
11 in connection with an election for state or local office at the time of receipt may make  
12 contributions or disbursements from such property or funds in connection with an  
13 election for state or local office if the individual or organization complies with  
14 applicable provisions of sub. (1), (2) or (2g) as soon as such intent changes. For  
15 purposes of s. 11.06 (1), all property or funds which are in ~~a registrant's~~ the  
16 possession of such an individual or organization on the date of registration under this  
17 section shall be treated as received on the date that such intent changes so that the  
18 property or funds are to be used for political purposes in connection with an election  
19 for state or local office.

20 **SECTION 17.** 11.05 (9) (b) of the statutes is amended to read:

21 11.05 (9) (b) An individual who or a committee or group which receives a  
22 contribution of money and transfers the contribution to another individual,  
23 committee, or group while acting as a conduit is not subject to registration under this  
24 section unless the individual, committee, or group transfers the contribution to a

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1 candidate or a personal campaign, legislative campaign, political party, or support  
2 committee.

3 **SECTION 18.** 11.05 (12) (b) of the statutes is amended to read:

4 11.05 (12) (b) Except as authorized under sub. (13), a committee, group or  
5 individual other than a candidate or agent of a candidate shall comply with sub. (1)  
6 or (2) no later than the 5th business day commencing after receipt of the first  
7 contribution by such committee, group or individual, and before making any  
8 disbursement. No committee, group or individual, other than a candidate or agent  
9 of a candidate, may accept any contribution or contributions exceeding \$25 in the  
10 aggregate the amount specified in sub. (1) or (2) during a calendar year at any time  
11 when the committee, group or individual is not registered under this section except  
12 within the initial 5-day period authorized by this paragraph.

13 **SECTION 19.** 11.06 (1) (intro.) of the statutes is amended to read:

14 11.06 (1) CONTENTS OF REPORT. (intro.) Except as provided in subs. (2), (3) and  
15 (3m) and ss. 11.05 (2r) and 11.19 (2), each registrant under s. 11.05 shall make full  
16 reports, upon a form prescribed by the board and signed by the appropriate  
17 individual under sub. (5), of all contributions received, contributions or  
18 disbursements made, and obligations incurred. Each report shall contain the  
19 following information, covering the period since the last date covered on the previous  
20 report, unless otherwise provided:

21 **SECTION 20.** 11.06 (1) (dm) of the statutes is created to read:

22 11.06 (1) (dm) A separate schedule itemizing those contributions that were  
23 transferred to the registrant by a conduit, together with the name and address of the  
24 conduit, the date and amount of each transfer, and the cumulative total amount  
25 transferred to the registrant by the conduit for the calendar year.

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1           **SECTION 21.** 11.06 (2) of the statutes is amended to read:

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

11           **SECTION 22.** 11.06 (3) (b) (intro.) of the statutes is amended to read:

12           **11.06 (3) (b) (intro.)** ~~Notwithstanding sub. (1), a~~ A nonresident registrant shall  
13 ~~report on a form prescribed by the board the applicable information that makes a~~  
14 ~~report under sub. (1) shall ensure that the report separately states information~~  
15 ~~under sub. (1) concerning all of the following, in a manner prescribed by the board:~~

16           **SECTION 23.** 11.06 (7m) (a) of the statutes is amended to read:

17           **11.06 (7m) (a)** If a committee which was registered under s. 11.05 as a political  
18 party committee ~~or legislative campaign committee~~ supporting candidates of a  
19 political party files an oath under sub. (7) affirming that it does not act in cooperation  
20 or consultation with any candidate who is nominated to appear on the party ballot  
21 of the party at a general or special election, that the committee does not act in concert  
22 with, or at the request or suggestion of, such a candidate, that the committee does  
23 not act in cooperation or consultation with such a candidate or agent or authorized  
24 committee of such a candidate who benefits from a disbursement made in opposition  
25 to another candidate, and that the committee does not act in concert with, or at the

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

7 **SECTION 24.** 11.06 (7m) (b) of the statutes is amended to read:

8 11.06 (7m) (b) If the committee has already made contributions in excess of the  
9 applicable amounts specified in s. 11.26 (1), (1m), or (2) at the time it files an oath  
10 under sub. (7), each candidate to whom contributions are made shall promptly return  
11 a sufficient amount of contributions to bring the committee in compliance with this  
12 subsection and the committee may not make any additional contributions in  
13 violation of this subsection.

14 **SECTION 25.** 11.06 (7m) (c) of the statutes is amended to read:

15 11.06 (7m) (c) A committee filing an oath under sub. (7) which desires to change  
16 its status to a political party committee ~~or legislative campaign committee~~ may do  
17 so as of December 31 of any even-numbered year. Section 11.26 does not apply to  
18 contributions received by such a committee prior to the date of the change. Such a  
19 committee may change its status at other times only by filing a termination  
20 statement under s. 11.19 (1) and reregistering as a newly organized committee under  
21 s. 11.05.

22 **SECTION 26.** 11.06 (11) (bm) of the statutes is created to read:

23 11.06 (11) (bm) The board shall prescribe a separate schedule for reporting  
24 under s. 11.06 (1) by transferees of contributions transferred by conduits.

25 **SECTION 27.** 11.07 (1) of the statutes is amended to read:

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1           11.07 (1) Every nonresident committee or group making contributions and  
2 every nonresident individual, committee or group making disbursements exceeding  
3 \$25 cumulatively the amount specified in s. 11.05 (1) or (2) in a calendar year within  
4 this state shall file the name, mailing and street address and the name and the  
5 mailing and street address of a designated agent within the state with the office of  
6 the secretary of state. An agent may be any adult individual who is a resident of this  
7 state. After any change in the name or address of such agent the new address or  
8 name of the successor agent shall be filed within 30 days. Service of process in any  
9 proceeding under this chapter or ch. 12, or service of any other notice or demand may  
10 be made upon such agent.

11           **SECTION 28.** 11.07 (5) of the statutes is amended to read:

12           11.07 (5) Any campaign treasurer or individual who knowingly receives a  
13 contribution made by an unregistered nonresident in violation of this section may  
14 not use or expend such contribution but shall immediately return it to the source or,  
15 at the option of the campaign treasurer or individual, donate the contribution to a  
16 charitable organization or to the common school fund or transfer the contribution to  
17 the board for deposit in the Wisconsin election campaign fund.

18           **SECTION 29.** 11.09 (3) of the statutes is amended to read:

19           11.09 (3) Each registrant whose filing officer is the board, and who or which  
20 makes disbursements in connection with elections for offices which serve or  
21 referenda which affect only one county or portion thereof, except a candidate,  
22 personal campaign committee, political party committee or other committee making  
23 disbursements in support of or in opposition to a candidate for state senator,  
24 representative to the assembly, court of appeals judge or circuit judge, shall file a  
25 duplicate original of each financial report filed that the registrant files with the

**BILL**

1 board with the ~~county clerk or board of election commissioners of the county in which~~  
2 ~~the elections~~ filing officer for each jurisdiction in connection with an election in which  
3 the registrant ~~participates are held~~ makes disbursements. Such reports shall be  
4 filed no later than the dates specified under s. 11.20 (2) and (4) for the filing of each  
5 report with the board. This subsection does not apply to a registrant who or which  
6 files reports under s. 11.21 (16).

7 **SECTION 30.** 11.10 (6) of the statutes is created to read:

8 11.10 (6) (a) No personal campaign committee of, or support committee  
9 authorized under s. 11.05 (3) (p) by, a candidate for state office may become the  
10 personal campaign committee of, or support committee authorized under s. 11.05 (3)  
11 (p) by, a candidate for local office.

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

16 **SECTION 31.** 11.12 (2) of the statutes is amended to read:

17 11.12 (2) Any anonymous contribution exceeding \$10 received by a campaign  
18 or committee treasurer or by an individual under s. 11.06 (7) may not be used or  
19 expended. The contribution shall be donated to the common school fund or to any  
20 charitable organization or transferred to the board for deposit in the Wisconsin  
21 election campaign fund, at the option of the treasurer.

22 **SECTION 32.** 11.12 (4) of the statutes is amended to read:

23 11.12 (4) Each registrant shall report contributions, disbursements and  
24 incurred obligations in accordance with s. 11.20. Except as permitted under s. 11.06

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1 (2), (3) and (3m), each report shall contain the information which is required under  
2 s. 11.06 (1).

renumbered 11.12 (6)(a) and

3 SECTION 33. 11.12 (6) of the statutes is amended to read:

4 11.12 (6) (a) If any disbursement of more than \$20 individual or committee incurs

5 one or more obligations or makes one or more disbursements in an amount exceeding

6 \$250 cumulatively is made for the purpose of making one or more communications

7 to advocate the election or defeat of a clearly identified candidate by an individual

8 or committee later than ~~15~~ <sup>21</sup> days <sup>plain text</sup> prior to a primary or election in which the

9 candidate's name appears on the ballot without cooperation or consultation with a

10 candidate or agent or authorized committee of a candidate who is supported or

11 opposed, and not in concert with or at the request or suggestion of such a candidate,

12 agent or committee, the individual or treasurer of the committee shall, within 24

13 hours of after making the disbursement each communication not identified in a

14 previous report filed under this subsection, inform the appropriate filing officer of.

15 The report shall include the information required under s. 11.06 (1) and shall be

16 made in such manner as the board may prescribe. The information shall also be

17 included in the next regular report of the individual or committee under s. 11.20. For

18 purposes of this subsection, obligations and disbursements cumulate beginning with

19 the ~~21st~~ day <sup>plain text</sup> after the last date covered on the preprimary or preelection report

20 ~~before the election~~ and ending with the day before the primary or election and

21 disbursements made for the purpose of payment of obligations that were previously

22 reported are not included in determining the cumulative amount of obligations and

23 disbursements. Upon receipt of a report identifying any obligation or disbursement

24 under this subsection, the filing officer shall, within 24 hours of receipt, mail a copy



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1 of the report to all candidates for any office in support of or opposition to one of whom  
2 an obligation is incurred or a disbursement identified in the report is made.

3 **SECTION 34.** 11.16 (2) of the statutes is amended to read:

4 11.16 (2) LIMITATION ON CASH CONTRIBUTIONS. Every contribution of money  
5 exceeding \$50 shall be made by negotiable instrument or evidenced by an itemized  
6 credit card receipt bearing on the face the name of the remitter. No treasurer may  
7 accept a contribution made in violation of this subsection. The treasurer shall  
8 promptly return the contribution, or shall donate it the contribution to the common  
9 school fund or to a charitable organization or transfer the contribution to the board  
10 for deposit in the Wisconsin election campaign fund in the event that the donor  
11 cannot be identified.

12 **SECTION 35.** 11.16 (5) of the statutes is amended to read:

13 11.16 (5) ESCROW AGREEMENTS. Any personal campaign committee, or political  
14 party committee ~~or legislative campaign committee~~ may, pursuant to a written  
15 escrow agreement with more than one candidate, solicit contributions for and  
16 conduct a joint fund raising effort or program on behalf of more than one named  
17 candidate. The agreement shall specify the percentage of the proceeds to be  
18 distributed to each candidate by the committee conducting the effort or program.  
19 The committee shall include this information in all solicitations for the effort or  
20 program. All contributions received and disbursements made by the committee in  
21 connection with the effort or program shall be received and disbursed through a  
22 separate depository account under s. 11.14 (1) that is identified in the agreement.  
23 For purposes of s. 11.06 (1), the committee conducting the effort or program shall  
24 prepare a schedule in the form prescribed by the board supplying all required  
25 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).

3 **SECTION 36.** 11.19 (1) of the statutes is amended to read:

4 11.19 (1) Whenever any registrant disbands or determines that obligations will  
5 no longer be incurred, and contributions will no longer be received nor disbursements  
6 made during a calendar year, and the registrant has no outstanding incurred  
7 obligations, the registrant shall file a termination report with the appropriate filing  
8 officer. Such report shall indicate a cash balance on hand of zero at the end of the  
9 reporting period and shall indicate the disposition of residual funds. Residual funds  
10 may be used for any political purpose not prohibited by law, returned to the donors  
11 in an amount not exceeding the original contribution, transferred to the board for  
12 deposit in the Wisconsin election campaign fund or donated to a charitable  
13 organization or the common school fund. The report shall be filed and certified as  
14 were previous reports, and shall contain the information required by s. 11.06 (1). A  
15 registrant to which s. 11.055 (1) applies shall pay the fee imposed under that  
16 subsection with a termination report filed under this subsection. If a termination  
17 report or suspension report under sub. (2) is not filed, the registrant shall continue  
18 to file periodic reports with the appropriate filing officer, no later than the dates  
19 specified in s. 11.20. This subsection does not apply to any registrant making an  
20 indication under s. 11.05 (2r).

21 **SECTION 37.** 11.20 (2), (3) (a) and (b) of the statutes are amended to read:

22 11.20 (2) Preprimary and Unless, as of the 14th day preceding a primary or  
23 other election at which a candidate seeks office, a candidate is required to file reports  
24 under sub. (3) (be), each candidate who seeks office at a primary or other election, or  
25 his or her personal campaign committee, shall file a preprimary and preelection

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1 reports report under s. 11.06 (1), which shall be received by the appropriate filing  
2 officer no earlier than 14 days and no later than 8 days preceding the primary and  
3 the election. Each candidate who is required to file reports under sub. (3) (be), or his  
4 or her personal campaign committee, shall file each preprimary and preelection  
5 report under sub. (3) (be) so that the report is received by the appropriate filing officer  
6 no earlier than the day after the end of the week to which the report pertains and no  
7 later than the 5th day after the end of that week.

8 (3) (a) ~~A~~ Unless otherwise required under par. (be), a candidate or personal  
9 campaign committee of a candidate at a primary shall file a preprimary and  
10 preelection report. If a candidate for a nonpartisan state office at an election is not  
11 required to participate in a primary, the candidate or personal campaign committee  
12 of the candidate shall file a preprimary report at the time prescribed in sub. (2) or  
13 (3) (be) preceding the date specified in s. 5.02 (20) or (22) for the holding of the  
14 primary, were it to be required.

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

17 **SECTION 38.** 11.20 (3) (be) of the statutes is created to read:

18 11.20 (3) (be) If a candidate, as of the end of any week before a primary or other  
19 election at which the candidate seeks office, has received contributions or other  
20 income in a total amount exceeding 20% of the disbursement level specified in s.  
21 11.31 (1), as adjusted under s. 11.31 (9), for the office that the candidate seeks, the  
22 candidate or his or her personal campaign committee shall file preprimary or  
23 preelection reports for each week prior to the primary or other election for the office  
24 that the candidate seeks.

25 **SECTION 39.** 11.20 (8) (intro.) of the statutes is amended to read:

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1           11.20 (8) (intro.) Reports filed under subs. (2), (3) (be), (4) and (4m) shall include  
2 all contributions received and transactions made as of the end of:

3           **SECTION 40.** 11.20 (8) (a) of the statutes is amended to read:

4           11.20 (8) (a) The 15th day preceding the primary or election in the case of the  
5 preprimary and preelection report under sub. (2);

6           **SECTION 41.** 11.20 (8) (am) of the statutes is created to read:

7           11.20 (8) (am) The Saturday preceding the due date under sub. (2) in the case  
8 of a preprimary or preelection report under sub. (3) (be).

9           **SECTION 42.** 11.21 (15) of the statutes is amended to read:

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

16           **SECTION 43.** 11.21 (17) of the statutes is created to read:

17           11.21 (17) Promulgate rules that require public access channel operators and  
18 licensees of public television stations in this state to provide a minimum amount of  
19 free time on public access channels and public television stations to individuals  
20 whose names are certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear as candidates  
21 for state office on the ballot at general, spring, or special elections. The rules  
22 promulgated under this subsection shall require public access channel operators and  
23 licensees of public television stations to offer the same amount of time to each  
24 candidate for a particular state office, but may require different amounts of time to  
25 be offered to candidates for different offices.

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1           **SECTION 44.** 11.23 (1) of the statutes is amended to read:

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

15           **SECTION 45.** 11.23 (2) of the statutes is amended to read:

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

21           **SECTION 46.** 11.24 (1s) of the statutes is created to read:

22           11.24 (1s) (a) In this subsection, "federal candidate committee" means a  
23 committee of an individual who seeks or sought election to the U.S. senate or house  
24 of representatives designated by the individual under 2 USC 432 (e).

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1 (b) No federal candidate committee may make a contribution to a candidate,  
2 personal campaign committee or support committee.

3 **SECTION 47.** 11.24 (1w) of the statutes is created to read:

4 11.24 (1w) (a) “Federal political registrant” means a committee that is  
5 registered with the federal election commission under 2 USC 433 (a), other than an  
6 authorized campaign committee designated under 2 USC 432 (e) (3), a national  
7 political party committee, or a state political party committee.

8 (b) No personal campaign committee may make a contribution to a federal  
9 political registrant.

10 **SECTION 48.** 11.25 (2) (am) of the statutes is created to read:

11 11.25 (2) (am) No federal candidate committee, as defined in s. 11.24 (1s) (a),  
12 may make a disbursement.

13 **SECTION 49.** 11.25 (2) (b) of the statutes is amended to read:

14 11.25 (2) (b) Notwithstanding par. (a), a registrant may accept contributions  
15 and make disbursements from a campaign depository account for the purpose of  
16 making expenditures in connection with a campaign for national office, except as  
17 provided in s. 11.24 (1w); for payment of civil penalties incurred by the registrant  
18 under this chapter but not under any other chapter; or for payment of the expenses  
19 of nonpartisan campaigns to increase voter registration or participation.  
20 Notwithstanding par. (a), a personal campaign committee or support committee may  
21 accept contributions and make disbursements from a campaign depository account  
22 for payment of inaugural expenses of an individual who is elected to state or local  
23 office. If such expenses are paid from contributions made to the campaign depository  
24 account, they are reportable under s. 11.06 (1) as disbursements. Otherwise, such

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1 expenses are not reportable under s. 11.06 (1). If contributions from the campaign  
2 depository account are used for such expenses, they are subject to s. 11.26.

3 **SECTION 50.** 11.26 (1) (intro.) of the statutes is amended to read:

4 11.26 (1) ~~No~~ Subject to sub. (10a) and except as provided under subs. (1t), (9m),  
5 and (10), no individual may make any contribution or contributions to a candidate  
6 for election or nomination to any of the following offices who has filed an affidavit  
7 under s. 11.31 (2m) and to any individual or committee under s. 11.06 (7) acting solely  
8 in support of such a candidate or solely in opposition to the candidate's opponent to  
9 the extent of more than a total of the amounts specified per candidate:

10 ~~SECTION 51. 11.26 (1) (a) of the statutes is repealed.~~

11 **SECTION 52.** 11.26 (1) (ab), (ag) and (ar) of the statutes are created to read:

12 11.26 (1) (ab) Candidates for governor, \$10,000.

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

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

16 **SECTION 53.** 11.26 (1) (b) and (c) of the statutes are amended to read:

17 11.26 (1) (b) Candidates for state senator, \$1,000 \$1,500.

18 11.26 (1) (c) Candidates for representative to the assembly, \$500 \$750. X

19 ~~SECTION 54. 11.26 (1) (cc) to (d) of the statutes are repealed.~~ Q

20 **SECTION 55.** 11.26 (1) (e) to (n) of the statutes are created to read:

21 11.26 (1) (e) Candidates for court of appeals judge and candidates for circuit  
22 judge or district attorney in jurisdictions, districts, or circuits that have a population  
23 of more than 500,000, as determined under s. 11.263, \$3,000.

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

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

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

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

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

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

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



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

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

4 11.26 (1) (p) Candidates for local office, an amount equal to the greater of the  
5 following:

6 1. Two hundred fifty dollars.

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

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

12 11.26 (1m) Subject to sub. (10a) and except as provided under subs. (1t) and  
13 (9m), no individual may make any contribution or contributions to a candidate for  
14 election or nomination to any of the following offices who has not filed an affidavit  
15 under s. 11.31 (2m) and to any individual or committee under s. 11.06 (7) acting solely  
16 in support of such a candidate or solely in opposition to the candidate's opponent to  
17 the extent of more than a total of the amounts specified per candidate:

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

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

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

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

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

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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 or circuits  
5 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 or circuits  
8 that have a population of more than 150,000 but not more than 300,000, as  
9 determined under s. 11.263, \$500.

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

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

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

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

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

**BILL**

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

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

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

7 1. One hundred twenty-five dollars.

8 2. One cent times one-half the number of inhabitants of the jurisdiction or  
9 district, 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 \$1,500.

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

13 11.26 (1t) The limitations under sub. (1m) apply to any candidate who files an  
14 affidavit under s. 11.31 (2m) (a) but who the board determines is ineligible to receive  
15 a grant from the Wisconsin election campaign fund, who withdraws his or her  
16 application for a grant under s. 11.50 (2) (h), or to whom s. 11.50 (2) (i) applies, unless  
17 the candidate subsequently files an affidavit under s. 11.31 (2m) (b). If a candidate  
18 files an affidavit under s. 11.31 (2m) (b), the limitations under sub. (1) apply to that  
19 candidate beginning on the date that the affidavit is filed. Contributions made before  
20 the date on which a limitation changes under this subsection are lawful if the  
21 contributions were lawful at the time they were made.

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

23 11.26 (2) (intro.) No Subject to sub. (10a) and except as provided in sub. (9m).  
24 no committee other than a political party committee or legislative campaign  
25 committee may make any contribution or contributions to a candidate for election or

**BILL**

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

5 **SECTION 60.** 11.26 (2) (a) of the statutes is amended to read:

6 11.26 (2) (a) Candidates for governor, lieutenant governor, secretary of state,  
7 state treasurer, attorney general, state superintendent or justice, 4% of the value of  
8 the disbursement level specified in the schedule under s. 11.31 (1) ~~\$43,500.~~

9 **SECTION 61.** 11.26 (2) (ae), (am), (as) and (av) of the statutes are created to read:

10 11.26 (2) (ae) Candidates for lieutenant governor, \$12,000.

11 (am) Candidates for attorney general, \$22,000.

12 (as) Candidates for state superintendent or justice, \$12,000.

13 (av) Candidates for secretary of state or state treasurer, \$8,650.

14 **SECTION 62.** 11.26 (2) (b) and (c) of the statutes are amended to read:

15 11.26 (2) (b) Candidates for state senator, ~~\$1,000~~ \$1,500.

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

17 **SECTION 63.** 11.26 (3) of the statutes is amended to read:

18 11.26 (3) The contribution limitations of subs. (1), ~~(1m)~~, and (2) apply  
19 cumulatively to the entire primary and election campaign in which a candidate  
20 participates, whether or not there is a contested primary election. The total  
21 limitation may be apportioned in any manner desired between the primary and  
22 election. All moneys cumulate regardless of the time of contribution.

23 **SECTION 64.** 11.26 (4) of the statutes is amended to read:

24 11.26 (4) ~~No~~ Subject to sub. (10a), no individual may make any contribution or  
25 contributions to all candidates for state and local offices and to any individuals who

BILL

1 commences" means the time period commencing with January 1 of each  
2 odd-numbered year and ends ending with December 31 of each even-numbered  
3 year.

4 (b) ~~No~~ Subject to sub. (10a), no ~~state~~ political party ~~committees~~ may receive  
5 more than a total of \$6,000 ~~per year~~ in value of its contributions in any calendar year  
6 from any specific committee or its ~~that specific committee's~~ subunits or affiliates,  
7 excluding legislative campaign and ~~transfers~~ <sup>score -> political</sup> ~~within the state~~ <sup>between</sup> ~~political~~ party  
8 ~~committees~~ <sup>of the same party</sup> and transfers between the state political party committee and  
9 a local political party committee.

10 (c) ~~No~~ Subject to sub. (10a), no committee, other than a ~~state~~ political party or  
11 legislative campaign committee ~~or local political party committee~~, may make any  
12 contribution or contributions, directly or indirectly, to a ~~state~~ political party ~~under~~  
13 s. 5.02 (13) ~~committees~~ in a calendar year exceeding a total value of \$6,000 ~~per year~~.

14 SECTION 68. 11.26 (8) (ag), (bm) and (cm) of the statutes are created to read:

- 15 11.26 (8) (ag) Subject to sub. (10a), no local political party committee may  
16 receive more than a total of the following amounts of contributions in any biennium,  
17 as defined in par. (a), from all other committees, excluding transfers within the local  
18 political party committee:
- 19 1. \$75,000, if the committee operates primarily in a county with a population  
20 of more than 350,000, as determined under s. 11.263.
  - 21 2. \$50,000, if the committee operates primarily in a county with a population  
22 of more than 100,000 but not more than 350,000, as determined under s. 11.263.
  - 23 3. \$25,000, if the committee operates primarily in a county with a population  
24 of not more than 100,000, as determined under s. 11.263.

Keep this word and make it plain

plain  
such

PLAIN TEXT

PLAIN TEXT

plain text

score -> \$18,000

score -> political

between -> score

\$18,000

**BILL**

1 or committees which are subject to a registration requirement under s. 11.05,  
2 including legislative campaign committees and committees of a political party, to the  
3 extent of more than a total of \$10,000 in any calendar year.

4 **SECTION 65.** 11.26 (5) of the statutes is amended to read:

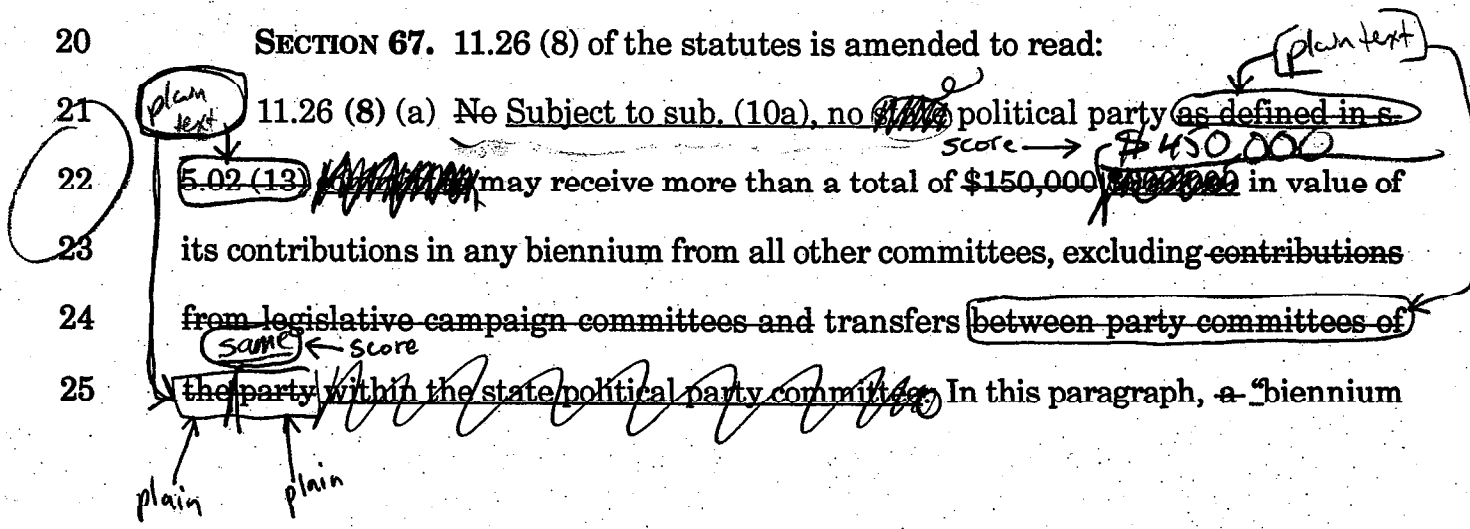
5 11.26 (5) The contribution limits provided in subs. (1), (1m), and (4) do not apply  
6 to a candidate who makes any contribution or contributions to his or her own  
7 campaign for office from the candidate's personal funds or property or the personal  
8 funds or property which are owned jointly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

12 **SECTION 66.** 11.26 (6) of the statutes is amended to read:

13 11.26 (6) When a candidate adopts a preexisting support committee as his or  
14 her personal campaign committee, the support committee is deemed to have been the  
15 same committee as the candidate's personal campaign committee for purposes of the  
16 application of subs. (1), (1m), (2), and (9). The limitations prescribed in subs. (1),  
17 (1m), (2), and (9) do not apply to the transfer of contributions which is made at the  
18 time of such adoption, but do apply to the contributions which have been made by any  
19 other committee to the support committee at the time of adoption.

20 **SECTION 67.** 11.26 (8) of the statutes is amended to read:

21 plain text 11.26 (8) (a) No Subject to sub. (10a), no ~~political party~~ political party as defined in s.  
22 5.02 (13) ~~may receive more than a total of \$150,000~~ score → \$450,000 in value of  
23 its contributions in any biennium from all other committees, excluding contributions  
24 from legislative campaign committees and transfers between party committees of  
25 the party within the state political party committees. In this paragraph, a "biennium



**BILL**

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

6 (cm) Subject to sub. (10a), no committee, other than a state political party  
 7 committee or local political party committee, may make any contribution or  
 8 contributions, directly or indirectly, to a local political party committee in a calendar  
 9 year exceeding a total value of \$6,000.

**SECTION 69.** 11.26 (9) (a) of the statutes is amended to read:

11 11.26 (9) (a) ~~No~~ Except as provided in sub. (9m), no individual who is a  
 12 candidate for state or local office may receive and accept more than 65% of the value  
 13 of the total disbursement level determined under s. 11.31 (1), adjusted as provided  
 14 under s. 11.31 (9), for the office for which he or she is a candidate during any primary  
 15 and election campaign combined from all committees subject to a filing requirement,  
 16 including political party and legislative campaign committees.

**SECTION 70.** 11.26 (9) (b) of the statutes is amended to read:

18 11.26 (9) (b) ~~No~~ individual who is a candidate for state or local office may receive  
 19 and accept more than 45% of the value of the total disbursement level determined  
 20 under s. 11.31 (1), adjusted as provided under s. 11.31 (9), for the office for which he  
 21 or she is a candidate during any primary and election campaign combined from all  
 22 committees other than political party and legislative campaign committees subject  
 23 to a filing requirement.

**SECTION 71.** 11.26 (9m) of the statutes is created to read:

Except as  
provided under sub.  
(9m)  
no

~~BILL are increased by an amount equal to the amount of additional disbursements the candidate is authorized to make under s. 11.31 (3n) and (3r). Except as otherwise provided in this subsection, the~~

1 11.26 (9m) If s. 11.31 (3n) ~~(3n)~~ applies to a candidate in any campaign or if  
2 the board ~~or another filing officer~~ issues a determination under s. 11.31 (3r) ~~or (3n)~~  
3 applicable to a candidate in any campaign, the limitations applicable to  
4 contributions made to that candidate ~~and to any individual or committee that is~~  
5 ~~required to file a statement under s. 11.06 (7) acting solely in opposition to that~~  
6 ~~candidate or solely in support of one or more opponents of the candidate in that~~  
7 ~~campaign~~ are 200% of the <sup>applicable</sup> amounts specified in sub. (1) <sup>and</sup> (1m) ~~and (2)~~ and the  
8 candidate may receive and accept contributions from political party committees in  
9 that campaign in an aggregate amount not exceeding 65% of the value of the total  
10 ~~disbursement level determined under s. 11.31 (1), as adjusted under s. 11.31 (9), for~~  
11 ~~the office for which he or she is a candidate during the primary and election~~  
12 ~~combined, in addition to contributions accepted by the candidate from other~~  
13 ~~committees.~~ <sup>INS 48-13</sup>

14 SECTION 72. 11.26 (10) of the statutes is amended to read:

15 11.26 (10) No candidate for state office who files ~~a sworn statement and an~~  
16 application to receive a grant from the Wisconsin election campaign fund and an  
17 affidavit under s. 11.31 (2m) (a) may make contributions of more than 200% of the  
18 amounts applicable amount specified in sub. (1) to the candidate's own campaign  
19 from the candidate's personal funds or property or the personal funds or property  
20 which are owned jointly or as marital property with the candidate's spouse, unless  
21 the board determines that the candidate is not eligible to receive a grant, the  
22 candidate withdraws his or her application under s. 11.50 (2) (h), or s. 11.31 (3n) or  
23 11.50 (2) (i) applies to the candidate. For purposes of this subsection, any  
24 contribution received by a candidate or his or her personal campaign committee from  
25 a committee which is registered with the federal elections commission as the



**BILL**

1 authorized committee of the candidate under 2 USC 432 (e) shall be treated as a  
2 contribution made by the candidate to his or her own campaign. The contribution  
3 limit of sub. (4) applies to amounts contributed by such a candidate personally to the  
4 candidate's own campaign and to other campaigns, except that a candidate may  
5 exceed the limitation if authorized under this subsection to contribute more than the  
6 amount specified to the candidate's own campaign, up to the amount of the  
7 limitation.

8 **SECTION 73.** 11.26 (10a) of the statutes is created to read:

9 11.26 (10a) (a) In this subsection, "consumer price index" means the average  
10 of the consumer price index over each 12-month period, all items, U.S. city average,  
11 as determined by the bureau of labor statistics of the U.S. department of labor.

12 (b) The dollar amounts of the limitations under subs. (1), (1m), (2), (4), and (8)  
13 are subject to a quadrennial adjustment to be determined by rule of the board in  
14 accordance with this subsection. To determine the adjustment, the board shall, in  
15 each year that the adjustment is made, calculate the percentage difference between  
16 the consumer price index for the 12-month period ending on December 31 of the  
17 preceding year and the consumer price index for calendar year 2001. Beginning in  
18 2006 and every 4 years thereafter, the board shall multiply the amount of each  
19 limitation under subs. (1), (1m), (2), (4), and (8) by the percentage difference in the  
20 consumer price indices. The board shall adjust the amount of each limitation to  
21 substitute that result for the existing amount to the extent required to reflect any  
22 difference, rounded to the nearest multiple of \$5. The amount so determined shall  
23 then be in effect until a subsequent rule is promulgated under this subsection.  
24 Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), determinations under this  
25 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 74.** 11.26 (15) of the statutes is amended to read:

4 11.26 (15) The fact that 2 or more committees, other than personal campaign  
5 committees, utilize common policies and practices concerning the endorsement of  
6 candidates or agree to make contributions only to such endorsed candidates does not  
7 affect the right of each committee independently to make contributions up to the  
8 applicable amount specified under sub. (1), (1m), or (2).

9 **SECTION 75.** 11.26 (17) (a) of the statutes is amended to read:

10 11.26 (17) (a) For purposes of application of ~~the limitations imposed in~~ subs.  
11 (1), (1m), (2), (9), (9m), and (10), the "campaign" of a candidate begins and ends at  
12 the times specified in this subsection.

13 **SECTION 76.** 11.263 of the statutes is created to read:

14 **11.263 Determination of population amounts.** (1) The board shall publish  
15 in the Wisconsin administrative register the population of each county and the  
16 population of each jurisdiction, district, or circuit to which s. 11.26 ~~(a) to (h), (1m)~~  
17 ~~(e) to (n), or (8) (ag) or 11.31(1)(i) to (j)~~ applies. The board shall base the population  
18 figures on the results of the most recent federal decennial census of the population  
19 and any special federal census covering the entire <sup>county</sup> jurisdiction, district, or circuit.

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

24 (a) For each census block that is only partly within the jurisdiction, district, or  
25 circuit, the board shall divide the area of that portion of the census block that is

**BILL**

1 outside of the jurisdiction, district, or circuit in square miles by the area of the entire  
2 census block in square miles.

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

7 (c) The board shall subtract the product determined under par. (b) from the  
8 total population for the applicable census block, based upon the results of the most  
9 recent federal decennial census of the population and any special census covering the  
10 entire jurisdiction, district, or circuit. The board shall use the result determined  
11 under this paragraph as the population of that portion of the census block that is  
12 within the jurisdiction, district, or circuit, in determining the applicable population  
13 figure under sub. (1).

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

17 **SECTION 77.** 11.265 of the statutes is repealed.

18 **SECTION 78.** 11.30 (4) of the statutes is amended to read:

19 11.30 (4) No owner or other person with a financial interest in a  
20 communications medium may utilize such medium in support of or in opposition to  
21 a candidate or referendum except as provided in this chapter.

22 **(4m)** This chapter shall not be construed to restrict fair coverage of bona fide  
23 news stories, interviews with candidates and other politically active individuals,  
24 editorial comment or endorsement. Such activities need not be reported as a  
25 contribution or disbursement.

ADDED  
5-1-17

## BILL

1 SECTION 79. 11.31 (1) (intro.) of the statutes is amended to read:

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

7 SECTION 80. 11.31 (1) (a) to (c) of the statutes are amended to read:

8 11.31 (1) (a) Candidates for governor, ~~\$1,078,200~~ \$2,750,000.

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

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

11 SECTION 81. 11.31 (1) (cg) and (cr) of the statutes are created to read:

12 11.31 (1) (cg) Candidates for justice, \$400,000.

13 (cr) Candidates for state superintendent, \$400,000.

14 SECTION 82. 11.31 (1) (d) of the statutes is amended to read:

15 11.31 (1) (d) Candidates for secretary of state, or state treasurer, justice or state  
16 superintendent, \$215,625 \$300,000.

17 SECTION 83. 11.31 (1) (dm) of the statutes is repealed.

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

19 11.31 (1) (e) Candidates for state senator, ~~\$94,500 total in the primary and~~  
20 ~~election, with disbursements not exceeding \$21,575 for either the primary or the~~  
21 ~~election~~ \$112,500.

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

25

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